

# Ashburton District Plan

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Resource Management Act 1991

Proposed Plan Change 2

Business 9 Zone

North East Ashburton Business Park

Section 42A Report

*Prepared for*  
Ashburton District Council  
*by*  
Boffa Miskell Limited

August 2007

## **1.0 PART 1: INTRODUCTION**

- 1.1 This Report has been commissioned by the Ashburton District Council (ADC) in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions received following the public notification of Plan Change 2 to the Operative Ashburton District Plan and to make recommendations on those submissions.
- 1.2 The background information to this Plan Change is contained within the Section 32 evaluation prepared for the ADC at the time this plan change was notified. In essence, Plan Change 2 seeks to rezone a 126ha site bounded by Northpark Road, Company Road, the Main South Railway Line and the PPCS freezing works, from Rural B to Business 9 with a small area that has frontage to Tait's Road being rezoned as Rural Residential.
- 1.3 This report outlines the statutory provisions relevant to the plan change process; discusses general issues and the original and further submissions received following the public notification of the plan change; makes recommendations as to whether or not those submissions should be accepted or rejected; and finally, concludes with an overall recommendation based on the preceding discussion in the report. A summary of all recommendations on submissions and further submissions is attached to this report as Appendix 6.
- 1.4 The Plan Change was notified in December 2006 with submissions closing on 16 February 2007 and further submissions closing on 30 March 2007. A total of 20 submissions and 9 further submissions were received. Of these submissions, 11 supported, or supported in part the Plan Change, 6 were in opposition and 3 did not state a position. A copy of the Plan Change up-dated to reflect recommendations from this report is attached as Appendix 1.
- 1.5 This report has been prepared by Nicola Rykers. I am a Senior Principal and Planner with the firm of Boffa Miskell Ltd, a planning, design and ecology consultancy based in Christchurch. I hold a Bachelor of Regional Planning Degree with Honours from Massey University and I have 19 years experience working for both local government and in private consultancy throughout the South Island. I am a full Member of the New Zealand Planning Institute.

1.6 The purpose of this report is to bring to the attention of the Commissioner the relevant information and issues regarding this plan change, along with recommendations on the submissions and further submissions. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Commissioner. It should not therefore be assumed that the Commissioner will reach the same conclusion following consideration of all the evidence to be presented at the hearing.

1.7 The Plan Change was notified in December 2006 with submissions closing on 16 February 2007 and further submissions closing on 30 March 2007. A total of 20 submissions and 9 further submissions were received. A copy of the Plan Change, up-dated to reflect recommendations from this report is attached as Appendix 1.

1.8 This report is structured as follows:

- Part 1:** Introduction
- Part 2:** Statutory Considerations
- Part 3:** Background
- Part 4:** Provisions of the Plan Change
- Part 5:** Issues Raised by Submissions
- Part 6:** Statutory Review
- Part 7:** Overall Recommendation

1.9 Appendices attached to this report include:

- Appendix One:** Copy of Plan Change 2 as Notified
- Appendix Two:** Statutory Considerations
- Appendix Three:** Technical Reports on Noise
- Appendix Four:** Technical Report on Transportation
- Appendix Five:** Technical Report on Landscape
- Appendix Six:** Summary of Recommendations on Submissions and Further Submissions

## **2.0 PART 2: STATUTORY CONSIDERATIONS**

2.1 The following is a brief summary of the key statutory considerations, which must be noted as part of considering this plan change. Appendix Two contains the associated text from the Resource Management Act 1991 (RMA).

2.2 Section 74 of the Act sets out the matters that must be considered in preparing a change to the District Plan. Among other things, section 74 requires a local authority to comply with its functions under sections 31, 32, 75(2) and Part 2 of the Act in preparing a change to a district plan.

2.3 Section 31 of the Act sets out the functions of territorial authorities in giving effect to the purpose of the RMA and the provisions of Part 2 of the Act include:

- the purpose of the Act as contained in Section 5;
- Section 6 - Matters of National Importance;
- Section 7 Other Matters that require particular regard in achieving the purpose of the Act; and
- Section 8 Treaty of Waitangi.

2.4 In accordance with Section 32 of the Act, the Council has a duty to consider alternatives, benefits and costs of the proposed change. The Section 32 assessment has been publicly available from the date of notification and is to be available at the hearing.

2.5 In addition, Section 75(2) also requires the District Plan not to be inconsistent with the Regional Policy Statement or Regional Plan.

2.6 For completeness, it is noted that in making a decision on the plan change, the Council is guided by Clause 10 of the First Schedule to the RMA.

## **3.0 PART 3: BACKGROUND**

3.1 I have provided planning advice on a consultancy basis to the Ashburton District Council since 1996 and I am aware that since 2002 the District Council has held concerns about limited industrial land supply. These

concerns were based on continuing industry enquiries to Council about land availability. Enquiries have been received from new businesses seeking to establish on large sites in the district and from existing Ashburton District based businesses which have outgrown their current sites. In 2003 an Order Paper prepared by the then Planning Manager to the Regulatory and Planning Committee provided some background on the issue and noted that the Committee had already held a number of workshops looking at areas of available land for industrial development.

- 3.2 The sites investigated were located within or immediately adjacent to the existing urban area and consideration was given to the need to efficiently utilise existing sewer, water and stormwater infrastructure. Sites considered were located in Tinwald, the existing Riverside Industrial area, Rakaia, a location to the north of Ashburton township on State Highway 1 and the Northpark Road area.
- 3.3 In 2004 the Council commissioned Boffa Miskell to undertake a Development Plan for the future of Ashburton District. I note that I did not have a role on the team that produced the Development Plan but I will set out the outcomes, as they are written, from the Development Plan document. The project was primarily undertaken in two stages. The first stage involved the preparation of a “State of Play” report. This report identified and prioritised a suite of growth pressure issues for the next 20 years, recognising that only the high priority issues would be addressed in the immediate future.
- 3.4 The “State of Play” report had regard to past and present growth pressures, the nature of residential, rural, commercial and industrial activities in the district, infrastructure capabilities, population growth projections and current Council policy. A section of this report related to industrial activities where a distinction was made between small to medium scale service/industrial activities which need to be located in each of the district’s townships and larger scale industries which may have a district-wide or regional influence and would be seeking a strategic location. The report found that estimating land requirements for local industry needs, based on a ratio of land area to population, were reasonably straightforward. Estimating land requirements for large scale/regional industry requirements was however difficult to anticipate in terms of demand and frequency. The relative proximity of Ashburton to Christchurch, Lyttelton Port, Christchurch International Airport and the town’s

strategic positioning adjacent to State Highway 1 and the Main South Island railway line, and lower land costs have become important factors for large industrial businesses when considering a location in Canterbury. The report noted that there was a lack of rigorous information on the uptake of industrial land however in February 2005 there was estimated to be some 17ha of unutilised industrial land available. The report relied upon information sourced by Council from industry enquiries for larger land parcels - approximately 120ha. Accordingly, the "State of Play" report confirmed that there is a shortfall of suitably zoned industrial land to accommodate current and future demand.

- 3.5 This is further supported by the report "The Economic Impacts and Benefits of Industrial Land Development in Ashburton" which was commissioned by the District Council in October 2006. The author of that report discussed land availability with Ashburton Enterprise, had regard to a Valuer's report and reviewed the rate of growth in industrial employment in Ashburton over the previous 5 years. The Report identifies that although there are a number of small pockets of vacant land available, all the Riverside sites are now occupied or have short term plans for development, with the take-up of recent subdivisions taking less than 12 months. One vacant site of 5.5ha was identified and the next largest site was approximately 0.5ha. The Manager of Enterprise Ashburton is quoted as advising that the two greatest barriers to companies seeking to locate to Ashburton were skilled labour and land availability. The Riverside area is considered to be restricted in size with relatively poor access, particularly for people seeking to establish distribution related businesses which require ready access to rail and the state highway. The report concludes that the shortage of land is discouraging investment.
- 3.6 The "State of Play" report noted that the land available also tends to be more typical of traditional industrial subdivision and did not reflect a trend that is developing elsewhere in New Zealand for business parks where there is a higher level of amenity. This type of development is increasingly of importance to new businesses wanting to influence employment choice.
- 3.7 The "State of Play" report was followed by considerable community consultation, culminating in the final Development Plan which was adopted by the Council in June 2005. This Plan is intended to form the basis for planning

the location of roading, water and sewer infrastructure, policy direction in the Long Term Council Community Plan and zone changes.

3.8 The Development Plan sets out principles for development which the Council intends to incorporate into future zone changes. These are under the headings of Settlement Principles, Identity and Character Principles, Street and Movement Principles, Open Space Principles and Infrastructure Principles. Relevant Principles to this plan change would include:

- planning for growth around settlements on transport corridors;
- distinguishing urban from rural and prevent urban sprawl – use a mix of low density residential and greenbelts to form the settlement edge;
- provide for walkability and cycling;
- establish clear hierarchies in street design to direct through traffic to arterial roads and distributor roads, local traffic to collector roads and residential traffic to neighbourhood streets
- encourage the transport system to provide adequately for the community's long-term public transport needs;
- provide a linked network of open space for alternative movement network for walkers, recreational use, and ecological corridors
- maintenance of open space around towns to define the urban/rural boundary;
- provide water, sewer, stormwater to an adequate standard throughout the urban areas;
- minimise stormwater and over flow management by environmental design and use of greenways;
- provide a safe and effective movement for cars, cyclists, freight, walkers and public transport.

3.9 Preliminary development options are identified for each of the District's townships. With respect to Ashburton the following options were identified for industrial development:

- *provide new areas for extensive industrial development on the outskirts of the town;*
- *manage the transport links and potential effects of new industrial activity on existing uses in the area;*
- *industrial development in park setting to provide quality work environment and attract new business.*

- 3.10 Two areas in Ashburton were identified as the most suitable options for rezoning for industrial purposes – the Riverside area and the north east Ashburton area. These two areas were presented as the principal options for public consultation. Feedback from the consultation was strongly in favour of the north east option except from those living in the immediate Northpark Road locality who registered strong local opposition.
- 3.11 The north east option was preferred because of its larger land area (approximately 126 hectares) that could potentially serve the town's needs for the next 20 years. It is well connected to State Highway 1, sits adjacent to the railway line and avoids heavy traffic passing through established suburban areas. Riverside by comparison is constrained by its location adjacent to the Ashburton River and the surrounding residential zoning and would result in heavy traffic using local suburban roads. It was acknowledged that Northpark Road is also a local road however there was considered to be greater opportunity to mitigate effects on surrounding residents in this location.
- 3.12 The north east option also potentially allows for the relocation of the rail yard out of the town centre which has historically resulted in traffic disruption when the crossing barriers close down traffic movement. The Development Plan does however recognise the need for the effects of a relocated rail yard to be addressed if it was relocated.
- 3.13 The north east option is considered to be within easy commuting distance of Ashburton, and is located away from areas of natural value such as the Ashburton River.
- 3.14 The Development Plan recommends that prior to establishment of any industrial activities on the Northpark site a structure plan would need to be prepared which provided for the following:

- a buffer zone to adjacent properties and State Highway 1 including substantial vegetation and open space
- standards that achieve zero emissions at the boundary for odour, noise, dust and smoke – a combination of District and Regional Council responsibilities
- a road access plan for joining to State Highway 1 and into the local road network for worker traffic including a cycleway and recognising effects on local residents
- a vegetation and open space amenity plan that divides the area into parts and ensures there is an open space network with substantial trees to provide amenity for workers, quality landscape to attract business and technology enterprises and other 'clean' activities, and to mitigate the visual effects of building scale;
- a centrally located meeting place with opportunities for service commercial facilities to provide for the day to day needs of workers on site (food, café, shop).

