

SECTION 21 – INDUSTRIAL ZONE

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INTRODUCTION

The Industrial Zone is an existing zone in the Operative District Plan that provides for industrial and ancillary activities in a number of settlements across the District including Ōmokoroa and Te Puke. This zone is important for the economic well-being of the District as it enables employment and the provision of goods and services. In the context of Plan Change 92 there is further land proposed to be rezoned to Industrial in Ōmokoroa but no changes for Te Puke. The proposed new area of Industrial Zone land in Ōmokoroa supports the new Medium Density Residential Zone, as it provides employment opportunities and a buffer between State Highway 2 and the new Medium Density Residential Zone. The Plan Change only proposes minor amendments to the Section to add references to Ōmokoroa Stage 3 but apart from that it remains unchanged.

TOPIC 1 – RULE 21.3.1 – PERMITTED ACTIVITIES

BACKGROUND

Plan Change 92 has not proposed any changes to the list of activities permitted in the Industrial Zone (Rule 21.3.1).

SUBMISSION POINTS

Two submission points were received. No further submission points were received. The submission point on this topic is summarised as follows:

Ara Poutama (24.13) considers that community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They note intensification and population growth in urban areas creates more demand for these types of facilities. They believe it is important that provision is made to enable non-custodial community corrections sites to establish, operate and redevelop, within appropriate areas. The submission requests that “community corrections activities” be inserted into the permitted activity list (Rule 21.3.1) in the Industrial Zone.

Ara Poutama (24.1) also seek a new definition of “Community Corrections Activity” from the National Planning Standards as follows:

“Community Corrections Activity means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration

services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups."

OPTIONS

Option 1 – Status quo – No changes to existing list of permitted activities in Rule 21.3.1.

Option 2 – Amend Rule 21.3.1 to include community corrections facilities as a permitted activity.

DISCUSSION

The existing definition of "commercial services" (shown below) provides for government agencies which includes community corrections activities as Ara Poutama is a government agency. As "commercial services" are a permitted activity in the Industrial Zone, a separate activity for community corrections activities is not required.

"Commercial Services" means activities that service the community including banks, post offices, insurance offices, government agencies, dry cleaners, laundries, shoe repair, locksmiths, domestic garden appliance repair and the like but does not include motor vehicle servicing and repair.

RECOMMENDATION

That Option 1 be accepted.

Status quo – No changes to existing list of permitted activities in Rule 21.3.1.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
24	13	Ara Poutama

REJECTED

Submission	Point Number	Name
24	1	Ara Poutama

REASONS

The Ara Poutama request is recorded as accepted in part to recognise that "community corrections activities" are already provided for as a permitted activity under the definition of "commercial services".

SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.

TOPIC 2 – RULE 21.4.1 (B) – SETBACKS FROM WATERCOURSES/ECOLOGICAL AREAS IN THE FRANCIS ROAD PROPOSED INDUSTRIAL ZONE

BACKGROUND

The proposed Plan Change includes an area adjacent to Francis Road that is currently zoned as Future Urban and is now proposed to be zoned Industrial. This matter is discussed in more detail within the part of the Section 42A Report for Ōmokoroa Zoning Maps which addresses the merits of the rezoning and recommends mitigation measures specifically to support the rezoning. These measures include changes to the Ōmokoroa Stage 3 Structure Plan in Appendix 7 – Structure Plans and new provisions in Section 12 – Subdivision and Development.

In addition to these changes to other parts of the District Plan, there is one submission and related further submission that has been interpreted to be related directly to the provisions of Section 21 – Industrial. This is because it relates to activity setbacks within the Industrial Zone.

SUBMISSION POINTS

One submission point was received. One further submission point was received. The submission points on this topic are summarised as follows:

Sylvia Oemcke (37.1) expressed concern about the negative impact of an Industrial Zone so close to a river regarding noise pollution, the diminishing and lack of green space for bird and wildlife, and the pollution and runoff directly into the river. The submission concluded having the Industrial zoning further away from the river will have a positive impact on the wildlife and the river.

