

2 May 2025

Lower Hutt City Council Proposed District Plan

Submission

1. Submitters Details

Name: Te Karearea Ltd & Rosco Ice Cream Ltd
Attn: Richard Burrell

Address: C/- Spencer Holmes Ltd
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Wellington 6140
Email: adg@spencerholmes.co.nz
Phone: [REDACTED]

2. Introduction

Te Karearea Ltd (TKL) is a sister company to Rosco Ice Cream Ltd (Rosco) and has an agreement to lease the site at 30 Benmore Crescent, Manor Park (Sec 1 SO 493901 held in Record of Title 738223 = 13.2121 ha). The property is owned by Te Rūnanga O Toa Rangatira Inc. TKL is currently developing the site with earthworks under GWRC and LHCC resource consents to create useable platforms on the site. TKL has also recently obtained a further resource consent from LHCC to construct new private roading within the site and to upgrade the nearby public roading along Benmore Crescent and Manor Park Road adjacent to the Manor Park access to the SH2 / SH58 interchange. The recent LHCC resource consent also includes the installation of civil infrastructure (water supply, sewage & stormwater disposal systems) that would support development of the site.

Additionally, TKL has entered into an agreement to sub lease a large portion of the site (5.78 ha) to Waste Management NZ Ltd to establish and operate a resource recovery park. Accordingly, Waste Management NZ Ltd have also applied for resource consent to LHCC for the proposed resource recovery facility.

3. Current Zoning

Currently, the site is zoned General Rural under the Operative District Plan (ODP) and the Wellington Faultline runs through the centre of the site. Parts of the site are also subject to the Highway and Railway noise corridor buffers. Part of the site is also noted as being part of the secondary river corridor for the Hutt River.

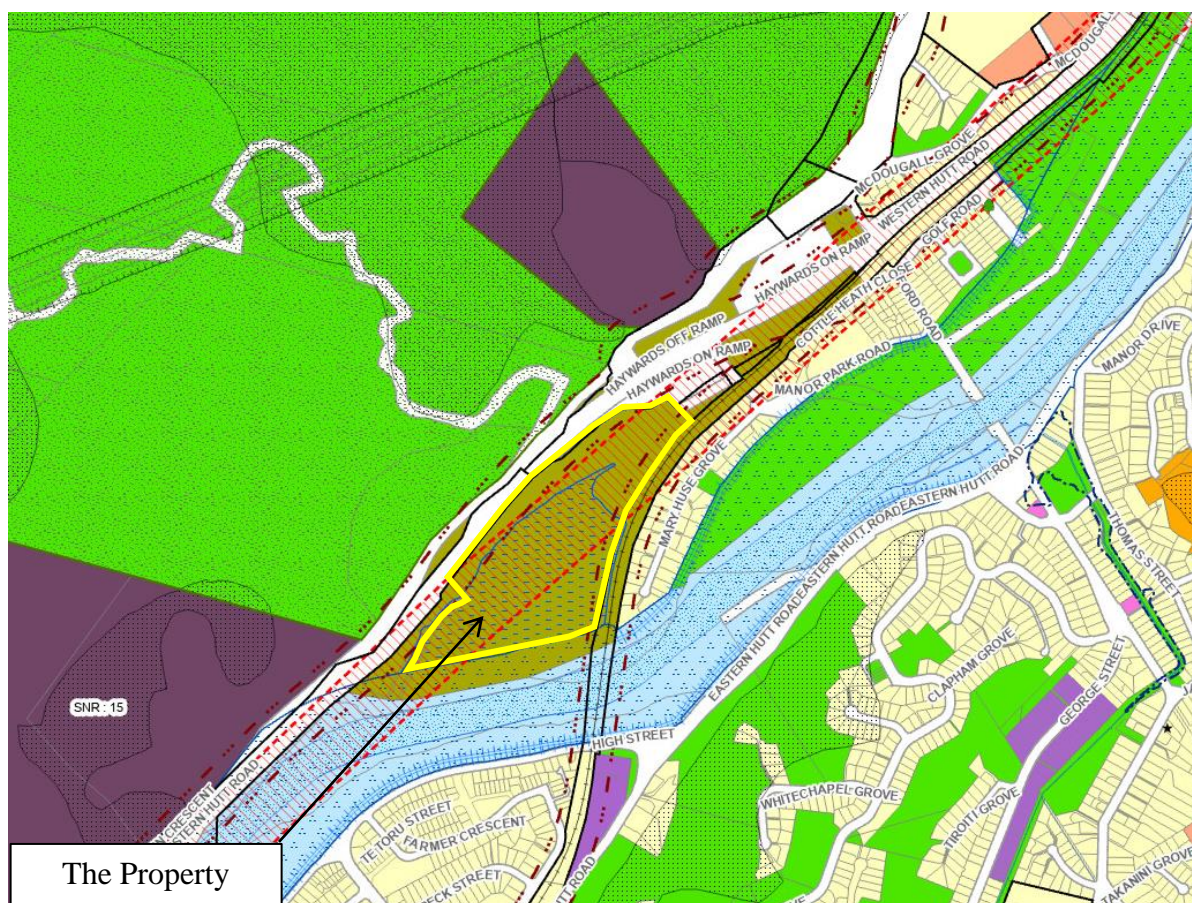


Figure 1: Zoning Features at 30 Benmore Crescent (yellow border) – extract from LHCC Online Operative District Plan Maps

The current General Rural zoning appears to be a legacy zoning as the site has been held by the Crown since the mid 1950's for rail and roading projects, before being transferred to Te Rūnanga O Toa Rangatira Inc in 2020 as part of their treaty claims settlement package.