3.15 Finally, the Development Plan set out an Implementation Plan. This identifies the development of a north east industrial area structure plan and a new district plan zone for industrial activities as a high priority. The provisions of the structure plan/zone change are signalled to address and provide for;

- Wide buffer areas, including trees and open spaces of an appropriate size to separate industry from residential and rural residential activities
- Traffic access from SH1 via a new intersection and in relation to existing local roads
- Railway access for freight movement and associated shunting yards with at least 300m separation from rural-residential properties and heavily buffered with tree planting
- Internal development arrangement to provide high standards of worker amenities in areas where there is common use for recreation and lunch times
- Workers car parking and facilitating cycling and bus use
- Emissions controls – noise, odour, dust and smoke considering ECan requirements also

- Stormwater on site management through ponds and wetland and rain gardens as well as groundwater protection management
- Building design requirements and height controls
- On-site storage and screening
- Staging land release and development
- Infrastructure and energy efficiencies
- Other design requirements, including on-site landscaping to provide a quality work environment that will attract business and technology enterprise in addition to manufacturing and processing activities

3.16 In summary, this provides the background and context for proposed Plan Change 2. On the basis of the State of Play” report and the final Development Plan I am satisfied that there is a need for additional industrial zoned land within/adjacent to Ashburton township. I am also of the opinion, that there is considerable planning merit in rezoning land which can accommodate a strategic and efficient connection with State Highway 1 and the rail network. The opportunity to relocate the rail yard out of the centre of Ashburton township is also a benefit from an amenity and traffic efficiency perspective for the town centre. It is also appropriate that in rezoning land, that there is a sufficient area or land bank to accommodate future demand. In taking this view, I am also strongly of the opinion that in rezoning land the provisions of the zone must provide an appropriate level of mitigation in relation to surrounding activities. This is a matter I discuss further in paragraphs 5.6 and 5.12 to 5.22 and I note is also clearly signalled in the Development Plan where there is reference to wide buffer areas, separation from rural-residential properties and a road access plan which recognises effects on local residents.

#### **4.0 PART 4: PROVISIONS OF THE PLAN CHANGE**

4.1 Proposed Plan Change 2 makes the following amendments to the District Plan in rezoning an area of approximately 126ha off Northpark Road for business purposes. The aim is to provide a specific zone to accommodate future business growth for Ashburton and enable consolidation of Ashburton's position as an important transport/freight hub for Canterbury.

## **Planning Map**

- 4.2 The majority of the site is rezoned from Rural B to Business 9 – a new business zone for the District. The Business 9 Zone is to represent the North East Ashburton Business Park.
- 4.3 Council chose to create a new zone rather than adopt an existing business zone from the District Plan. The new zone allows the characteristics and features of the site to be taken into account with specific rules drafted to address environmental effects that are particular to the locality, having regard to the range of possible activities and the existing resources and activities in the area. A number of existing rules were considered to be potentially ineffective at ensuring potential adverse environmental effects arising from Business development in this area would be avoided, remedied or mitigated.
- 4.4 In addition, the Council is seeking to establish a business area with a higher standard of internal amenity than has previously occurred within existing zones. Additional rules or controls have been added to encourage a higher level of amenity than in existing industrial business zones.
- 4.5 A smaller area, at the end of Taits Road is however rezoned from Rural B to Rural Residential. This smaller parcel of rezoning is intended to maintain a continuity of Rural Residential zoning on the Taits Road frontage.

## **Objectives and Policies**

- 4.6 A series of amendments are made to the policies relating to Transport, Subdivision and Business.
- 4.7 In relation to the Transport chapter these changes add new policies to:
- Encourage walk and cycle connections between residential and business areas;
  - To work with Transit New Zealand to ensure that the efficiency of State Highway 1 is maintained with the development of the new business park; and
  - To recognise and provide for a rail siding and loading facility at the new zone to encourage the use of rail and to support the establishment of a transport hub.

- 4.8 These new policies are complemented by new Implementation Methods to work with Transit New Zealand on the intersection up-grades required at Works and Northpark Roads as well as methods relating to the rail siding and walk/cycle connections. Consequential amendments are then proposed for the Explanation and Reasons.
- 4.9 In relation to the Subdivision Chapter, a new policy is introduced which requires subdivision in the new zone to be undertaken in accordance with a comprehensive structure plan. The Explanation and Reasons are accordingly amended to explain that a structure plan can assist in avoiding ad hoc or uncoordinated development, avoiding, remedying or mitigating adverse effects and ensuring that a higher level of amenity within the zone is achieved. Consequential amendments to the Implementation Methods are proposed.
- 4.10 With respect to the Business Chapter, additional policies are added to the objective concerned with Amenity within Business Areas. The new policies relate to:
- Requiring publicly accessible and administrative parts of buildings to face the road with a maintained grass frontage;
  - To require the Business 9 zone to be divided by cycle and walkway connections with a high standard of tree planting;
  - To provide for a centralised open space area for the amenity and enjoyment of workers and visitors; and
  - To use design guidelines for assessment of new built development.
- 4.11 New policies are also proposed relating to the need for a landscape buffer between rural-residential and business activities and to require the structure plan for the Business 9 Zone to incorporate landscape treatment, noise mitigation and to control the location of activities relative to the Rural-Residential Zone.

### **Subdivision Rules**

- 4.12 Changes to the subdivision rules impose a series of steps or requirements on the developer of the Business 9 Zone.

- 4.13 Prior to the creation of any new allotment in the zone, a structure plan must be lodged with Council for the whole of the Business 9 Zone, as part of a subdivision consent application.
- 4.14 The Structure Plan is required to be generally in accordance with an Outline Development Plan (ODP) which is to be inserted into the Business Zone rules. This ODP identifies what are considered to be the most important or significant parameters for development within the zone as well as mitigation that must be incorporated into the layout of the subdivision. This mitigation has been identified through assessments of the proposed zone undertaken prior to notification of the Plan Change. These matters include:
- The position of external access points – the change in the number of traffic movements and the types of vehicles arising from the Business 9 Zone represents a significant change in the local traffic environment. Council wishes to ensure that the number of access points is limited to those that have been identified to avoid a proliferation of access points onto the local road network.
  - Connections to the rail siding activity area – the rail siding activity area is limited and defined on the ODP. The defining of the area on a plan is considered necessary because activities such as shunting and loading have the potential to create adverse noise effects and the Council has developed mitigation for this specific area in the form of a 5m barrier. It is necessary that access to the rail siding is limited to specific points at each end to ensure that the barrier is as effective as possible.
  - Provision of curved road alignments to Works and Northpark Roads – these alignments are important for mitigating adverse effects. In relation to Northpark Road the alignment is intended to avoid headlights from traffic exiting the zone shining directly into houses opposite the exit and to provide for an intersection arrangement which makes it difficult (if not impossible) for large vehicles to turn left down Northpark Road. This is intended to assist in maintenance of amenity values in the Northpark Road, Taits Road area.
  - Provision of an open space area located centrally located within the zone to be vested in Council as a reserve – this is intended to ensure that an amenity area is provided for workers/visitors within the zone.

- The provision of a buffer - this feature must be conformed with (as distinct from generally in accordance with) and requires a buffer, a minimum of 50m wide, to be provided for the full length of the zone boundary interface with the Rural-Residential Zone. This is to be vested in Council as reserve. This buffer is intended to provide for noise mitigation, visual separation, an amenity area, walkway and cycle connections and stormwater conveyancing.

4.15 In addition to the above the Structure Plan is required to include the following:

- The internal road layout – this has not been designed, but required only to connect with the external road and the rail siding connections identified;
- Walk and cycle connections
- Landscape breaks dividing the site into 4 precincts or quadrants – the zone is considered to be large and to avoid or mitigate the visual impact of built development across a wide area it is proposed that 20m wide breaks, vested in Council as reserve, are established as part of the layout of the subdivision. These are to be planted with shelter belt trees along at least one edge (consistent with the shelter planting that is typically established across the Canterbury plains). This landscape break is intended to assist in breaking the visual monotony of a large industrial area as well as provide for walk and cycle connections.
- Landscape treatment of the buffer – this is to include a 3m high mound (which is for noise mitigation purposes), walk and cycle connections, a planting plan and a requirement to demonstrate effectiveness of the planting plan through a visual simulation.
- Lighting – the location and type of lighting in public spaces to demonstrate how public safety can be addressed and to avoid adverse glare or light spill on the rural-residential zone.
- Central open space – connections and planting plan.

4.16 A new rule then requires that any subdivision plan must conform with the Structure Plan prepared under the above rules.

4.17 New rules are also proposed which specify that no allotment can be created which has access only to Company Road; and to require a condition be imposed on any resource consent for subdivision creating the first allotment,

that the roading connections to Northpark and Works road are formed and constructed prior to the title being issued. The purpose of these rules is to avoid a number of individual access points being developed along Company Road which may undermine road safety and efficiency and to ensure that when subdivision and development occurs that there are a minimum of two access points into and out of the zone.

4.18 Some new assessment matters and reasons for rules are introduced in relation to the above new rules.

4.19 Additions are also made to the standards for Roding, Access and Vehicle Crossings, Hazardous Substances and Outdoor Advertising to provide for the Business 9 Zone. The Outdoor Advertising Rules limit signage on walls of buildings directly facing the buffer between the business activities and the rural-residential zone.

#### **Business Zone Rules**

4.20 The proposed Plan Change puts in place a new Business 9 Zone Statement. The zone is intended to provide for office, storage and warehousing activities through to service activities, processing and manufacturing. Additional Environmental Results Anticipated are proposed as a consequential amendment recognising the new rail siding and loading facility, a graduated range of business activities and a higher standard of internal amenity consistent with the concept of a business park.

4.21 Amendments are made to a number of the existing rules to accommodate the new zone such as:

- Adding the zone to the existing Table of Permitted Activities for all Business Zones and ticking the activities which apply.
- Identifying non-complying activities – which are residential activities, visitor accommodation and mineral extraction.

4.22 A new rule is introduced for a Prohibited Activity which is intended to prevent any provision for vehicular access to any site or activity in the Business 9 Zone from Taits Road. This rule was added as Council recognises that it would be inappropriate in any circumstance to allow or enable vehicular access from the Business 9 Zone into Taits Road. Taits Road is an existing

dead-end road has an intimate character due to the absence of any through-traffic. This character and associated amenity values would be adversely affected by industrial related traffic passing through to the Business 9 Zone.

