

Plan Change 57 – Omaha North Industrial Area –

Hearings Committee Recommendations on Submissions

The following decisions are set out under the 'Issue Headings' used in the 'Officers section 42A report' circulated prior to the hearing.

Issue 1 – Re-Zoning Additional Land

Issue 1 relates to those submissions requesting the rezoning of additional land. These submissions have been considered very carefully by the hearings commissioners with regard to the consequences of allowing these submissions. To help explain the consideration given a 'background to the decision is set out below.

Background to Decision

Submissions (Description of the Various Rezoning Requests)

A number of submissions sought that additional land should be rezoned as a result of the Plan Change. Below are summaries of the submissions seeking the inclusion of additional land.

RE-ZONING ADDITIONAL LAND

Submissions and Reasons

The submission by **Golden Oak Partnership (G & S Cornes) (Submission 1)** seeks:

- That an area of approximately 3ha between Ormond Road and the Hawke's Bay Expressway, to the rear (northeast) of 1003 to 1043 Omaha Road and 4 Ormond Road currently zoned Plains zone be included within the proposed industrial zone. This land forms part of 10 Ormond Road (Lot 4 DP 10782 and Pt Lot 2 DP 22641).

The submission by **NP & ME Vesty Partnership Ltd (Submission 2)** seeks:

- That the zone boundary within 1139 Omaha Road (Lot 1 DP 11542) run from the northern boundary of the CJ Pask site in the east to a point opposite the northern boundary of 7 Raupare Road in the west – creating an area of between 2.5 and 3 hectares.

The submission **JP & GJ Flynn (Submission 3)** seeks:

- That all of the property at 15 Raupare Road (Lot 2 DP 22262) (approximately 4,000m²) be included in the industrial zone.

The submission of **K & K Bayley, Bayley Family Trust, Rimu Hastings Ltd, Totara Hastings Ltd (Submission 5)** seeks:

- Land along Omaha Road should be rezoned for a minimum depth of 130 metres.

The submission of **JR & VK Currie, & SH & DM Currie, & Hustler Equipment (Submission 6)** seeks:

- To have their entire site rezoned industrial as both the proposed zone boundary and the proposed stormwater swale bisect 18 Jarvis Road.

The submission of **David Osborne & Hamish Campbell (Submission 8)**, the submission of **Les Manley (Submission 10)**, the submission of **Razos Engineering (Submission 12)** and the submission of **NZ Frost Fans (Submission 13)** seek:

- That the boundary of the industrial zone be expanded to include all land within the submitters' properties at 1393 Omaha Road (Lot 2 DP 440763 & Lot 2 DP 416250) and 1 Twyford Road (Lot 3 DP 416250 & Lot 1 DP 2209). This land would be within Stage 2 of the Deferred Industrial Zone.

The submission of **Hamish Campbell (Submission 9)** seeks:

- That the industrial zone be expanded to include half of 1 Twyford Road (Lot 3 DP 416250 & Lot 1 DP 2209).

The submission of **John Agnew (Submission 14)** seeks:

- That the industrial zone be expanded to the northwest along Omaha Road to include the entire area of 1447 Omaha Road (Lot 2 DP 27873).

Further Submissions

One further submission was received with regards to this issue:

The further submission of **Matt Holder – Consult Plus Ltd (Further Submission 2)** supports all submissions requesting an expanded industrial zone boundary width.

Notice of Requirement Submissions

Due to the integrated nature of the notice of requirement submissions for the swale and infiltration basins, the following submissions will also be assessed through this section of the plan change.

- Eleanor Rachel Sherratt (Submission 5)
- JA Barley & LP Curd & 2 others (Submission 7)
- Gregory Phillip Honner (Submission 10)

The Sherratt and Barley & Curd submissions request that the location of proposed swales be shifted so they run around the rear boundary of the properties, rather than through the middle of the sites.

The Honner submission states that the infrastructure corridor is not in the best location but does not specify an alternative location.

Commentary of the Analysis for the decisions

1. Upon request from commissioners, additional information was obtained regarding the ability to service the additional land requested for rezoning by submitters. This information was primarily focused on the impact the additional land would have on the stormwater swale and infiltration basins proposed to be designated via the Notice of Requirement application, particularly the ability of the proposed stormwater infrastructure to deal with the increased industrial land area.
2. The information provided by MWH Engineering Consultants for Council showed that the impacts of including the additional land as submitted would require extensive changes to the amount of land required for, and the location of, the infiltration basins. Extending the zoning further to the north as requested would result in some of the swales running up slope for short durations due to the fall of the land and would result in increased volumes of stormwater due to the additional industrial land area involved.
3. The current proposed method of using three infiltration basins to service the re-zoning would therefore no longer be technically feasible, as it would require significantly deeper swales to ensure the slope requirements could be met and the basins would not be of sufficient capacity.
4. A new technically feasible solution to stormwater runoff from an extended rezoning area was formulated based on the same principles as the original consented stormwater system. The solution to accommodate the additional land requested in the submissions would require six small infiltration basins that would be located in other areas along the catchment. In general, these new infiltration basins would be located further north (downslope) than the original basins, as expanding the industrial areas meant that the fall to the basins would be much more difficult to achieve. The only way this could be achieved was to locate the basins further downslope.
5. Advice was sought from the Hawke's Bay Regional Council as to whether the change in stormwater servicing design would require a new discharge consent. The advice from the Regional Council was that a new consent would not be necessary, but a variation to the existing one would be, as the principles of the original concept of how the stormwater will be discharged would remain the same.
6. The commissioners carefully considered the merits of the new information and assessed the impacts of the additional infiltration basins and swales compared to the benefits of the additional land being rezoned Industrial. The commissioners concluded that the benefits of rezoning the additional land were outweighed by the negative