The site has not been used for any rural activity since prior to the 1950's after which it was used in association with the realignment of the Wairarapa Railway Line and the subsequent roading works for SH2.

4. Proposed Zoning

The Proposed District Plan (PDP) maintains the current General Rural zoning of the property.

The following overlays are relevant to the site under the PDP:

- Fault location area;
- Flood hazard overlay (High);
- Flood hazard overlay (Medium);
- Flood hazard overlay (Low);
- Highway & Railway Noise overlay – High;
- Highway & Railway Noise overlay – Moderate;
- Liquefaction Hazard overlay;

4.1 Faultline Hazard

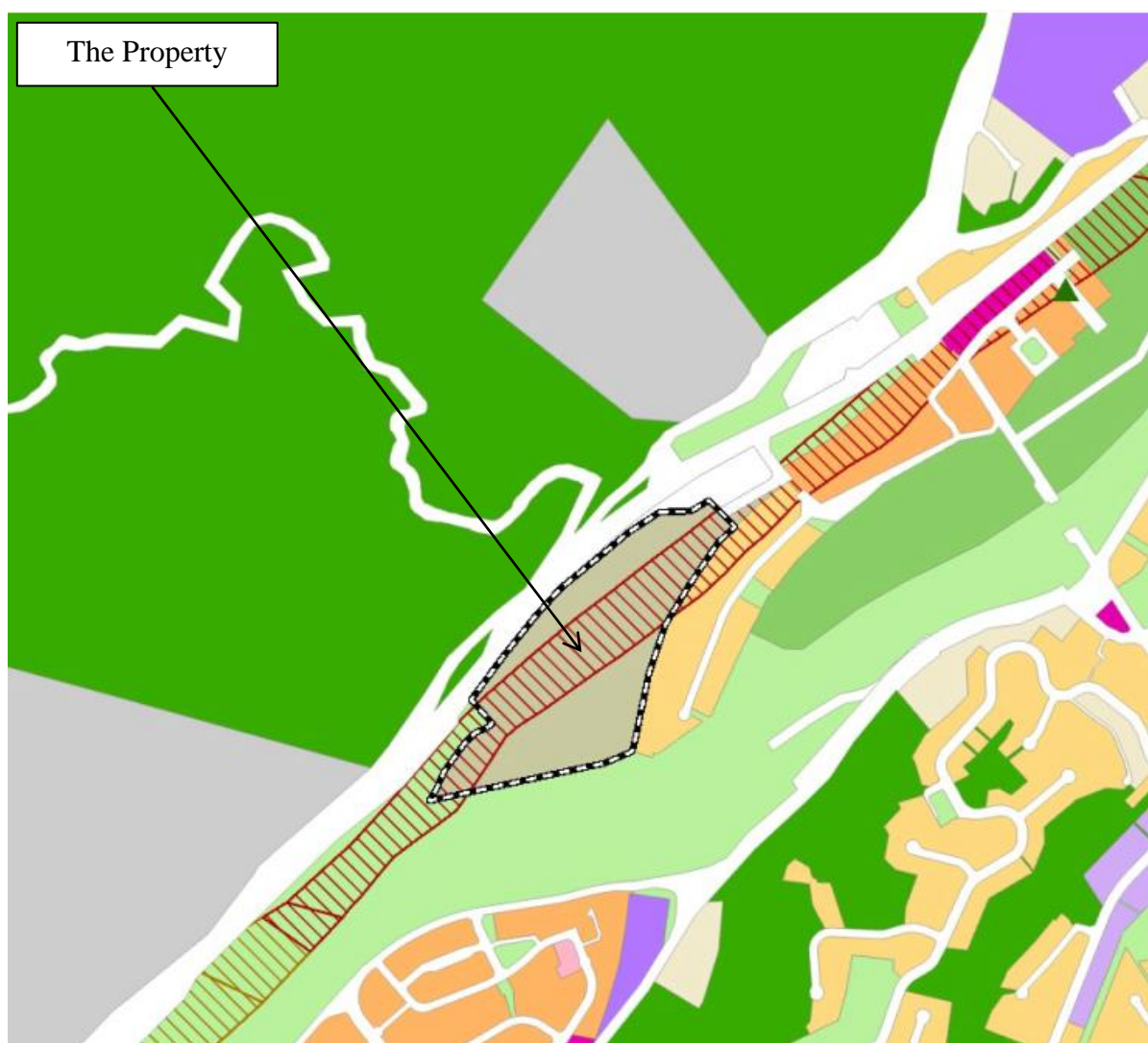


Figure 2: Proposed General Rural Zone (with Fault Location) from PDP (HCC Online Maps)

The site is an isolated land parcel separated from other private property by State Highway 2, the Hutt River and the Wairarapa Railway Line. Additionally, there are no other rural properties nearby. The closest rural properties are associated with the Belmont Quarry (though not the main quarry site) on Hebden Crescent and Liverton Road, which is a kilometre away on the opposite side of SH2.