4.23 The following is a description of the standards which are to apply to built development within the Business 9 Zone. Site standards are proposed as follows. I note that non-compliance with these standards would require a resource consent for a discretionary activity.

- Height 10m
- Setbacks from Company Road are to be graduated depending on the height of the building – 5m for buildings up to 5m high and 10m for buildings up to 10m high.
- Setbacks from neighbours – the rule is to be amended to require buildings directly adjoining the 50m buffer be a minimum setback of 10m from one internal side boundary. The purpose of this rule is to ensure that a continuous wall is avoided along the buffer edge.
- Along the buffer edge a new requirement is introduced which requires buildings to be finished in a colour selected from an identified colour palette.
- Site Coverage – 75% with a minimum of 20% of the site permeable for stormwater purposes.

4.24 New zone standards are proposed as follows. Where a proposal fails to comply with these standards, a resource consent for a non-complying activity would be required.

- Commercial activities and retail floorspace are proposed to be limited to single retail outlets not exceeding 150m<sup>2</sup> except for restaurant and food takeaway outlets, goods produced or processed on site and outdoor displays and sales including vehicle and machinery sales. The purpose of this rule is to limit commercial activities to avoid displacement of activities which would traditionally be located in the commercial centre of Ashburton township. Such displacement is considered to result in traffic inefficiencies and undermine the retail heart and viability of the town.

- A set of new noise standards are proposed. An overview of these rules is described in the Marshall Day report attached to this report as Appendix 3.
- Activities identified as Offensive processes (already existing in the District Plan) are identified as inappropriate in the Business 9 Zone.

4.25 An important new Zone Standard is the introduction of the Outline Development Plan and the rule which requires all activities to be in accordance with this Plan and the limitations specified. The limitations include:

- No activity can take place within the zone until such time as the landscape plan for the buffer and central open space have been implemented, including the construction of mounding. This rule recognises the important role of the buffer in providing mitigation of visual and acoustic effects from the Business zone on the Rural – Residential Zone. It is of importance that this mitigation is in place before activity takes place.
- The Outline Development Plan divides the Business 9 Zone into two areas (essentially running down the middle of the zone, north west to south east). These are called Areas 1 and 2 and the purpose of the delineation is to ensure that heavier industrial activities which may potentially produce greater noise and other emissions are located further away from the rural-residential areas. Area 1, which is closest to the Rural-Residential Zone is limited to offices, commercial activities and service activities and vehicle related activities. Area 2 is not limited.
- The limitation on vehicle related activities in Area 1 is intended to avoid adverse noise effects created by heavy vehicle use. Provision is however made for a business operator to prepare an acoustic report demonstrating that their particular activity can comply with the zone noise standards.
- Openings on buildings (i.e., doors and windows) are not provided for within Area 1 on sites directly adjoining the buffer. This rule is intended to avoid openings which allow noise from activities within the building to escape. The rule is not intended to prevent people installing “non-opening” windows for the purpose of light emission to the interior of a building.

- Rail activities are defined and limited to the storage, loading and unloading of goods for transport purposes and to location within the defined area (which has been determined on the basis of an appropriate separation for noise mitigation). No rail activities can be established or operated within this area until such time as a 5m acoustic barrier is in place and an acoustic report has been presented to Council confirming that the barrier will effectively mitigate noise effects to achieve the District Plan noise standards.
- 4.26 A further new zone standard relates to vehicle crossings and access to Company Road. This rule effectively mirrors the rule that applies at the time of subdivision requiring that properties do not access directly onto Company Road. This rule applies to activities (which come much later than the subdivision) and makes access to Company a non-complying activity.
- 4.27 The balance of the Plan Change represents consequential amendments to the Purpose and Reasons for Rules,

## **5.0 PART 5: ISSUES RAISED BY SUBMISSIONS**

### **General Opposition/Support for Rezoning of the Land**

- 5.1 A number of submissions have been lodged which offer fundamental support for or opposition to the proposed zone at a general level. E Aldridge did not state whether she was in support or opposed to the proposal but suggested that ideally the industrial site should not be near residential properties. Brian Graham and Colin Price oppose the proposal and would like to see the land remain for rural purposes. DF and IA Keenan are opposed and request that the Council abandon the Plan Change. Opponents to the change are concerned about loss of their current lifestyle, devaluation of property values, 24 hour activities, noise, traffic, pollution, lights and the effects of construction work to develop the zone. Increased traffic flows especially heavy trucks, are a consistent concern, particularly in relation to traffic noise and reduced of safety.
- 5.2 With respect to Bremners Road there is a concern this will become a major feeder route to the zone, and need to be widened and upgraded affecting current property frontages.

- 5.3 Seven submitters support and 4 support-in-part the Plan Change, subject to amendments to the detail of some provisions. Of those in support Rural Transport Limited (RTL) and Enterprise Ashburton note that it would fulfil an identified need for more industrially zoned land in Ashburton, and provide for future business and economic growth. Further, RTL noted that the proposed zone provided good access to the surrounding road network. Electricity Ashburton Limited support the proposal in terms of location and utilising existing infrastructure.
- 5.4 Other submitters in support made specific mention of activities that they would like the zone to provide for e.g., food outlets and a grain consolidation facility on land immediately next to the rail siding. I note that both of these activities could be established under the proposed rules for the Business 9 Zone.
- 5.5 Having regard to the discussion under Section 3.0 above I have accepted that this particular site has strategic benefits compared with other areas of Ashburton for rezoning. I am however, of the view that the Plan Change must address in a manner which fulfils Part II of the Act, any adverse effects on the surrounding community. The above mentioned submissions in opposition identify the concerns and fears of the community. I have been involved in consultation in relation to proposed Plan Change 2. In December 2005 I met with the majority of neighbours who either directly adjoin, or are directly opposite the site. A number of these neighbours have submitted in opposition to the proposed Plan Change. A consistent theme raised by neighbours was that they had purchased property in the Northpark/Taits Road area with the expectation that it was a very pleasant rural-residential environment with a rural outlook. Many had committed considerable money and time in building homes for their families and retirement. Some properties have extensive gardens and some were owned by retired farmers who desire open space. A number of the property owners mentioned they had sought advice from Council on the zoning prior to purchase and they had placed some reliance on the district plan in making the decision to live in the Northpark area. As could be expected, those persons have been distressed by the proposal to rezone the land for business/industrial purposes, effectively bringing urban development to their neighbourhood in a manner they had never contemplated.

- 5.6 In my experience this scenario is typical of what may happen on the edge of urban areas and the rural interface is where pressure for change is most likely to occur. At different points in time, townships will expand and there is either no other direction in which to grow or the location offers the greatest benefit to the wider community, (accepting this may be at a loss or cost to individuals). It is my opinion that in these circumstances – the change from rural to urban, and more particularly from rural zoning to activities of an industrial nature, represents the change of greatest contrast in respect of amenity values. Accordingly, this represents the scenario for greatest impact or loss to those persons who have chosen to live in a rural-residential/rural area. There would be very few persons who have invested in what is considered by many to be a highly desirable lifestyle, to welcome a change from rural amenity and outlook to the amenity values and outlook associated with a business/industrial area. These people have not chosen to live adjoining an urban environment. It is my opinion that in promoting this plan change, the Council has a duty to ensure that the mitigation proposed to address traffic effects, loss of rural outlook and loss of rural amenity values is at a level that reflects the degree and significance of change and enables those people most directly affected by the change to continue to enjoy living in the locality. I shall comment on these matters further in relation to individual submissions throughout Section 5.0.
- 5.7 Overall however I am supportive of proposed Plan Change 2 and recommend that those submitters in opposition to the Plan Change in its totality be rejected and those in support are accepted or accepted in part where further amendments to the detail of the Plan Change are sought.

#### **Northpark Versus Works Road as Entrance**

- 5.8 A number of submitters oppose the use of Northpark Road as the main access road to the proposed Business Zone and seek that Works Road be the principal access road from the State Highway. The submission of E Aldridge seeks that all access be from Works Road. This submission has been supported by further submitters DF and IA Keenan and BR Graham but opposed by Transit New Zealand. DF and IA Keenan have also lodged their own submission seeking that Works Road be the main vehicle entrance.

5.9 I refer to those matters identified in the Section 42A report on the Notice of Requirement in support of Northpark Road i.e.:

- The primary arrival/destination for the majority of traffic will be to and from Ashburton and the south;
- Very few vehicles currently make a right-turn out of Works Road;
- Modelling indicates that only approximately 7% of all vehicle movements will use Works Road, the majority of which are coming to and from the north;
- Preventing a right-turn out of Works Road is considered to have little impact on current users and would provide a safety benefit;
- The bulk of works required for an up-graded intersection can be accommodated on Council owned land at Northpark Road with consequential reduced costs and impacts on privately owned land;
- Up-grading Northpark Road provides the opportunity to implement a comprehensive design solution by including improvements to the Mitcham Road intersection.

5.10 Transit New Zealand submits in opposition to E Aldridge that Works Road, on its own, does not provide good connectivity to the proposed zone, and would result in longer travel time for traffic from Ashburton township, with vehicles travelling past Northpark Road. In addition, Transit New Zealand mentions that property issues at the Works Road intersection may make achieving a grade-separated intersection more difficult. I also refer to the report of Traffic Design Group attached as Appendix 4 to this report.

5.11 On the basis of the above transportation benefits of using Northpark Road as the primary access route to the proposed business zone from the state highway I recommend that those submissions in opposition be rejected and those in support be accepted, and the further submissions in support/opposition, accepted and rejected accordingly.

### **Buffer**

5.12 A number of parties have submitted in relation to the width of the proposed buffer that is to be established along the rural-residential/business interface. The proposed Plan Change provides for a width of 50m. This distance was recommended, by Marshall Day, in its technical report accompanying the

Section 32 Assessment to be the distance required, in combination with a 3m mound, to provide for the mitigation of noise effects from the business zone on the Rural-Residential zone. The buffer also provides space for the management of stormwater, the provision of walk and/or cycle ways and to provide for landscape treatment.

- 5.13 The submissions received seek a range of outcomes. The submission from Quantock and Dunbar seek that the buffer is extended to 300m to provide separation between business and rural-residential activities. Rodger Bradford and Others seek that the buffer be extended to 100m. The submission from the Ashburton District Council Property Manager seeks that the buffer is maintained at 50m.
- 5.14 I understand that the Council's Property Manager has engaged Opus Consultants to further develop design concepts to establish if the 50m width is sufficient to accommodate the requirements for stormwater, noise and provision of landscape treatment and I understand that a 50m width can accommodate all of the elements that are required. Acknowledging that noise mitigation does not require more than 50m to achieve mitigation of noise effects, it is my opinion however that the buffer is not sufficient to mitigate adverse effects on landscape and amenity values.
- 5.15 This opinion is based on a number of considerations. Firstly, I refer to the Landscape Report attached as Appendix 5 to this Report. That report identifies the existing landscape values in the area and also considers the relative importance of the dimensions for minimum subdivision in the Rural-Residential Zone. The values identified that are at risk from the rezoning are the loss of open space and rural outlook at the boundary. In addition, I consider that the proposed zone represents a significant change in amenity values from those values attributed to a rural area to those associated with business development. The Landscape Report identifies that 300m is a greater distance than is necessary to achieve effective mitigation but concludes that 50m is not sufficient to address landscape effects. One hundred metres is considered to be optimum in terms of providing sufficient depth for separation of activities and to establish landscape treatment that effectively mitigates adverse visual effects, and also sufficient area to provide a quality landscape outcome in terms of the layout and density of planting. It is also consistent with the open space outlook of a rural residential property

with a minimum lot size of 1ha. The Report does indicate that 75m could be acceptable if a high standard of landscape treatment was established and maintained.