effects of the altered stormwater system and that therefore the original proposal for the location of the stormwater swale and infiltration basins should remain.

7. As a consequence, their decisions is that no additional land will be rezoned Industrial as requested through the submissions, apart from the Agnew's site (discussed below), as this request would require no amendments to the swale and infiltration proposal.
8. The commissioners considered that the proposed relocation of the infiltration basins to the suggested locations would remove large amounts of productive and versatile cropping land out of productive use. Such relocation would also create numerous 'dead' areas between the industrial zone boundary and the stormwater infrastructure which could not be used effectively for cropping purposes.
9. The relocated infiltration basins would be on the land of property owners who had not previously been consulted as part of this proposal and who would get very little or no benefit from the industrial rezoning. This was considered to be unfair as these people have not been notified, or had ability to comment on how the changes could affect them. Notification of an amended Notice of Requirement proposal would therefore be required to pursue this option. Furthermore negotiations as to the purchase and uptake of the land for stormwater services would be uncertain and more costly due to the owners getting no benefit out of the proposal. This would add to the overall cost of the project.
10. In addition to this, it was also considered that there would be additional effects on property owners where swales and infiltration basins would now be located directly adjacent to dwellings. This is not the case with the originally notified proposal. Again, these property owners would get no benefit from the rezoning and had not been given the opportunity to consider these effects.
11. There was concern as to the effects on the viability of the staging of the rezoning. By allowing the rezoning of additional industrial land as submitted in stage 1, it was predicted that on a medium uptake of the industrial land, that the delay in opening up stage 2 for development would be increased from 10.5 years to 13.1 years. On a low uptake this is increased from 13.7 years to 17.1 years. These increases would delay the benefits of rezoning and development in Stage 2 of the proposed rezoning, and is considered to unfairly disadvantage the property owners in stage 2.
12. Finally there was suggestion that not all alternatives had been covered when considering how the overall rezoning could be serviced for stormwater. Information has been attached (Appendix 1) with this decision outlining the extent to which the alternatives for the type and location of stormwater services were considered prior to the notice of requirement being notified. Pages 3 – 10 of this information had previously been included for the consideration of alternatives for the notice of requirement, but have been extracted for clarity.
13. The information shows that the alternatives of onsite infiltration were considered, and given the minimum design objectives and standards required by the Hawkes Bay Regional Council, and their desire for any rezoning to have a reticulated network which services the entire zone, the onsite treatment method was ruled out early on as a potential option for servicing the zone.
14. The commissioners also requested that any other potential options be considered for the Barley site to ensure that all potential options were considered before any decision had been made. The options had been considered in various forms throughout the

consultation phase for the Plan Change, however had largely been ruled out over time and not all had been included in the section 32 analysis, the consideration of these options are shown on pages 1 and 2 of the attachment (Appendix 1).

15. Certain individual submissions necessitated further specific consideration of matters additional to that discussed above. This is discussed below under the sub heading of the submitter's name.

Barley

16. The option of a swale around the rear of the property was investigated but dismissed due to a lack of fall. Servicing could not therefore be achieved by swale to the originally proposed infiltration basin, due to the slope of the land requiring any swale to go against gradient for a short distance.
17. As such the only other option for using a swale would be to establish an additional infiltration basin on the property to the north (Flynn's). An additional stormwater basin would require negotiations with another land owner and the notification of a new Notice of Requirement application.
18. Piping of stormwater across this property was also investigated (as opposed to an open swale), however it was not considered appropriate, as there would still need to be some form of swale protection to protect against the 1 in 50 year flooding event. Further to this a variation to the stormwater consent from Hawkes Bay Regional Council would be required, and there would be an increased expenditure on engineering works.
19. Upon advice from Logan Stone Valuers, it was determined that the value of the property would be similar whether the land between the house and the rear of the originally proposed zone boundary remained as residential land or was rezoned industrial. Therefore it was considered that there was potential to bring the swale forward towards Omahu Road, and it would do little to reduce the potential value to the land owner.
20. Finally the commissioners took into consideration engineering advice that there were certain techniques that allowed minor relocation of the swale so that it could affect as few trees as possible toward the front of the section.
21. As such, it was considered that the proposed location of the swale should remain as notified, with potential of minor variations following negotiations as to the exact location at a later date.