Bay of Plenty Regional Council (FS 67.36) submitted in support of the above submission and suggested that the District Council should consider requiring all buildings/structures and impervious surfaces to have a setback of at least 10m from the edge of a bank of a permanently flowing river or stream, or a wetland.

OPTIONS

Option 1 – Retain existing Industrial Zone setback requirements as per Operative District Plan.

Option 2 – Add a new requirement for buildings/structures in Industrial Zones to be setback 10m from watercourses and related ecological values.

Option 3 – Add a new requirement for buildings/structures in Industrial Zones to be set back 10m from the Natural Open Space Zone.

DISCUSSION

The area in question is in regard to land in the general proximity of the Waipapa River. The closest point of the proposed Industrial Zone is approximately 205m from the river edge. There is however a watercourse/overland flowpath that connects a wider catchment on the other side of the State Highway which connects to the Waipapa River.

The primary submission notes that any type of Industrial zoning this close to the river will upset the habitat of the wildlife in the area. The submission notes that it is “absolutely impossible to monitor and divert contaminants 100% of the time”. The Regional Council supports the provision of a minimum 10 metre setback (and a larger setback for larger streams/rivers) between new development and rivers/streams/wetlands noting that “this is good practice given the ecological and flooding issues that arise when development is too close to a river/stream/wetland.”

The extent of the Natural Open Space Zone in this area has been reviewed as a response to other submissions. This review (subject to confirmation through this hearing process) has resulted in an increase of that Zone generally within this vicinity (with some reductions based on ground truthing). This has resulted in an increased buffer from potential industrial activities. The boundary changes are shown in the Section 42A Report for Ōmokoroa Zoning Maps.

The area in question is also in close proximity to the State Highway and associated adverse noise and other environmental effects.

The Operative District Plan provisions have standard building/structure setbacks of a minimum of 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve. The Plan Change does not include a setback to address the situation with the Natural Open Space Zone's interface with the Industrial Zone, except that for the western industrial area there is a specific requirement for a 10m landscape buffer which effectively provides a setback. The only other potential applicable area of interface is the area subject to this submission.

For the wider Plan Change area, the combination of the Natural Open Space Zone and Rural-Residential Zone provides a buffer between the river and any industrial activities. It is agreed however that there is benefit in providing additional setbacks for industrial buildings/structures adjacent to the Natural Open Space Zone to provide improved management of the interface with the Industrial Zone.

Accordingly, it is recommended that buildings/structures in Industrial Zones should be set back a minimum of 10m from the Natural Open Space Zone. This assists to address any risks to buildings/structures from instability and flooding and to avoid adverse effects on ecological features such as watercourses. Applying this to a zone boundary provides a more certain and pragmatic approach than relying on a description of specific features.

RECOMMENDATION

That Option 3 be accepted.

Add a new requirement for buildings/structures in Industrial Zones to be set back 10m from the Natural Open Space Zone.

That the District Plan be amended by inserting the following:

Section 21.4 Activity Performance Standards

21.4.1 b. Yards and Setbacks

All buildings/structures

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve.

Minimum 10m where a property adjoins a Natural Open Space Zone.

The following submissions are therefore:

ACCEPTED IN PART

Submission	Point Number	Name
37	1	Sylvia Oemcke

FS 67	36	Bay of Plenty Regional Council
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SECTION 32AA ANALYSIS

The following provides a further evaluation of the changes made to the Plan Change / Proposal since the original evaluation under Section 32 of the RMA. The level of detail corresponds to the scale and significance of the changes. As a change is recommended to the building/structure setback rules of the Industrial Zone as a result of submissions a further s32AA analysis is provided below.