- 5.16 In addition to the outcomes of the Landscape Report I also consider that there are good planning reasons to provide a buffer of greater than 50m. As discussed in paragraph 5.6, the change from rural to an urban industrial business zone represents a land use change of significant contrast with potential for adverse effects to be created on surrounding properties. I am satisfied that measurable effects, such as noise, are able to be mitigated by standards such as rules. Non-measurable effects or values however, such as amenity, pleasantness of any area and its outlook are less able to be objectively measured and resolved. In my opinion, district plan zoning creates an expectation as to environmental quality. The residents of Northpark Road, Tait's Road and Company Road purchased their properties based upon what they could see and what the District Plan told them could be contemplated in the area. Proposed Plan Change 2 represents a significant change to the type of environment that people would anticipate.
- 5.17 I note that technical reports on traffic and noise can conclude that changed land uses will not create adverse effects that will be more than minor however people's objection can be more fundamentally opposed to the changed environment. For example, the noise from additional heavy vehicles on a local road or noise from an adjoining business may not adversely affect your health. It is however the fact that you can hear those types of noise effects which is the issue. It is about the change in the environment, particularly where it affects people's living environment.
- 5.18 In my opinion, those rural-residential properties either directly adjoining or opposite the proposed business zone will experience a fundamentally different type of environment from the environment they currently live in. There will be more traffic, and an increased proportion of that traffic will consist of heavy vehicles. There will be urban built development occurring on land adjacent to their own property, their outlooks will change and they will be aware of new noise effects in the locality. In my opinion these are significant changes to the amenity values of the area and it is appropriate that as part of the mitigation associated with rezoning that a significant buffer or separation is provided. I agree with the findings of the Landscape Report that this

separation should be consistent with what is currently achieved by a 1ha rural-residential property and that this buffer should be planted and maintained in a manner which maintains the potential for an open and attractive outlook.

5.19 Finally, I note that as part of my role in Plan Change 2 was to facilitate consultation with directly affected parties. In the capacity of a planning consultant to Council I visited a number of immediate neighbours to listen to their concerns about the rezoning and to view the plan change site from their properties. I also attended two Open Days hosted by Council which presented some options for rezoning the land and the types of rules that could be applied. I am aware from that consultation that the proposed business zone is a matter of significant concern to a number of close neighbours who are also submitters. In my opinion, the significance of the change and the loss of rural amenity values which would make a buffer width of 75m to 100m more appropriate.

5.20 In respect of the 50m buffer, I am aware that the Report commissioned by Council "The Economic Impacts and Benefits of Industrial Land Development in Ashburton" identified that every ha of industrial land will support, on average, approximately 20 direct jobs in manufacturing with consequential multiplier effects in terms of jobs and business and personal income. This means that any increase in the width of the buffer has a consequential impact, firstly on returns to the developer from land sales, but also potentially from the reduced opportunity to maximise business productivity from the site. This means that there is a judgement to be made balancing economic impacts in relation to the impacts on amenity values in the immediate locality. I will weigh these matters up in discussion under Part II of the Act (see Section 8), however in summary, and on balance, it is my opinion that the buffer should be wider than 50m to mitigate the loss of rural amenity values, but due to economic effects and the loss of multiplier benefits which would be lost to the wider community with a 100m buffer, a width of 75m (with a commitment to establishing a high quality standard of landscape treatment) is appropriate.

5.21 In addition to these matters I refer back to the principles adopted by Council in its Development Plan (see paragraphs 3.9 to 3.16 above). That Plan clearly identifies the need to distinguish urban from rural with a greenbelt edge or

maintenance of open space. Specific reference is made to the establishment of a buffer around the North East Ashburton site with substantial vegetation and open space. In my opinion, a 50m buffer does not achieve the principles or intention of the principles as well as a 100m buffer.

- 5.22 On the basis of the above discussion, I recommend that the buffer width be widened to a minimum of 75m and that those submissions seeking a 300m and 100m buffer be accepted in part and that the submission supporting 50m be rejected.

### **Individual Submissions**

***Note Submission Numbers are those shown in the Summary of Submissions in Appendix 6***

#### **Transit New Zealand (Submission No 10)**

- 5.23 The Transit New Zealand submission opposes Plan Change 2 and identifies key concerns. These are listed as:

- The avoidance or mitigation of effects arising from the increase in traffic entering and exiting the proposed business zone on the Northpark and Works Road intersections with State Highway 1;
- Lack of, and ability of, policy framework, and rules, to expressly recognise and address the effects of the zone on State Highway 1 as part of Plan Change 2;
- Plan Change is not considered to achieve the purpose of the Act; and
- Matters which Transit need to be satisfied of to ensure that the adverse effects of the proposed zone on State Highway 1 are addressed.

- 5.24 Since the closure of the submission period Transit and the Ashburton District Council have worked together to resolve and agree a process for implementing the up-grading of the two intersections. A formal Agreement has now been signed between the two parties and in summary this includes identification of the need for an Implementation Plan, monitoring of the operation of the intersections, the trigger mechanism for the Stage II up-grade and the need for a Funding Plan. This Agreement therefore has the effect of dealing with some matters in the Transit submission. I am not aware that Transit New Zealand has formally withdrawn any parts of its submission

however I will proceed to make some assumptions as to those parts of the submission that would now appear to have been resolved.

- 5.25 Transit seeks that Plan Change 2 is declined unless the issues regarding an appropriate mechanism to address the effects of the proposed zone on State Highway 1 is resolved. Where resolved Transit seeks that a rule is incorporated into the District Plan which addresses the timing and funding of an intersection up-grade.
- 5.26 The matters incorporated into the Agreement have been detailed in the Section 42A report on the Notice of Requirement and includes matters relating to monitoring and identification of the thresholds or triggers at which the Stage II up-grading will occur. An Implementation Plan is to be prepared which includes a Funding Plan. I am assuming that the detail of this Agreement reached with Council satisfactorily addresses timing and funding arrangements and consequently, I am of the opinion that rules are not required for these matters in the District Plan. Should Transit consider rules are still appropriate this will need to be addressed at the hearing with the detail of the wording of the rules presented. On the basis of this discussion I recommend that this part of the Transit submission is rejected.
- 5.27 Transit lists a number of provisions it supports in the Plan Change. These relate to Policy 3.7.3.2, Policies 8 and 9 under 3.7.3.2, Implementation Methods 3.7.3.3, Explanation and Reasons 3.7.3.4 and Assessment Matters 6.6.6.2.17. These submission points (10/3 through to 10/7) are recommended to be accepted.
- 5.28 Further amendments sought by Transit are detailed as follows:

<p><b>Amendment 2 in Transit Submission 9 (Submission Point 10/8)</b></p> <p>Delete Proposed Amendment 4 to 3.7.3.3 Implementation Methods – alterations to the second bullet point. Transit is concerned that the amendment indicates Transit has a role in funding and that the up-upgrades relate to efficiency issues. Transit would prefer that the matter was addressed under safety and accessibility related framework.</p>
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- 5.29 I am supportive of the change on the basis that it better clarifies the purpose of the up-grade. Accordingly, I recommend that this submission point is accepted.

**Amendment 3 in Transit Submission (Submission Point 10/9)**

Include a new policy under 3.7.3.5 – Safety and Accessibility as follows:

*“to provide intersection upgrades of Northpark and Works Road to address the adverse effects of traffic from the North East Ashburton Business Park on the safety and level of service with State Highway 1.”*

**Consideration**

- 5.30 This relief is consequential to Amendment 2 supported above. I am supportive of the intent of the change and the wording suggested. Accordingly, I recommend that this submission point is accepted subject to replacing North East Ashburton Business Park with Business 9.

**Amendment 4 in Transit Submission (Submission Points 10/10, 10/11, 10/12, 10/13, 10/14, 10/15)**

Include new, and amend existing, implementation methods under 3.7.3.7 as follows:

Amend and add:

*“1. As for Objective 1, and the inclusion of rules to:*

*Maintain and fund an appropriate level of service at intersections with State Highway 1 affected by the North East Business Park.*

*3. Through the Council's Annual Planning and LTCCP process:*

*Identify funding for intersection upgrades for Northpark Road and Works Road intersections.*

*4. The use of non-regulatory methods achieve an appropriate level of service at intersections with State Highway 1 affected by the North East Business Park:*

*Through private party agreement regarding appropriate trigger levels for upgrade and funding of Northpark and Works Roads with State Highway 1;*

*Council traffic management plan and monitoring mechanisms.*

**Consideration**

- 5.31 With respect to the first matter, I refer back to my comments in paragraph 5.26 above. The Agreement between ADC and Transit sets out the process whereby the Stage II up-grade will take place. It is not normal District Plan practice to have a rule to “maintain” the level of service at an intersection and it is unclear how a rule can be used in the district plan to fund the up-grade other than financial contributions at the time of development/subdivision for which rules currently exist. Without further clarification from Transit on the

form and nature of such rules I would recommend that the relief sought in relation to point 1 above be rejected.

5.32 The relief sought in relation to point 3 for identification of funding would appear to be redundant if the Agreement between ADC and Transit already requires a funding plan to be prepared. In addition, I note that the District Plan does not go to the level of specifying particular road up-grades to be included in the Annual Plan. It takes a broader approach and already identifies that the Annual Planning process will be used “to maintain and progressively upgrade the roading network throughout the District, to improve traffic safety, efficiency and accessibility.” In my opinion this wording would already encompass the Stage II up-grade due to its generality. Accordingly, I do not see a need to include a new Implementation Method which is specific to a particular up-grade and funding for the up-grade is already addressed through the Agreement. In addition, I note that the funding component is proposed to be addressed by the new Method 4. in the Transit submission. For these reasons I recommend that the relief sought in relation to 3. be rejected.

5.33 With respect to the new method in point 4 in the Transit submission, I consider that this method is helpful and complementary to the existing methods and clearly relates to an alternative method of implementation from those already identified. Accordingly, I recommend that this submission point be accepted, subject to replacing the words “North East Ashburton Business Park” with “Business 9 Zone”.