Sherratt

22. Additional information was requested from Council's arborists as to the location of the swale on this site. They concluded that due to previous history of heavy vehicles on this site that a number of trees were in poor health already. Furthermore the large tree on the south eastern boundary of the property was in very poor health, and likely to require removing within the next 5 -10 years.
23. As such and due to reasons mentioned above, it was considered that the swale should still be located along the originally proposed location, but also noting that minor variations can be discussed at a later date.



Decision and Reasons

- (A) That the parts of the submissions of Golden Oak Partnership (G & S Cornes) (Submission 1), Specific Submission - K & K Bayley, Bayley Family Trust, Rimu Hastings Ltd, Totara Hastings Ltd (Submission 5) and (NOR Submission 1) NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), JR & VK Currie, SH & DM Currie & Hustler Equipment (Submission 6), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11), and and the further submission of Matt Holder (Further Submission 3) regarding the rezoning of additional land **be REJECTED** insofar as no changes are made to the District Plan as a result of these submissions.
- (B) That the parts of the submission of John Agnew (Submission 14) and further submission of Matt Holder (Further Submission 3) regarding the rezoning of additional land on the Agnew property **be ACCEPTED**.

Note: The decisions on the Notice of Requirement will be properly detailed in the Notice of requirement Report, however are as listed:

- That the submission of JR & VK Currie and SH & DM Currie & Hustler Equipment (Submission 2) be accepted.
- That the submissions of Eleanor Rachel Sherratt (Submission 5), John Paul Flynn (Submission 6) and JA Barley & LP Curd & 2 others (Submission 7) be accepted.
- That the submission of K & K Bayley, the Bayley Family Trust, Rimu Hastings Ltd and Totara Hastings Ltd (Submission 1) be rejected.
- That the submission of Gregory Phillip Honner (Submission 10) be rejected.

With the reasons for these decisions being:

General

- (1) The additional rezoning of land requested by submitters would require significant changes to infrastructure. Changes would be required to the current stormwater services proposal to make the swales run up slope for short periods and would result in the detention basins having insufficient capacity.
- (2) That to service the additional land requested to be rezoned in a technically feasible manner would involve a greater amount of land required for both the swales and infiltration basins.
- (3) Relocating swales and infiltration basins would also create a larger amount of unusable land or 'dead land', between the industrial rezoning, and the relocated infiltration ponds which could not be utilised effectively for cropping purposes.
- (4) That the relocation of the infiltration basins required for a technically feasible stormwater solution would result in the loss of more productive and versatile soils than that which was previously considered.

- (5) That technically feasible alternative solutions would also need to be located on land which would not be rezoned and which would gain little to no benefit from the industrial rezoning, resulting in more lengthy and costly negotiations for land.
- (6) That relocation of infrastructure to allow additional land to be rezoned will affect property owners who have not had previous been involved in the rezoning and Notice of Requirement processes and therefore would require the Notice of Requirement to be renotified.
- (7) Rezoning of additional land in stage 1 will affect the timing of release of land within stage 2 for industrial development, reducing the benefits of rezoning for the stage 2 land owners.

Golden Oak Partnership (G & S Cornes)

- (8) The proposed industrial area will be located within close proximity to an existing residentially zoned area, with the potential to create conflicts between land uses. The proposed buffer area would be insufficient to adequately mitigate reverse sensitivity effects.
- (9) There has not been adequate demonstration of how the site can be accessed, and how servicing will be achieved.
- (10) That the proposed area requested for rezoning is located some distance from the proposed plan change land area and is disconnected in terms of servicing and amenity issues.

Flynn

- (11) That the relocation of the swale is not practical as it would require an additional infiltration basin to be required over more productive and versatile soils.
- (12) Given that the swale will not be relocated from what was originally proposed, the rezoning of the additional segment of Flynn land is considered to have no natural boundary, would be difficult to service and access, and would not be consistent with the remainder of the zone.
- (13) The exact location of the swale can be negotiated, to ensure a reasonable distance from the rear of the existing operation on the site.

Agnew

- (14) No extension to the swale system would be required, and it is likely to be able to fit within the current infiltration basin size
- (15) The land is located within Stage 2, it will not extend the uptake period for Stage 1.
- (16) It is to be noted that the onsite services would need to be extended from the additional piece of land to reach the existing proposed swale, as the swale will not be extended along the site.

Sherratt (NoR)

- (17) That the existing trees were considered in poor health by Council arborists , therefore limiting the impact of a swale across the front of the site.

- (18) The exact location of the swale can be negotiated.
- (19) The cost of removing buildings and trees can be negotiated at the time of purchase of land for the swale.

Barley (NoR)

- (20) Piping of stormwater is not a practicable alternative as there would still need to be some form of swale provided to protect against the 1 in 50 year flooding event, as well as requiring a new stormwater consent from Hawkes Bay Regional Council, and increased expenditure on engineering works.
- (21) All possible alternatives for servicing the site for stormwater were considered.
- (22) That the value of the land between the dwelling and the industrial zone boundary as notified would be similar whether it remained as residential land or was rezoned industrial.
- (23) Minor relocation of the swale to avoid significant trees can be negotiated.