Efficiency & Effectiveness in Achieving the Objectives	Add a new requirement for buildings/structures in Industrial Zones to be set back 10m from the Natural Open Space Zone
<p>Costs</p> <p>Environmental effects</p> <p>Economic effects</p> <p>Social effects</p> <p>Cultural effects</p> <p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p>Environmental</p> <p>No increased environmental costs.</p> <p>Economic</p> <p>This provision will only apply to two industrial landowners in Ōmokoroa under Plan Change 92 (not district-wide), and may reduce the area that is potentially available for industrial buildings/structures and limit the scale of industrial activity.</p> <p>Social</p> <p>No direct social costs.</p> <p>Cultural</p> <p>No direct cultural costs.</p>
<p>Benefits</p> <p>Environmental</p> <p>Economic</p> <p>Social</p> <p>Cultural</p> <p>Including opportunities for:</p> <p>(i) economic growth that are anticipated to be provided or reduced; and</p> <p>(ii) employment that are anticipated to be provided or reduced</p>	<p>Environmental</p> <p>The recommendation provides a positive benefit by providing controls on activities that could have an adverse effect on water quality and ecological values. The increased setback directs buildings/structures away from the more sensitive Natural Open Space Zone area and provides an improved level of protection of ecological areas including watercourses.</p> <p>Economic</p> <p>Although there is potentially some loss of useable industrial land for buildings/structures the setback identifies areas where it would be unwise to locate buildings/structures. This may assist in avoiding economic costs associated with trying to establish buildings within such areas including those susceptible to flooding or instability.</p> <p>Social</p> <p>Improves the level of protection for ecological areas including watercourses and avoids domination of built form on Natural Open Space Zone areas. This potentially provides for a better public space if the Natural Open Space Zone area is ever developed as part of a public walkway network.</p> <p>Cultural</p>

	By improving the level of protection of ecological areas including watercourses this could be considered to support in part the protection of the area's cultural values.
Quantification	Not practicable to quantify.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	Sufficient and certain information is available as it relates to a site specific area where there is an Industrial Zone / Natural Open Space Zone interface.

TOPIC 3 – RULE 21.6.4(B) – MATTERS OF DISCRETION FOR RESTRICTED DISCRETIONARY ACTIVITIES IN STORMWATER MANAGEMENT RESERVES IN ŌMOKOROA STAGE 3

BACKGROUND

Rule 21.6.4(b) set out the matters of discretion for restricted discretionary activities in the stormwater management reserves and private conservation areas of Ōmokoroa Stage 3. Plan Change 92 only proposed a reference update to this rule. The rule is about stormwater management and specifically relates to retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan. It contains matters addressing the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to Tauranga Harbour.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Bay of Plenty Regional Council (25.22) request that specific reference is included in the identified matters to achieve stormwater management and seek to add “treatment” to the identified matters to achieve stormwater management under Rule 21.6.4(b).

OPTIONS

Option 1 – Status quo – No changes to Rule 21.6.4(b).

Option 2 – Amend Rule 21.6.4(b) to include a reference to “treatment” as shown in the underlined text below:

In the Ōmokoroa Stage 3 Structure Plan area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan including the efficiency and effectiveness of stormwater infiltration, treatment, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

DISCUSSION

By including the explicit reference to “treatment” it makes it clear that this is a matter to achieve stormwater management when considering an activity in stormwater management reserves and private conservation areas in Ōmokoroa Stage 3. Treatment is already considered within the Ōmokoroa Peninsula Stormwater Management Plan and as such it is appropriate to include the requirement in the matters of discretion.

RECOMMENDATION

That Option 2 be accepted.

Amend Rule 21.6.4(b) to include a reference to “treatment” as shown in the underlined text below:

In the Ōmokoroa Stage 3 Structure Plan area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan including the efficiency and effectiveness of stormwater infiltration, treatment, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
25	22	Bay of Plenty Regional Council

SECTION 32AA ANALYSIS

The changes proposed are minor as the matter of discretion focuses on retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan and adding a reference to “treatment” clarifies that this is already a method included in that Plan. Accordingly, no s32AA analysis is required.