**Amendments 5 and 6 in Transit Submission (Submission Point 10/16, 10/17, 10/18, 10/19)**

5. Add new policies under 3.8.3.2 – Subdivision Servicing as follows;

*“To ensure that any subdivision in the North East Ashburton Business Park (Business 9 zone) provides a Structure Plan for the area to ensure the internal layout of the zone achieves comprehensive, connected and co-ordinated development and encourages movement from the zone to use appropriate connections to the wider transport network.”*

*“To ensure that any subdivision in the North East Ashburton Business Park 9 Zone is undertaken in general accordance with the Outline Development Plan.”*

**Amendment 6. in Transit Submission**

Add new Implementation Method heading 3.8.3.2(a) and insert the following methods:

*Structure Plan for Business 9 Zone (North East Ashburton Business Park)*

**Consideration**

- 5.34 The submission considers that the policy framework of the Plan should reinforce the Structure Plan and Outline Development Plan as appropriate methods to address effects. A similar worded policy is already proposed in the Business Chapter in the proposed Plan Change. Transit New Zealand however accurately identifies this policy is more concerned with amenity than traffic distribution and function. I generally agree with this submission point and would recommend that it be accepted in part to the extent that the wording is amended by adding the following text underlined and deleting the words “North East Ashburton Business Park”:

*“To ensure that any subdivision in the Business 9 Zone is undertaken in general accordance with the Outline Development Plan except for the buffer which shall conform with the Outline Development Plan.”*

- 5.35 Amendment 6 is a consequential change following acceptance of Amendment 5. I consider Amendment 6 to be appropriate for ensuring that the Plan remains a consistent document but some minor rewording is required to “fit” the Plan e.g., *To require a Structure Plan and Outline Development Plan to be prepared for the Business 9 Zone before development proceeds.*” On the basis of this discussion I recommend that these submission points are accepted.

**Amendment 7 in Transit Submission (Submission Point 10/20, 10/21)**

Under 4.3.3.10 – Maintenance and Consolidation of business Areas, add new Policy 10:

*“To avoid, remedy or mitigate vehicle conflicts, and potential traffic safety and efficiency of the North East Ashburton Business Zone on State Highway 1.”*

**Consideration**

- 5.36 This submission point seeks to add a new policy relating to traffic safety under the objective for Maintenance and Consolidation of Business Activities. In my opinion, the suggested new policy does not fit the intention of the Objective which is concerned with the location and relationship between business zones. I note that objectives and policies in the Transportation

section of the Plan will cover traffic safety and efficiency issues. Accordingly, I recommend that this submission point is rejected.

**Amendment 8 in Transit Submission (Submission Point 10/22, 10/23)**

Add new policies under 4.3.3.10 Maintenance and Consolidation of Business Areas as follows:

*“To ensure that any land use in the North East Ashburton Business Park (Business 9 Zone) provides a Structure Plan for the area to ensure the internal layout of the zone achieves comprehensive, connected and co-ordinated development, and encourages movement from the zone to use appropriate connections to the wider transport network”.*

*“To ensure that any land use in the North East Ashburton Business Park (Business 9 Zone) is undertaken in general accordance with the Outline Development Plan.”*

**Consideration**

- 5.37 Amendment 8 in the Transit submission seeks to add policies relating to the Structure Plan and Outline Development Plan under the objective for Maintenance and Consolidation of Business Zones. In my opinion this is not the best location for these policies as the Structure Plan and Outline Development Plan are not concerned with the concepts of maintenance or consolidation but with addressing environmental effects in a coordinated manner. I have supported the inclusion of these policies in the subdivision chapter of the District Plan (amendments 5 and 6 of the Transit submission) and I note that policies are already proposed in the Plan Change for the Business Chapter under the objectives relating to Amenity Within and Adjoining Business Areas. In my opinion, the matters are adequately covered by the District Plan, with the exception that the policy addition to 4.3.3.6 Amenity of Areas Adjoining Business Areas does not specifically mention the Outline Development Plan. In my opinion, the policy suggested above by Transit in relation to the Outline Development Plan would fit more comfortably under this policy. Accordingly, I recommend that the above submission points are rejected (in relation to the first policy request) and accepted in part, to the extent that the second policy is added under 4.3.3.6 rather than 4.3.3.10.

**Amendment 9 in Transit Submission (Submission Point 10/24)**

Amend proposed rule 6.6.5.1.9(d) – Business 9 Zone

*“No allotment shall have direct access to Company Road, all access to the zone is to be via the three main access points that are in general accordance with the*

*Outline Development Plan in 7.7.12 (Refer Zone Standard 7.7.6.2.10 – Company Road Access)*

Add the following explanation:

*“The North East Ashburton Business Park will have three main access points to the zone as identified in the Outline Development Plan in Zone Standard 7.7.12. All subdivision must connect via internal roads to access the three main accesses to the zone. These accesses ensure appropriate transport distribution to the external transport network.”*

### **Consideration**

5.38 The proposed rule currently reads as “No allotment shall be created in the Business 9 Zone where vehicle access is limited to Company Road (see Zone Standard 7.7.5.2.10 Company Road Access).” I am generally supportive of changing the text suggested by Transit in that it assists in interpretation and administration of the District Plan. Other proposed rules already require the position of external access points to the zone to be in accordance with the Outline Development Plan however the suggested new wording further emphasises that position, and could be strengthened to say “access to be the zone is to be limited to the three main access points”. It is however necessary that wording is retained which shows the rule applies to sites in the Business 9 Zone and I would not support the use of the word “in general accordance”. Compliance with a rule must be certain and the wording is more appropriate for a condition of consent. The explanation suggested is essentially a consequential change and would need to be added to the Reasons for Rules (6.6.7.20 Business 9 Zone).

5.39 I recommend that the above submission from Transit New Zealand is accepted in part to read as follows:

*“No allotment shall be created in the Business 9 Zone which has direct access to Company Road. All access to the Business 9 zone shall be limited to the three main access points in 7.7.12 Outline Development Plan.”*

### **Explanation**

*“The Business 9 Zone will have three main access points as identified in 7.7.12 Outline Development Plan. All subdivision must connect via internal roads to access these three main accesses to the zone. These access points ensure appropriate transport distribution to the external transport network.”*

**Amendment 10. in Transit Submission(Submission Point 10/25)**

Add new assessment criteria for 6.6.6.2.3 – Roading, Access and Vehicle Crossings:

*“w) In the case of access to any subdivision in the Business 9 Zone, the effects of the traffic generated by a subdivision on the Works Road/State Highway 1 and Northpark Road/ State Highway 1 intersections and the need for a financial contribution toward the intersections to mitigate the effects of subdivision”.*

**Consideration**

- 5.40 This is a new clause but consistent with Transit’s concerns regarding funding. I am supportive of the clause as an assessment matter to be considered at the time of subdivision. I do note however that it may be difficult to make use of the clause when it is the activity which generates traffic as distinct from the subdivision, and the activity may not be known at the time of subdivision.
- 5.41 I recommend that the submission point above is accepted.

**Amendment 11 in Transit Submission (Submission Point 10/26)**

Amend proposed Reasons (amendment 21 in Plan Change) for Rules in 6.6.7.20 to read:

*“The Business 9 Zone represents an extension of the urban...The layout of roading, activities, landscape treatments and connections, pedestrian and cyclists, are therefore of importance to ensuring adverse effects on surrounding areas, and traffic distributions on roading safety and hierarchy. are avoided, remedied or mitigated.*

**Consideration**

- 5.42 The above submission point is considered appropriate to ensure that the District Plan is clear and consistent in its administration. Accordingly, the submission point is recommended to be accepted.

**Amendment 12 in Transit Submission (Submission Point 10/27)**

Add an additional bullet point to proposed 7.7.2 “Environmental Results Anticipated” as follows:

*“A Business 9 Zone which addresses the adverse effects of traffic by:*  
*Ensuring appropriate up-grades to the Northpark and Works Road intersections with State Highway 1 to ensure safety and appropriate level of service at those intersections; and*  
*Ensuring the layout of the zone through the use of Structure Plan and Outline*

*Development Plan.”*

**Consideration**

- 5.43 In my opinion, the second bullet point is appropriate and would assist in demonstrating how adverse effects arising from the zone are proposed to be addressed. However, I am not sure that the first bullet point is achieved or addressed by the Business 9 Zone. The up-grades are to be “ensured” or addressed by the Agreement between ADC and Transit and the Notice of Requirement for designation of land. A bullet point which related to the complementary nature and combined effectiveness of the designation and the Agreement would be more accurate. If alternative wording is supported I would recommend words similar to the following:
- 5.44 *“Appropriate up-grades to the Northpark and Works Road intersections with State Highway 1 achieved through the designation of land and non-regulatory methods to ensure the safety and appropriate level of service at those intersections from traffic generated by the Business 9 Zone. “Or alternatively, the same outcome could be achieved by simply deleting the first line “A Business 9 Zone which addresses the adverse effects of traffic” and leaving the two bullet points to stand for themselves, with the minor amendment of adding “Business 9” before the word “zone” in the second bullet.*
- 5.45 Accordingly, I recommend that the above submission is accepted in part to the extent that the wording is better refined to avoid suggestion that the rules of the Business 9 Zone achieve the Stage II up-grade.

**Amendment 13 in Transit Submission (Submission Point 10/28)**

Reword proposed Rule 7.7.5.2.10 – Company Road Access:

*“No activity or site in the Business 9 Zone shall have a vehicle crossing or direct access to Company Road.”*

**Consideration**

- 5.46 The relief sought assists in clarifying the intention of the rule. Accordingly, the submission point is recommended to be accepted.

**Amendment 14 in Transit Submission (Submission Point 10/29)**

Insert a rule that requires compliance with Structure Plan in the Business Zone rules

as follows:

*“Compliance with Rule 6.6.5.19(b)”*

### **Consideration**

- 5.47 Transit is concerned that a sufficiently large land use could establish without the need for subdivision and fail to comply with the structure plan requirements.
- 5.48 I note that the Plan Change already requires, as a zone standard, that no activity can take place except in accordance with the Outline Development Plan and only after the 50m buffer and central open space have been implemented. It is theoretically possible that an activity could proceed without subdivision and avoid the need to prepare a Structure Plan. However, the buffer and central open space would have to be defined and planted which would require the preparation of plans for Council approval. It is therefore unlikely that a developer would have been through the process of implementing the landscape plans for the buffer and central open space without having surveyed the buffer line and going through some form of subdivision.
- 5.49 On this basis I recommend that the suggested rule is rejected.

### **Amendment 15 in Transit Submission (Submission Point 10/30, 10/31)**

Add to proposed Clauses under “Form” for proposed 7.10.7.23 as follows:

*“The Outline Development Plan also provides for three main road connections to the zone to ensure that traffic dispersed appropriately onto the wider roading network.”*

*“The Outline Development Plan also provides an indicative roading layout to ensure easy access to all three main road connections to the zone”.*

### **Consideration**

- 5.50 The suggested clauses are accepted as assisting in achievement of consistent interpretation and administration of the District Plan. Accordingly, I recommend that the submission points are accepted subject to rewording consistent with the District Plan as the submission point has mixed “Form”, “Purpose” and “Reason” (see change 64 in the up-dated Plan Change document in Appendix 1).

**Amendment 16 of Transit Submission (Submission Point 10/32, 10/33)**

Amend Outline Development Plan referred to in 7.7.12 to:

Clearly identify three roading connections to Company, Northpark and Works Road; and

Identify a skeleton roading network connecting the zone with Company Road, Works Road and Northpark Road.