Issue Discussion - Issue 2

NOTICE OF REQUIREMENT INCLUDED IN PLAN CHANGE FOR KEY INFRASTRUCTURE

Submissions and Reasons

The Submissions from Golden Oak Partnership (G & S Cornes) (Submission 1), NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11), John Agnew (Submission 14) seek:

- That the plan change should of included a Notice of Requirement for key infrastructure proposed

Further Submissions

One further submission was received with regards to this issue:

The further submission of **Matt Holder – Consult Plus Ltd (Further Submission 2)** supports all submissions requesting that the plan change should have included a notice of requirement for key infrastructure proposed.

Decisions and Reasons

That the part of the submissions of Golden Oak Partnership (G & S Cornes) (Submission 1), NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11), John Agnew (Submission 14) relating to Notice of Requirements for infrastructure **be REJECTED** insofar as no changes are made to the Plan as a result of these submissions

With the reason for these decisions being:

- (1) That the Notice of Requirements were notified concurrently with the Plan Change.
- (2) That request to change the infrastructure corridors and infiltration basins will be dealt with through the appropriate resource consents ;

Issue Discussion - Issue 3

LIFTING OF DIFFERED ZONING AND STAGING

Submissions

The Submissions from Golden Oak Partnership (G & S Cornes) (Submission 1), NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11), Razos Engineering (Submission 12), NZ Frost Fans (Submission 13) and John Agnew (Submission 14) seek:

- That the Plan Change lacks a properly defined mechanism as to how any deferment will be lifted. No real justification is provided for the staging/deferment. Policy IZ24 effectively creates a prohibitive approach to development.

The Submission of **Raupare Enhancement Society (Submission 16)** seeks:

- That no development be allowed in this zone until the reticulated network is in place.

Further Submissions

Four further submissions were received with regards to this issue:

The further submission of **Matt Holder – Consult Plus Ltd (Further Submission 2), Hawkes Bay Friuitgrowers Inc (Further Submission 3) and Campbell Bruce Kneale Ellingham (Further Submission 4)** supports all submissions requesting that the plan lacks proper definition as to how the deferment will be lifted.

The further submission of **David Renouf (Further Submission 1)** supports that no development should occur until a reticulated network is in place.

Recommendations and Reasons

That the parts of the submissions of Golden Oak Partnership (G & S Cornes) (Submission 1), NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11), John Agnew (Submission 14) and the further submissions of David Renouf (Further Submission 1), Matt Holder (Further Submission 3) Hawkes Bay Friuitgrowers Inc (Further Submission 2) and Campbell Bruce Kneale Ellingham (Further Submission 4) requesting the removal of the staging and deferment approach **be REJECTED** insofar as no changes are made to the District Plan as a result of these submissions.

With the reasons for these decisions being:

- (1) The deferment actually adds flexibility in stage 1 for land owners to develop their land through restricted discretionary resource Consent before the implementation of a reticulated network to service the development.
- (2) That any development undertaken before the implementation of services will be required to undertake Resource Consent and ensure that the site can be serviced onsite in an appropriate manner which does not affect the Raupare stream and Unconfined Aquifer.
- (3) That the removal of staging will seriously reduce the viability of the re-zoning by increasing upfront development contributions and decreasing the overall net profit. This is particularly so if the rate of uptake of industrial sites is slow.



Issue Discussion - Issue 4

ISSUE 4 – RESTRICTIVE THRESHOLD LIMITS

Submissions

The Submissions from Golden Oak Partnership (G & S Cornes) (Submission 1), NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11) and John Agnew (Submission 14) seek:

- Industrial Activities as a 'permitted activity' prior to the stage 1 deferment being lifted.

Decisions and Reasons

That the parts of the submissions of Golden Oak Partnership (G & S Cornes) (Submission 1), NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11) and John Agnew (Submission 14) regarding the requirement of resource Consent for any 'meaningful' industrial development be **REJECTED** insofar as no changes are made to the District Plan as a result of these submissions.

With the reasons for these decisions being:

- (1) A Restrictive Discretionary Activity status is required in Stage 1 to ensure that council can fully assess the servicing requirements on new industrial sites which wish to establish before the reticulated network is implemented.
- (2) The Restricted Discretionary status will be lifted when services are implemented allowing new industrial activities to be permitted, provided they comply with the remainder of the standards and terms.
- (3) That the deferred status in stage 2 helps provide certainty as to the industrial land which will be developed at a future date when uptake and demand allows for additional development.
- (4) That providing for industrial development to occur in stage 2 prior to the lifting of the deferment would undermine the viability of ever installing reticulated services in stage 2, as pre-existing industrial development would not require access to reticulated services. A related consequence of this would be the inability of Council to meet its HBRC stormwater discharge consent conditions for the rezoning area and potential adverse effects on the Raupare Stream and the Heretaunga Plains unconfined aquifer.

Issue Discussion - Issue 5

NEW BUILDINGS AS A NON-COMPLYING ACTIVITY

The Submissions from Golden Oak Partnership (G & S Cornes) (Submission 1), NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11), John Agnew (Submission 14) seek:

- That the proposed removal of existing development rights through proposed 'no build' zones through Attachment 6.0-4 and the associated rules be deleted.