**Consideration**

- 5.51 I support the first bullet point in the relief sought as the Outline Development Plan is not as clear as it should be in relation to the road connections. I do not however accept the second bullet point asking for identification of an internal skeleton roading network. There could be more than one option for an internal road network which could join up with the external access points (with curved alignments as required for Northpark and Works Roads). Accordingly, I recommend that the first bullet point is accepted and the second bullet point is rejected.

**Rodger Bradford and Others (Submission No 8)**

- 5.52 The submission of Bradford and Others seeks that Council confirm that full turning facilities will be retained at the Northpark/Bremners intersection. I refer to the attached Transportation Report prepared by Traffic Design Group in Appendix 4. I understand that the ability to turn in either direction at the Northpark/Bremners intersection has been retained and on this basis I recommend that the submission point be accepted.
- 5.53 The submission then goes on to seek the following relief:

**Submission Point 8/2**

That sensitivity testing be undertaken of the assumptions used in the traffic distribution calculations reported in the traffic assessments accompanying the application to property ascertain the effects of increased traffic flows along both the Chalmers Avenue/Bridge Street/Seafield Road/Company Road route and the Bremners Road route to and from the Plan Change site. The results of this analysis are to be made publicly available prior to any decision-making processes on the PC application proceeding.

**Consideration**

- 5.54 I refer to the Section 42A report for the Notice of Requirement. The alternatives considered in the Notice of Requirement for the Stage II up-grade

do not include a roundabout. I am unsure as to why the District Council has not investigated this option. It would appear that the two roading authorities have already formed a view, now the basis of an Agreement, that a grade separated interchange is the most efficient and safe option. I note however, that the Agreement does not discount an alternative intersection design, but I am unsure as to whether the area of land to be designated would enable a roundabout to be built if this were found to be a better option. Further information on this matter would be of assistance at the hearing. On the basis that the two roading authorities have signed an Agreement committing to the grade-separated interchange, I recommend that this submission point is rejected.

**Submission Point 8/3**

That the Council commit to the upgrading of Bremners Road as the staged development of the Plan Change site progresses to ensure that a suitable level of service and road safety is maintained along the road.

**Consideration**

- 5.55 This submission point is opposed by DF and IA Keenan who consider that Bremners Road be retained for walkers, cyclists and private vehicles only, and also by BR Graham who seeks that heavy vehicles be denied use of Bremners Road to access the business zone.
- 5.56 I understand that Council has already made budget provision to up-grade Bremners Road in 2007/08 in the Long Term Council Community Plan (LTCCP). This is not to suggest that further up-grades may not be required in the future, however Council can provide for this process through the LTCCP as for other road works. On this basis, I recommend that the submission point is accepted in part, to the extent that up-grading has already made some commitment and that the further submission is rejected.

**Submission Point 8/4**

That the landscape buffer along the eastern side of the PC site be increased in width to a minimum of 100 metres

**Consideration**

- 5.57 This is a matter of several submission points and is discussed in paragraphs 5.12 to 5.22.

#### **Rural Transport Limited (Submission No. 4)**

5.58 Rural Transport Limited (RTL) has lodged a submission supporting Plan Change 2 subject to the following:

- That subsequent intersection upgrade works retain right turn movements from North Park Road onto SH1; and
- That subsequent intersection upgrade works provide suitable heavy goods vehicle access for the operation of the proposed transport yard on Lot 1 DP352761.

5.59 This submission is opposed by BR Graham who seeks that Rural Transport Ltd be denied access to Northpark Road and Bremners Road, and that no Stage II up-grading occur at the State Highway intersection.

5.60 These matters have all been considered in the report on the Notice of Requirement and are also covered in the attached Transportation Report in Appendix 4. I understand that the right turn movement is preserved onto State Highway 1 and that heavy goods vehicle access is able to be achieved in relation to this property.

5.61 On this basis, I recommend that the submission of Rural Transport Ltd is accepted and that the further submitter in opposition is rejected.

#### **Quantock (With Support From Others) (Submission No 5)**

5.62 The submission from BW and NE Quantock states that it supports the Plan Change subject to a number of conditions. These conditions include the following:

**Submission Point 5/1**

That Tait's Road does not become a through-road with access to the proposed industrial area, and that it remains a cul-de-sac.

#### **Consideration**

5.63 I note that the Plan Change makes vehicle access to the Business 9 Zone from Tait's Road a prohibited activity. This status means that no application can be made for such access. Accordingly, I recommend that the submission point is accepted.

**Submission Point 5/2**

That the proposed buffer zone between the existing rural residential area and the proposed industrial area be established to the maximum width (up to 300 metres) as discussed at the public meetings

**Consideration**

- 5.64 This is a matter of several submission points and is discussed in paragraphs 5.12 to 5.22 and is accepted in part.

**Submission Point 5/3**

That the area between Northpark Road, the proposed new access road, and the northern corner of the existing Rural Residential area be retained as a Reserve in perpetuity.

**Consideration**

- 5.65 The proposed buffer is to be vested in Council as reserve and such status is not normally reversed without ministerial approval following a statutory process. I note that the proposed buffer however may not accommodate the full area described by the submitters, which I have read to understand as the full depth of the area from the Rural-Residential Zone boundary to the location of the internal road. On this basis, I recommend that this submission point is accepted in part.

**Submission Points 5/4 to 5/6**

That the following activities be barred from a further 200 metre quietness zone of the proposed industrial area (inside the buffer zone):

- The operation of coolstores or similar activities (e.g. grain-drying) which may create noise throughout the night
- The operation of any industrial activity outside normal business hours and days
- That no building be permitted to exceed 10 metres in overall height.

**Consideration**

- 5.66 I refer to the report of Marshall Day attached as Appendix 3 to this report. This report concludes that the combined effect of the buffer and rules applying to activities within the proposed Business 9 Zone will ensure that potential adverse noise effects are satisfactorily mitigated.

- 5.67 I note also that the Plan Change already establishes a site standard of 10m for the height of buildings.
- 5.68 On the basis of the above, I recommend that the submission points concerned are accepted in part except that the limitation on hours and days which I recommend is to be rejected. The hours of operation are to be controlled by the noise standards which may permit some activities to be conducted through the night or on weekends.

**RG Dunbar (Submission No. 17)**

- 5.69 A submission from RG Dunbar supports the provisions of the Quantock submission. If the 300m buffer is rejected, Mr Dunbar requests that the minimum buffer provided be 75 to 100m wide. On the basis of the discussion above in paragraphs 5.12 to 5.22 under I recommend that the submission points related to the Quantock submission and the buffer be accepted in part.
- 5.70 In addition to the above, Mr Dunbar seeks that local residents be allowed, and provision made, to connect to publicly funded sewerage and reticulated water schemes. I note that matters related to water and sewerage connections lie outside the District Plan provisions and if found to have merit would be implemented or facilitated by Council through other mechanisms under the Local Government Act. Accordingly, this submission point is rejected on the basis that it cannot be addressed through the District Plan.

**K Dunn (Submission No. 18)**

- 5.71 This submission seeks that property owners on Company Road obtain access to the Council's water and sewerage system and that property owners are able to notify the Council of their wish to connect while work is in progress so that subsidiary pipes can be put in place.
- 5.72 As described above in paragraph 5.70 connections to water and sewerage services is a matter that lies outside the District Plan and if found to have merit would be implemented or facilitated by Council through other mechanisms. Accordingly, this submission point is rejected on the basis that it cannot be addressed through the District Plan.

### **DF and IA Keenan (Submission No15)**

- 5.73 The Keenan submission seeks in the first instance that Plan Change 2 is abandoned. If the Plan Change does proceed the submitters seek that Works Road be the only commercial vehicle access to the new zone. These matters have already been discussed in paragraphs 5.1 to 5.7 and the submission points recommended to be rejected.
- 5.74 The final submission point raised by the Keenan submission seeks that Bremners Road be used as a cycle route. This has been supported by RB Graham who wishes to prohibit heavy vehicles from Bremners Road, but opposed by Rodger Bradford and Others who would like the Council to commit to up-grading of Bremners Road as staged development of the new business zone occurs. I refer to the Transportation Report in Appendix 4 and understand the use of Bremners Road as a cycleway is not accepted for transportation purposes. Accordingly, I recommend that this submission point is rejected.

### **WG and MD Oakden (Submission No 20)**

- 5.75 The submitters seek the imposition of conditions to avoid, remedy or mitigate adverse effects on the environment. This is a very general submission, and on the basis that the Plan Change includes rules and provisions such as the Structure Plan, Outline Development Plan, buffer etc, I would assume that the relief sought by the submitters is provided for. It is not clear from the submission if these provisions are adequate or satisfactory from their perspective. Consequently, I recommend that the submission is accepted in part to the extent that the Plan Change incorporates provisions that avoid, remedy and mitigate potential adverse environmental effects.

### **Environment Canterbury (Submission No 6)**

- 5.76 Environment Canterbury has submitted in support for provisions in the Plan Change which address transport linkages, infrastructure improvements to increase road safety and efficiency, the proposed railway siding, and recognition of walking and cycling as transportation choices. The submission also notes support for the strategic planning approach adopted, through the requirement to produce a Structure Plan based on an Outline Development Plan.

- 5.77 The submission is however opposed to a number of other matters and seeks that the change, as proposed, be adopted with amendments to incorporate the following additional matters:

**Submission Point 6/2**

Specific provisions to require the underground reticulation of services to and within the Business 9 zone, including reticulated water supply, sewage, stormwater, power and telecommunications

**Consideration**

- 5.78 The Subdivision rules of the District Plan already require that all new allotments in Business Zones be provided with a reticulated water supply, a piped sewage outfall, and an underground electricity supply and telecommunication connection at the boundary of each property. Electricity supply to individual lots within the zone is to be underground as are reticulated water and sewerage infrastructure. Electricity Ashburton has lodged a further submission in opposition on the grounds that the existing District Plan rules already require underground servicing. I agree with the further submitter on this point in relation to water and sewerage and electricity. Electricity Ashburton is also concerned that the relief sought by Environment Canterbury covers services “to” the zone and notes that underground supply would have to cross rural areas to connect the new zone. Electricity Ashburton is seeking to provide an above-ground 66kV sub-transmission line through the zone. It is my understanding that to date Electricity Ashburton has not reached agreement with the Council to secure a corridor through the Business 9 Zone for this line and consequently it is likely to remain within the state highway road reserve.
- 5.79 This submission is supported in part by a further submission from Southmark Horticulture Limited. This further submitter is concerned that further consideration is given to the impact of the new zone on existing infrastructure and in particular if there is adequate capacity in the system. From discussion with Council’s Asset Manager I understand that the system does have capacity.
- 5.80 I understand that Opus Consultants Ltd has developed a stormwater disposal plan for the site and this may be detailed at the hearing. The Council’s Asset Manager provided verbal advice that the Council intends to manage

stormwater on the site in accordance with Environment Canterbury's Natural Resources Regional Plan.