The Submission of Hawke's Bay Fruitgrowers Association Inc (Submission 17) seeks:

- Amend the explanation of the Plains Zone provisions to establish a 30 to 50 metre buffer for residential activities along the edges of the Industrial Zone Boundary.

Further Submissions

Two further submissions were received with regards to this issue:

The further submission of **Matt Holder – Consult Plus Ltd (Further Submission 3)** and **Hawke's Bay Fruitgrowers Inc (Further Submission 2)** supports all submissions requesting that the 'no build' zones be removed.

Decisions and Reasons

That the part of the submission of Golden Oak Partnership (G & S Cornes) (Submission 1), NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11), John Agnew (Submission 14) and Hawke's Bay Fruitgrowers Association Inc (Submission 17) and further submissions in support of Hawke's Bay Fruitgrowers (Further Submission 2) and Matt Holder (Further Submission 3) specifically relating to residential activities and visitor accommodation **be ACCEPTED** insofar that residential activities and visitors accommodation will now be considered a permitted activity on sites subdivided after 15 September 2012, with the following changes made:

PLP4 Control the adverse effects of activities on the community, adjoining activities, and the environment.

Explanation

The District Plan introduces a range of standards to protect adjoining properties from the effects of activities carried out on any site. The standards reflect the present agricultural nature of the zone, and the management standards accepted in the zone. The District Plan also encourages the adoption of industry standards and Codes of Practice by individual land users, as non-statutory methods. Where the zone abuts

Proposed New Urban Development Areas (see Attachment 2.4-1) the District Plan will introduce greater separation distances for residential activities from activities in the Plains Zone to ensure that residential buildings are far enough away from agricultural activities such as agricultural spraying to avoid adverse effects. Where properties are located in close proximity to Industrial 6 Zone sites, the Council will issue Project and/or Land Information Memoranda which state that sites in the nearby Industrial 6 Zone can contain legitimate activities, associated effects and amenity levels, not normally associated with the adjoining Plains Zone. Where new sites are created abutting the Omaha North Industrial Area new residential activities and visitor accommodation will not be permitted to establish on them within 30 metres of the industrial zone (See Attachment 6.0-4). This avoids the potential for cross boundary effects with activities legitimately established within the industrial area. Although wineries are a permitted activity subject to a specific maximum floor area, it is not appropriate to use wineries for a permitted baseline comparison for other buildings with no vertical integration to a particular site (see Policy PLP 18).

Add the following to Rule 6.7.5:

6.7.5 NON COMPLYING ACTIVITIES

The following activities shall be Non-Complying Activities.

- ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY OR DISCRETIONARY ACTIVITY SHALL BE A NON-COMPLYING ACTIVITY.
- MUSTELID FARMING
- RESIDENTIAL ACTIVITIES AND VISITORS ACCOMMODATION ESTABLISHED AFTER 15 SEPTEMBER 2012 WITHIN 30m OF ANY INDUSTRIAL ZONE ON THE LAND IDENTIFIED WITHIN ATTACHMENT 6.0-4 (adjacent the Industrial 2 Zone (Omahu Road North))

Add the following to rule 15.1.9.23

15.1.9.23 INDUSTRIAL 2 ZONE (OMAHU NORTH) AND DEFERRED INDUSTRIAL 2 ZONE (OMAHU NORTH)

- (1) The subdivision shall be in general accordance with the Structure Plan in Appendix 15.1-8.
- (2) Each site shall be connected to the Councils reticulated water, sewer and stormwater networks when these networks become available.

*Outcome
To provide for efficient
use of infrastructure
provided in the
Omahu Industrial
Area*



(3) Where a subdivision occurs in advance of the Councils reticulated water, sewer and stormwater networks becoming available:

- (a) a suitable legal mechanism shall be implemented to ensure that this occurs
- (b) the subdivider shall demonstrate that a satisfactory:
 - o water supply
 - o sewerage system; and
 - o stormwater system
 is available to service each site in advance of the Council's reticulated systems being available.

(c) New Plains zoned sites created on the balance sites located on Attachment 6.0-4 created after the 12 September 2012 shall be subject to a consent notice pursuant to Section 221 of the Resource Management Act 1991 stating that:

That, as the land contained is located in the plains zone area shown on Appendix 6.0-4 under the Hastings District Council District Plan and that various viticultural, horticultural, agricultural and other plains zoning activities are carried out on properties in the area near the land created by the subdivision and all subsequent proprietors shall not make any complaints, or take any action against any person or entity who are going about their lawful activities in the adjoining Omaha North Industrial 2 Zone.

Outcome

Subdivision will occur in a manner that enables the efficient and effective servicing of the entire Omaha North Industrial Area.

Outcome

That the potential needs of activities on the sites created are met in a manner that avoids significant adverse effects on the environment.

With the reasons for this decision being:

- (1) It is considered that the removal of all residential activities and visitor accommodation on sites severed by the Omaha North Industrial Re-Zoning is too restrictive to property rights and an overly cautious approach to mitigate reverse sensitivity issues, particularly for sites which could still have a dwelling located some distance from the proposed re-zoning.
- (2) Given the existing amenity of the area, and that currently residential activities and visitor accommodation could be located within close proximity to Omaha Road, and existing industrial activities in the Omaha North area, it is accepted that there is a general acceptance of existing industrial activities and their effects.