- 5.81 On the basis that the stormwater disposal methods are still to be detailed by Council, I recommend that the submission point be accepted in part only, on the basis that existing rules are already in place for reticulation of water and sewage. The further submission of Electricity Ashburton is recommended to be accepted in part to the extent that undergrounding of electricity to the zone is not a requirement of the District Plan where it involves crossing rural zoned land. The further submission of Southmark Horticulture Ltd is recommended to be rejected.

**Submission Point 6/3**

Specific controls to manage construction effects within the Business 9 zone (including noise, dust, site remediation, and other discharges)

**Consideration**

- 5.82 The submission is not particular as to the types of controls that Environment Canterbury is seeking to incorporate into the District Plan, e.g., specific site or zone standards applied to construction or a cross-reference to the New Zealand Standard for Construction Activities. I have sought clarification from the Council's Asset Manager who has confirmed that construction is to be undertaken in accordance with best practice. I note that developments of large projects are often undertaken in accordance with Construction Management Plans developed for that particular site and that these documents sit outside the District Plan rule structure. Without further information on the preferred mechanism sought by Environment Canterbury, I recommend that the submission point is rejected.

**Submission Point 6/4**

The incorporation of advisory notes within the controls to inform of the need to consider and comply with Regional Council controls for activities where discharges may occur (including storm water, works affecting surface or groundwater, and where hazardous substances are present)

**Consideration**

- 5.83 The introduction of advisory notes or references to other consents that may be required is a matter that would apply generally to all development

throughout the district and not just the Business 9 Zone. It is possible to add a general statement at the front of Chapter 6.6 Subdivision and Financial Contribution Rules and Chapter 6.8 Hazardous Substances Rules with wording along the following lines:

***To be inserted at start of Chapter 6.6. Subdivision as a Note***

*In addition to compliance with the provisions of the District Plan for subdivision and land use development, compliance is also required with Environment Canterbury plans and rules for activities where discharges may occur, including storm water and works affecting surface or groundwater.”*

***To be inserted at start of Chapter 6.8 Hazardous Substances as a Note***

*In addition to compliance with the Hazardous Substances rules of the District Plan, activities involving hazardous substances will also need to comply with Environment Canterbury plans and rules for hazardous substances.”*

- 5.84 On the basis that similar suitable wording can be inserted to meet this submission, it is recommended that the submission point is accepted.

**CMP Canterbury Ltd (Submission No 11)**

- 5.85 The submitter seeks to retain right hand turns from its Ashcold site onto Northpark Road. This submission has been opposed by two further submitters (DF and IA Keenan and BR Graham) who seek to keep heavy vehicles off local roads such as Bremners and Northpark Roads.

- 5.86 This matter has been addressed in the Section 42A report on the Notice of Requirement. I refer to the Transportation Report attached as Appendix 4 to this report, and understand that right hand turns will continue to be accommodated with the development of the Business 9 Zone and any up-grades to Northpark Road and its State Highway intersection.

- 5.87 Accordingly, I recommend that the submission of CMP is accepted and the further submitters are rejected.

**Property Manager Ashburton District Council (Submission No 9)**

- 5.88 A submission has been lodged by the Council’s Property Manager supporting the proposed Plan Change but seeking to make a number of amendments to the provisions as follows:

### **Submission Points 9/1 and 9/2**

Amend PC2 proposed Zone Standard 7.7.5.2.5 to exclude the Business 9 zone and remain as it is at present

Amend 7.7.4.3 Discretionary Activities to include the following activities as discretionary activities within Area 2 of the Business 9 Zone:

- processes requiring offensive trade licenses under the Health Act 1956
- the manufacture and processing of chemical fertilisers
- fish curing, cleaning, treatment, preserving and storing
- cement and concrete products
- hot-mix asphalt paving manufacture
- glass or fibre-glass manufacture
- wood-pulp manufacture and processing
- foundry processes, electro-plating works, melting of metals, steel manufacture and galvanising
- natural gas, oil or petroleum distillation or refining
- timber treatment
- wool scouring
- auto dismantling

### **Consideration**

- 5.89 The District Plan has an existing list of “offensive processes”. As a Zone Standard, any of these processes would be a Non-Complying Activity in the Business 1, 2, 3, 4 or 8 Zones and a Discretionary Activity in the Business 5 Zone (being areas of medium to heavy industrial activity).
- 5.90 Under proposed Plan Change 2 the Business 9 Zone has been added to the list of zones in which an offensive process would be a non-complying activity. The Property Manager is concerned that this may prove a limitation to some of the activities which may wish to locate within the Business 9 Zone.
- 5.91 I note that the Business 9 Zone is divided into two areas. Area 1 is limited to offices, commercial and service activities, while Area 2 is intended to provide for a fuller range of industrial activities in that area of the zone with greatest separation from the rural-residential zone. The range of permitted activities in Area 2 does generally accord with the existing Business 5 Zone and for this reason I recommend that the submission points which seek to make the list of Offensive Processes a discretionary activity rather than a Non-Complying Activity be accepted.

**Submission Point 9/3**

Amend new Zone Standard 7.7.5.2.10 to provide appropriate provision for the internal subdivision road linking to Company Road

**Consideration**

- 5.92 The new Zone Standard 7.7.5.2.10 (Company Road access) states that “No activity or site in the Business 9 Zone shall have a vehicle crossing or vehicle access to Company Road”. It is understood that the Property Manager supports that individual allotments should not have individual crossings or access to Company Road but is concerned that the rule and the Outline Plan clearly anticipate a connecting road. I agree that it is appropriate to clarify the intent of Plan Change 2 and recommend that the submission is accepted with wording along the lines of the following:

*“No activity or site in the Business 9 Zone shall have a vehicle crossing or direct (added by Transit submission) access to Company Road. (Note – this rule does not affect or remove the provision of a single road connection from the Business 9 Zone with Company Road as provided for in 7.7.12 the Outline Development Plan for the Business 9 Zone).”*

**Submission Point 9/4**

Amend the Landscape, Cycle and Walk Way Breaks section of elements to be included in the Structure Plan to clarify the requirements of the 4 precincts or quadrant requirements

**Consideration**

- 5.93 My interpretation of this submission point is that the Structure Plan requirement, assessment matter and the cross-sections referred to are not consistently referenced between all of the relevant district plan clauses. If this interpretation is not correct the submitter will need to clarify their concerns at the hearing.
- 5.94 I would agree that the provisions do need to be clearly referenced with consistent language. It is intended that the quadrant breaks encompass:
- 20m width of open space;
  - The open space is vested as either road, reserve or a combination of;
  - Where the break is not composed of a road, it should adjoin a road on one side;
  - The break should incorporate a cycle or walkway;

- The break should include large tree planting

5.95 Cross-sections A and B1 reflect two scenarios, however cross section B2 is not consistent with the requirement to adjoin a road. Accordingly, it is agreed that this cross-section should be deleted and the submission point accepted.

**Submission Point 9/5**

Amend 6.6.5.2.2 Roading, Access and Vehicle Crossings Roading Standards by amending the table as follows:

The maximum road width should be amended from 24m to be 30m

**Consideration**

5.96 The submission seeks additional road width to accommodate the requirements for cycle and walkways and large road berms for tree plantings. Taking into account the need for some roads within the zone to provide for heavy vehicles and Council's desire to take responsibility for all amenity planting within the road reserve, as distinct from planting on individual properties, I accept that a wider road reserve may be practicable. Accordingly, I recommend that the submission point is accepted.

**Submission Points 9/6, 9/7 and 9/8**

Amend Business 9 Zone Section A within PC2 to reflect a 30m-road reserve *maximum* as opposed to minimum.

Amend new Assessment Matter 6.6.6.2.17 (a) and (b) as follows:

- (a) The extent to which the proposed road reserve will provide sufficient area for street planting, walk and cycle ways consistent with the road reserve cross section for the Business 9 Zone
- (b) The extent to which the proposed street planting will be consistent with the road reserve cross section....enhanced street amenity

**Consideration**

5.97 These submission points are seeking to clarify that the Assessment Matter is concerned with the road reserve and not the entire cross section included in the diagram which includes private allotments. I consider these amendments will assist the administration and consistency of the district plan and accordingly, recommend that the submission points are accepted.

**Submission Point 9/9**

Ensure that cyclist and pedestrian safety is not compromised with the provision of

landscaping or trees within the Business 9 Zone

### **Consideration**

- 5.98 This submission point is concerned that cross sections B1 and B2 show large trees on either side of the road and that this may compromise road safety or the safety of cyclists and pedestrians. I note that the cross sections are assessment matters as distinct from rules and it is not anticipated that all development would conform exactly with the image shown. The rule requires planting using large tree species.
- 5.99 To avoid confusion or concern this matter could be addressed by removing the trees shown on one side of the road in the cross-sections (noting that cross section B2 is recommended to be deleted). Accordingly, I recommend that the submission point is accepted to the extent that the cross-section can be amended to address the Property Manager's concern.

### **Submission Point 9/10**

New Rule 6.6.5.19 (b) requiring a Structure Plan lodged with the Council indicating the provision of a buffer of 50m in width shall remain unchanged in the Plan Change

### **Consideration**

- 5.100 This submission point is considered in conjunction with other submission points on the buffer in paragraphs 5.12 to 5.22.

### **Electricity Ashburton (Submission No 19)**

- 5.101 A submission has been lodged by Electricity Ashburton seeking "an amendment to the rezoning of the industrial park land to have as a permitted activity the construction, operation and maintenance of an overhead 66kV electricity sub-transmission line within a designated corridor. This corridor would be shown on the planning maps."
- 5.102 I note that the District Plan already provides for transformers and lines for conveying electricity at a voltage up to and including 110kV with a design capacity up to and including 100MVA per circuit; and associated support structures including towers, masts and poles, as a permitted activity subject to meeting site standards. The site standards require all lines to be underground in Business Zones. The proposed 66kV sub-transmission line is therefore required to be under-ground in order to be a permitted activity. To alter this

status would, in my opinion, be appropriately accommodated by an amendment to the Utilities rules (as distinct from an enabling provision added to the Business 9 Zone).

5.103 The securing of the land in a form of a corridor through the zone is a matter for negotiation between Council and Electricity Ashburton. As noted in the Section 42A report on the Notice of Requirement, if this option is not successful, Electricity Ashburton would need to maintain a route along the State Highway or negotiate with the New Zealand Railways Corporation or seek a resource consent for the overhead line. The submission states that it is likely that the current route along the highway would be maintained if this submission is not accepted.

5.104 In my opinion, the submission is not clear as to why the rules for undergrounding of lines should be changed for this specific sub-transmission line. The submission does not provide sufficient certainty to Council that environmental effects have been addressed or that the proposal is so unique or unusual that an exception to the rules should be provided. The submission states that the chance of successfully applying for resource consent to build the line after rezoning are considered to be slim. I would consider a resource consent to be the most efficient mechanism to obtain an overhead line however I accept that once individual owners have purchased land within the zone it may be hard to obtain consent.

5.105 On the basis of the above discussion I recommend that the submission of Electricity Ashburton to provide for an overhead line through the Business 9 Zone be rejected, unless further compelling evidence in relation to the environmental effects of such a line or unique circumstances are able to be presented at the hearing.

**New Zealand Railways Corporation Ltd – prepared by On Track (Submission No7)**

5.106 The submission of New Zealand Railways Corporation Ltd is supportive of the provisions made for rail activities within a defined area in the new zone. The submitter is however concerned that the plan change has defined rail activities too narrowly to just loading and unloading. The submission notes that activities would include freight storage and consolidation as well as network maintenance. On this basis the submission seeks the replacement of

the words ‘rail siding and loading facility’ where it is used throughout the zone with a wider definition of rail operations. I would generally agree with this submission. In making provision for a future rail handling facility it would be inappropriate to encourage the relocation of rail out of town only to find it is too restricted to accommodate future needs. I have participated in a discussion between On Track representatives and Marshall Day to discuss and confirm a more appropriate definition of what future rail operations may involve at the new business zone. It was important for Marshall Day to be part of this discussion to ensure that the noise effects from the anticipated range of activities were identified.

5.107 The new definition of rail operations to be recommended is derived from the relief sought in the submission with some minor adjustment as follows. A consequential change to the proposed rules as a result of this amended definition has been recommended in the Noise Report attached as Appendix 3. This consequential amendment is to require a layout plan at the time a rail activity is established to ensure that activities more likely to generate noise effects are located further away from the sensitive Rural-Residential area (see underlined text below):

*“Activities within the Rails Operations Area shall be limited to:*

- *the storage, consolidation, loading and unloading of goods for transport and distribution;*
- *freight logistics;*
- *customer operations; and*
- *the maintenance of locomotives, trains and network infrastructure.*

*No Rail Operations Activities (as defined above) shall be established or operated in the Business 9 Zone until such time as:*

*-a 5m acoustic barrier is established within the boundary of the Rail Operations Area, immediately surrounding the area to be used; and*

*- a layout plan for the Rail Operations Area is submitted which shows the proposed locations for the various activities; and*

*-a report from an acoustic engineer is received by Council, confirming that the length and position of the acoustic barrier, is appropriate to mitigate the noise effects of the Rail Operations Activities and ensure that the Business 9 noise standards will be achieved.”*

#### **Submission Points 7/1 to 7/12**

These submission points all seek replacement of existing wording which refers to rail storage and loading to the preferred “rail operations”. These changes are

detailed in the submission and the summary of submissions.

### Consideration

- 5.108 In my opinion, this amendment to the text will provide greater clarity as to the nature of anticipated activities and ensure that the District Plan is consistent for administrative purposes. All of the text changes sought in submission points 7/1 to 7/12 are recommended to be accepted.

#### Submission Point 7/13

ONTRACK seeks for Council to insert a clause into 4.3.3.6 Policies recognising the impact North East Ashburton Business Park will have on level crossing safety particularly given the increase in daily traffic crossing the railway

### Consideration

- 5.109 The Proposed Plan Change amends an existing Policy 2 (under 4.3.3.6) (see Amendment 15 in the Plan Change) to read as follows:

*“To avoid, remedy or mitigate vehicle conflicts, and potential traffic safety and efficiency, with regard to business activities along, and connecting to, State Highway 1.”*

- 5.110 The On Track submission seeks to gain similar policy recognition for rail crossing safety with respect to the proposed new zone. This request is supported as appropriate, having regard to the need to protect the efficiency and function of the rail corridor and the safety of the community. It is also consistent with the recognition given to potential conflicts and safety issues associated with state highway intersections.

- 5.111 Accordingly, it is recommended that the submission is accepted with a new policy to be added to 4.3.3.6 as follows:

*“To avoid, remedy or mitigate vehicle and pedestrian conflicts at the rail crossings on Northpark and Works Roads with respect to access to the Business 9 Zone.”*

#### Submission Point 7/14

Insert the following rule 6.6.5.1.9 Business Zone Landscape Treatment Buffer *“the alignment of cycle ways and walkways shall demonstrate regard for rail safety”*

### **Consideration**

- 5.112 This submission point seeks to add a clause requiring the impact of cycle and walkways on rail safety, at the time that the Structure Plan is prepared for the Business 9 Zone (see amendment 18 in the Plan Change document).
- 5.113 In my opinion the inclusion of this requirement would provide a useful reminder or alert at the time the Structure Plan is prepared to have regard to the importance of rail safety and potential conflicts between walkers, cyclists and railway lines. The submission is therefore recommended to be accepted with the addition of a further bullet point under 6.6.5.1.9 Business 9 Zone, Landscape, Cycle and Walk Way Breaks.

#### **Submission Points 7/15 to 7/18**

To amend the Proposed Plan Change 2 to remove the requirement for individual owners to submit a development structure plan once the Business 9 Zone is established.

Council needs to give consideration to trespass and rail safety within Proposed Plan Change 2, specifically with regard to the location of cycle and walk ways.

Undertake consultation with ONTRACK over the impact the NEABP will have on both Northpark Road and Works Road level crossings.

Council should investigate upgrading both Northpark and Works Road crossings accordingly.

### **Consideration**

- 5.114 These submission points have been withdrawn by On Track in a letter dated 30 April 2007. It is understood that Council and the New Zealand Railways Corporation have now entered a Deed of Grant which addresses some of these matters and New Zealand Railways acknowledges that the process of Structure Plan approval prior to subdivision approval will ensure that concerns about rail safety and pedestrian/cycle access can be satisfactorily addressed.

## **6.0 PART 6: STATUTORY REVIEW**

### **Consistency with Regional Policy Statement and District Plan Objectives and Policies**

- 6.1 I refer to the Section 32 Report and its analysis of conformity with Regional Policy and District Plan objectives in relation to settlement and transport. A further review of conformity with transportation objectives and policies at a regional and district level has been undertaken in the Transportation Report attached in Appendix 4. I do not intend to repeat these assessments, however

I conclude for completeness that I consider the proposed new zone to conform with these objectives and acknowledge that new district plan policies have been required to link the new zone and its associated provisions with the existing objectives. These have been further refined through submissions.

- 6.2 Accordingly, I am of the opinion that the proposed Plan Change assists Council in fulfilling its duty under Section 31 of the Resource Management Act to establish and implement objectives, policies, and methods to achieve integrated management of the effects of use and development in Ashburton District.

## **Part II**

- 6.3 As a final consideration, I shall consider proposed Plan Change 2 in the context of Part II of the Act.

- 6.4 Part 2 of the Act is concerned that use, development and protection of natural and physical resources is managed in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

- 6.5 In my opinion, there are no Matters of National Importance applicable to this plan change. I do however, consider the following Other Matters from Section 7, of the Act to be relevant to Plan Change 2. Particular regard must be given to these matters:

- (a) The efficient use and development of natural and physical resources
- (b) The maintenance and enhancement of amenity values
- (c) Maintenance and enhancement of the quality of the environment

- 6.6 Amenity values are described in the Resource Management Act as:

*“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.”*

- 6.7 In summary, I am satisfied that the proposed Plan Change is necessary to enable further land to be made available for business and industrial activities in Ashburton District. The site proposed to be rezoned has strategic advantages in relation to the transportation network and sufficient land area to accommodate future growth for a number of years. The zoning is therefore important for the community in terms of its economic wellbeing.
- 6.8 In terms of considering Section 7 matters I am however of the opinion that there is a tension or conflict with the proposed zone provisions between mitigation of effects on amenity values and the efficient use of natural and physical resources. I refer back to my paragraphs 5.12 to 5.22 in the discussion relating to the buffer. In that discussion I highlighted my concerns that the proposed zone change would result in a significant change to the amenity values of the locality. The provision of a buffer is an important component in the mitigation “package” which is required to address the loss of amenity values. In my opinion a 50m wide buffer is unlikely to provide the level of mitigation required to address a significant change to amenity values and more width is required to provide a sense of open space consistent with rural-residential sized allotments and landscape treatment. I consider a width of 100m to be more appropriate.
- 6.9 I recognise that in increasing the width of the buffer this will result in a reduction of land available for business activities. This would have a consequential effect in terms of reduced return from land sales and potentially a reduction in the multiplier effects associated with industrial activities.
- 6.10 In forming a judgement on this matter I have placed some weight or emphasis on the need to maintain the amenity values of the locality. I note that the definition of amenity values refers to matters such as pleasantness, aesthetic coherence and recreational attributes. In my opinion all of these values would be better achieved by a wider buffer. In particular the aesthetic coherence of the landscape from a rural-residential allotment where the occupier has experienced an open rural view. I am also of the opinion that the land owners adjacent to the proposed new zone are being asked to accept change in a manner that they had never chosen or contemplated when purchasing their

properties and that this change is for a wider community benefit. These parties have, consciously or otherwise, relied upon the District Plan to protect their environment and the level of mitigation incorporated into the zone should reflect the significance of the change in amenity values.

- 6.11 It is also my opinion that the economic loss suffered as a result of a widened buffer is a cost in terms of opportunity that will be spread across the community and would not be experienced as an adverse impact, hardship or serious consequence by any particular individuals. Accordingly I consider the reduced economic revenue as a result of the wider buffer is not a compelling or significant resource management issue that over-rides the maintenance of amenity values. On this basis I reaffirm my recommendation that the buffer should be widened but in accepting some economic effect that the minimum buffer width be 75m rather than 100m.

## **7.0 PART 7: OVERALL RECOMMENDATION**

7.1 Following the consideration of submissions and further submissions, and subsequent recommendations outlined above, I recommend that proposed Plan Change 2 be adopted subject to the following changes, which are shown in track change in Appendix 1:

- Delete the proposed amendment to 3.7.3.3 Implementation Methods
- Add a new policy relating to intersection up-grades under 3.7.3.5 – Safety and Accessibility
- Add a new Implementation Method under 3.7.3.7 relating to non-regulatory methods to achieve intersection up-grades
- Add new policies under 3.8.3.2 – Subdivision Servicing and 4.3.3.6 Amenity of Areas Adjoining Business Areas, relating to the Structure Plan, Outline Development Plan and safety at rail crossings for the Business 9 Zone
- Amend proposed rule 6.6.5.1.9(d) to clarify access from the zone to Company Road and to add matters relating to the alignment of cycle and walk ways in relation to the railway line
- Add a new assessment matter for financial contributions to be taken for the Northpark and Works Road up-grades
- Consequential amendments to reasons for rules
- New Environmental Results Anticipated for the Business 9 Zone relating to intersection up-grades and control over the layout of the zone through the Structure Plan and Outline Development Plan
- Amend rule 7.7.5.2.10 – Company Road access to clarify intent of rule
- Amend Outline Development Plan to confirm external road connections
- Increase the minimum width of the buffer from 50m to 75m
- Add advisory notes to the Subdivision and Hazardous Substances Chapters regarding compliance with discharge consents from the Regional Council
- Alter the status of offensive processes within the Business 9 Zone to discretionary activities

- Amendments to the cross-sections to clarify intent of provisions for quadrant breaks and road reserve treatment with consequential amendments to assessment matters
- Increase maximum road width from 24m to 30m
- Amend the definition of rail operations and a new requirement for a layout plan in rail activity area