- (3) That a buffer zone is considered a more appropriate and equitable way of reducing conflict and reverse sensitivity effects between future residential and industrial activities, as it allows property owners the rights to develop their properties without unduly affecting industrial development.



Issue Discussion - Issue 6

LACK OF INFORMATION THROUGH SECTION 32 AND PART 2 OF THE ACT NOT BEING MET

Submissions

The Submissions from NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11) and John Agnew (Submission 14) seek:

- That the Section 32 does not demonstrate how the zone boundary was defined. Nor does it provide sufficient information to support the deferment, levies or assess the effects. The submissions therefore seek further information to address these issues.

That the submission of JR & VK Currie, SH & DM Currie & Hustler Equipment (Submission 6) seeks:

- That the information provided is not sufficient to meet Section 32 requirements, in particular costs of servicing, viability of development and whether development will provide for community well-being.

That the submission of NZ Transport Agency (NZTA) (Submission 19) seeks:

- Clarification with respect to the mechanism for the collection of contributions for essential roading infrastructure improvements

Further Submissions

One further submission was received with regards to this issue:

The further submission of **Matt Holder – Consult Plus Ltd (Further Submission 2)** and **Hawkes Bay Fruitgrowers Inc (Further Submission 3)** supports that further information needed to be provided to meet Section 32 requirements.

Decisions and Reasons

That the submission of NP & ME Vesty Partnership Ltd (Submission 2), JP & GJ Flynn (Submission 3), David Osborne and Hamish Campbell (Submission 8), Hamish Campbell (Submission 9), Les Manley (Submission 10), David Osborne (Orchard Trustees Ltd) (Submission 11) and John Agnew (Submission 14) and NZ Transport Agency (NZTA) (Submission 19) **be REJECTED IN PART** in so far as it is considered that Section 32 requirements have been met and no changes to the Plan Change result from these submissions.

With the reason for this decision being:

- (1) That Plan Change 57 is considered an effective and efficient proposal for increasing industrial land within the District when considered against section 32 of the RMA.
- (2) That amending the plan generally in accordance with Plan Change 57 will increase the industrial land available for industrial activities within the District while avoiding remedying and mitigating the potential for adverse effects to the environment.
- (3) That the industrial rezoning resulting from Plan Change 57 will take the pressure off the Plains Zone for accommodating industrial development.
- (4) That Plan Change 57 is an efficient use of resources and promotes sustainable management in giving effect to Part 2 of the RMA; further to this it has been endorsed on a regional basis in being consistent with the Heretaunga Plains Urban Development Strategy



Issue Discussion - Issue 7

MINIMUM SEPARATION DISTANCES BETWEEN ACCESS

Submissions

The submission of **Cambridge Street Ltd (submission 4)** seeks:

- Standard 14.1A (4) (a) – minimum separation distance between accesses may not be workable in practice and that there should be an additional standard stating 'Where the property has insufficient frontage to meet the standard in 14.1A (4)(a) the access point shall be located as far away as practically possible from existing access points'

Decision and Reasons

That the submissions of Cambridge Street Ltd (Submission 7) be **REJECTED** insofar as the **proposed amendments put forward in their submission are not made, but ACCEPTED IN PART** insofar as the following changes are made to the Plan:

Add the following to standard 14.1.8.1 (addition highlighted in bold italics):

14.1.8.1 Access

(4) Access to property Industrial 2 (Omahu North) and
Deferred Industrial 2 (Omahu North)

Outcome

*Safe access will be provided for vehicular traffic
entering and exiting sites.*

Except where the Engineering Code of Practice driver sightline
requirements are greater:

*The appropriate level of on-road car and truck
parking can still be achieved on Omahu Road
between accessways.*

The minimum separation distance between access points shall be:

Omahu Road – 50m.

any other road – 15m.

Add the following to assessment criteria 14.1.10.4: Activities that do not comply with access to property Industrial 2 (Omahu North) and Deferred Industrial 2 (Omahu North) 14.1.8.1 (4):

- Whether the access can be located and configured in a way that allows for maximisation of on-road parking on Omahu Road without affecting safe-traffic sightlines from other access ways.*

Make the following changes to section 15.1.10.1: General assessment criteria (3) Property access:

- (vii) The ability to achieve the access separation requirements on the subject site and adjoining sites in the Industrial 2 Zone (Irongate) and, the Deferred Industrial 2 Zone (Irongate), the Industrial 2 Zone (Omahu North) and the Deferred Industrial 2 Zone (Omahu North) or where access requirements cannot be met, the suitability of other options proposed.

With the reason for these recommendations being:

- (1) That the recommended changes by the Cambridge Street submission will not adequately deal with safe-sightline distances and adequate on street car and truck parking requirements.
- (2) It is considered that Resource Consent is the most effective means of assessing new sites that cannot meet the minimum separation distance between accesses as reasons for not meeting the standard can be dealt with via assessment criteria.
- (3) That additional outcomes and assessment criteria are added to clarify that the standard has been designed to assess on-road car-parking requirements as well safe sightline requirements.



Issue Discussion - Issue 8

LOCATION OF INFILTRATION POND

Submissions

The submission of Robyn & Andrew Bastin (submission 7) :

- Opposes the location of the infiltration pond or drainage near the rear of their property.

Decisions and Reasons

That the submission of Robyn and Andrew Bastin (Submission 7) **be REJECTED** insofar as the infiltration pond will not be relocated as a result of this submission

With the reasons for these decisions being:

- (1) That the infiltration pond is unlikely to affect the amenity of the property due to the distance by which it will be separated and because there is proposed to be industrial land between the Bastin's site and the infiltration basin.
- (2) That any industrial development is likely to have a greater affect on the amenity values of their property than the infiltration basin.
- (3) That the infiltration basin is likely to have a higher amenity value more attuned to the Plains Zone than in comparison to the Industrial area.



Issue Discussion - Issue 9

RESIDENTIAL LIVE AND WORK UNITS

Submission

The Submission of **David Osborne (Submission 11)** seeks:

- That residential live and work units should be provided for with increased density and potential unit title subdivision.

Decision and Reasons

That the part of the submission of David Osborne (Submission 11) seeking a change of the Plan provisions to provide for residential live and work units **be REJECTED**.

With the reason for this decision being:

- (1) The proposed changes would not be consistent with the general direction of the Hastings District Plan's Objectives and Policies of trying to avoid conflict between industrial and residential activities.
- (2) That provision for residential live work units is not appropriate in a zone seeking to enable relatively heavy industrial activities to operate to their potential, as the need to protect residential amenity would be a constraint for such activities.



Issue Discussion - Issue 10

POLLUTION FROM STORMWATER DISCHARGES TO THE RAUPARE STREAM AND HERETAUNGA PLAINS UNCONFINED AQUIFER

Submissions

The Submission of **Raupare Enhancement Society (Submission 16)** seeks:

- Provisions intended to stop contamination be strengthened.
- The method regarding the Hastings District Council Stormwater discharges is amended as requested and that all storage areas for chemicals are bunded.

The submission of **Hawkes Bay Fruitgrowers Association Inc (Submission 17)** seeks:

- That reference is made to the Raupare Stream in point 2 of Resource Management Issue 10.2; and in Policy 10.4.

The submission of **David Renouf (Submission 18)** seeks:

- That no discharge of stormwater containing road run-off or yard run-off be permitted over the unconfined aquifer.
- That where financially feasible the HDC reticulated stormwater system should take stormwater away from the aquifer.
- Monitoring and Maintenance conditions should be enforced.

Further Submissions

Two further submissions were received with regards to this issue:

The further submission of **David Renouf (Further Submission 1)** and **Hawke's Bay Fruitgrowers (Further Submission 3)** supports all submissions requesting greater protection of the Raupare Stream and Unconfined Aquifer.

Decision and Reasons

- (A) That the submission of Hawke's Bay Fruitgrowers Association (Submission 17) seeking the inclusion of reference to the Raupare Stream in specific Issues and Policies of the plan be **ACCEPTED** and the plan be altered as follows (changes in bold and underlined):

10.2 Resource Management Issue (Bullet Point 2)

Existing and potential development in the Omaha Road Industrial Area is constrained by infrastructural limitations and the potential for aquifer contamination of the unconfined aquifer and Raupare Stream.

A substantial strip area of land adjacent to Omaha Road has in the past been is zoned for industry. This land was chosen principally because of its separation from housing areas and because the land was perceived to have low value for horticulture. ~~Subsequent experience and research has revealed that sewerage capacity in the area is severely limited, effectively curtailing the potential for additional wet industry.~~ The Omaha Road industrial area is serviced for sanitary and trade waste discharges via separate networks. Capacity in the trade waste system is substantially allocated to existing users with limited spare capacity available for additional wet industry. Furthermore, ~~a part of the area overlies the~~ **the receiving environments for run-off are the** unconfined aquifer **and Raupare Stream** which is susceptible to contamination from a wide range of industrial pollutants. ~~These constraints, combined with a low rate of industrial land uptake in the region, have meant that the area has whilst parts of this area have been slow to develop and large portions remain under-utilised or undeveloped, the majority of these areas form part of large land parcels owned by established users and are seemingly held for future expansion.~~

10.4 Polices (changes in bold and underlined)

IZP7 Protect the vital water resource contained in the unconfined aquifer and Raupare Stream from contamination risks from industrial uses and development.

Explanation

There is a need to give maximum protection to the sensitive unconfined aquifer which lays below large parts of the Omaha Road industrial areas. This water resource is of vital importance for the horticultural activities of the District and also provides a clean water supply for the residents of Hastings City and Flaxmere. Protection of the aquifer and **Raupare Stream** may well override other considerations, meaning that an activity may need to be excluded from the Omaha Road areas if it is an unsuitable activity or adequate mitigation and risk management cannot be demonstrated (this issue is addressed in the Heretaunga Plains Unconfined Aquifer RMU Section 12.1).

- (B) That the parts of the submissions of **Raupare Enhancement Society (Submission 16)** and **Hawke's Bay Fruit Growers Association (Further Submission 3)** in relation to bunding of dangerous chemicals and protection of the unconfined aquifer **be ACCEPTED** insofar as the plan change and HBRC Resource Consent already require this, but **be REJECTED** in that no changes are made to the District Plan provisions.
- (C) That the submission of David Renouf (Submission 18) and Further Submission by David Renouf (Further Submission 1) **be REJECTED IN PART** in so far as all HDC Stormwater run-off will be directed to the swale system, but **ACCEPTED IN PART** in that no inappropriate stormwater discharges will go into the unconfined aquifer and monitoring and maintenance will occur throughout the zone.

With the reason for these decisions being:

- (1) That the Raupare Stream should be given reference in the same issues and policies as the unconfined aquifer, and the inclusion of the Raupare Stream will not create undue restrictions on development.
- (2) That through the Discharge Consent obtained through the Hawke's Bay Regional Council, businesses will already be required to bund dangerous chemicals, not allow discharges of contaminants into the Heretaunga Plains Unconfined Aquifer and be required to maintain and monitor for discharges.
- (3) That to ensure stormwater solutions work effectively, and because of limited capacity in Omaha Road all stormwater should be directed to the HDC swale towards the rear of the zone.



Issue Discussion - Issue 11

REVERSE SENSITIVITY AND AMENITY ISSUES

Submissions and Reasons

The submission of Hastings Districts Landmarks Trust Inc (Submission 15) seeks:

- Where opportunities exist buffer zones between established Omaha Road businesses and new businesses.
- That business is encouraged to orientate buildings and parking areas to maintain vistas to Orchardering areas from Omaha Road.
- That a service lane along the rear of the entire length of the zone should be considered.

The Submission of Hawke's Bay Fruitgrowers Association Inc (Submission 17) seeks:

- That the Omaha North zones be moved into the same box as stage 2 of the deferred industrial 2 zone at Irongate in standard 10.8.2.2 Side and Rear Yards – so that a 15 metres yard requirement is imposed.
- That the same landscaping requirements be adopted for this zone as those that apply in the industrial zones in Irongate.

Decision and Reasons

That the part of the submissions of Hawke's Bay Fruitgrowers Association (Submission 17) and Hastings District Landmarks Trust (Submission 15) relating to amenity and reverse sensitivity effects **be REJECTED** insofar as no changes are made to the proposed plan change as a result of these submissions.

With the reason for this decision being:

- (1) Given the existing amenity of the area proposed for re-zoning, it is not considered that extensive landscaping will be required to protect existing land owners against reverse sensitivity.
- (2) The planting of shelterbelts will take up a large strip of industrial land and affect the viability of the rezoning.
- (3) The proposed 5 metre setback in conjunction with the proposed 6 metre swale will provide an 11 metre buffer zone between existing Plains Zoned sites and the proposed Industrial Zone, this is considered an adequate buffer.
- (4) That the establishment of an access strip at the rear of the proposed re-zoning will take up valuable industrial land and isn't deemed necessary.

- (5) That buffer landscaping strips will be provided between Omaha Road and new industrial sites, as buildings are required to be set back at least 2 metres from Omaha Road and 50% of this set back will be required to be landscaped.
- (6) Controlling the orientation of buildings in this zone will be costly and inefficient in achieving the economic outcomes for the rezoning.



Issue Discussion – Issue 12

USE OF INFILTRATION BASIN FOR IRRIGATION

Submissions

The submission of David Osborne and Hamish Campbell (Submission 8) seeks:

- That a water storage pond is established within 1393 Omahu Road and that the water from this should be used to irrigate the Plains Zone portion of 1 Twyford road.

Decision and Reasons

That the part of the submission of David Osborne and Hamish Campbell (Submission 8) seeking a water storage pond be located on their land be **REJECTED**

With the reason for these decisions being:

- (1) That there would still be requirement for a swale to ensure the 1 in 50 year flooding requirements could be met.
- (2) That while the commissioners were sympathetic to the concept they considered there to be a number of complexities to achieving the irrigation pond scheme which require further investigation. These include:
 - Agreements between property owners for stormwater easements and costs of the water storage pond,
 - Regional Council Consents which may be required
 - Engineering designs as to how water storage pond could be achieved
- (3) That the rejection of this submission does not preclude the ability to apply for Resource Consent for a similar concept in the future.



Issue Discussion – Issue 13

PLAN CHANGE AS A WHOLE

Submissions and Reasons

The submission of New Zealand Transport Agency (Submission 17):

- Gives general support to the proposed approach for rezoning of Industrial land in Plan Change 57

Decision and Reasons

That the part of the submission of New Zealand Transport Agency (Submission 17): seeking a water storage pond be located on their land be **ACCEPTED**.

With the reason for this decision being:

- (1) That there have been no submissions requesting that the Plan Change as a whole be declined
- (2) That the plan change is considered to meet all Section 32 requirements of the RMA.



Chairman:

Date: 7th June 2013