4.1 Flood Hazard

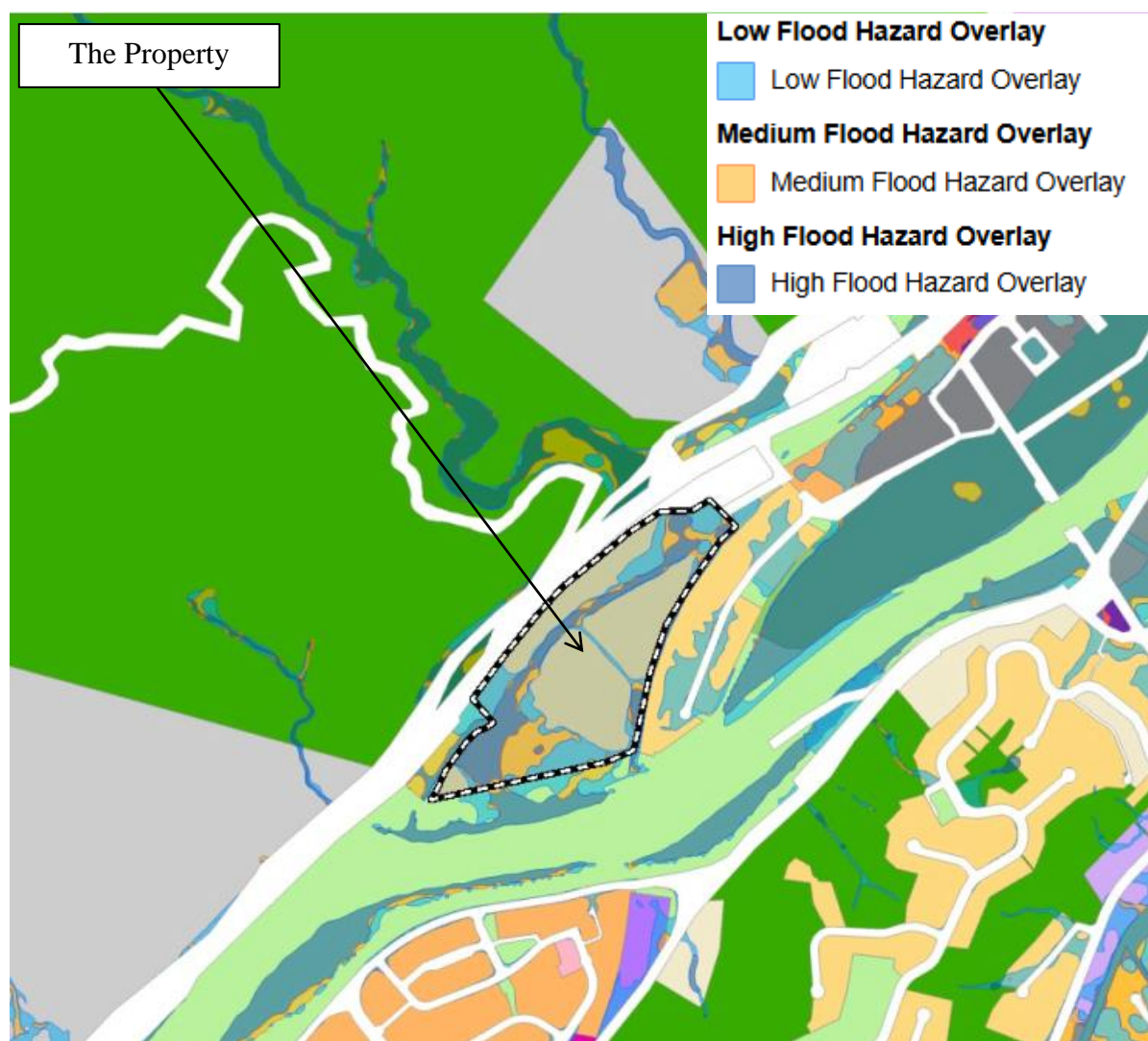


Figure 3: Proposed General Rural Zone (with Flood Hazards) from PDP (HCC Online Maps)

The site topography that has been used for the flood modelling to generate the flooding zones is from 2013 LiDAR¹ data. This data is outdated in general (being over 10 years old) and very

¹ Western Hills Stormwater Catchment, Model Build Report – 2023, for Wellington Water by GHD

outdated for the site at 30 Benmore Crescent, as does not reflect the current topography that has been amended and raised by the earthworks that have been completed at the site.

4.2 Highway and Rail Noise Buffers

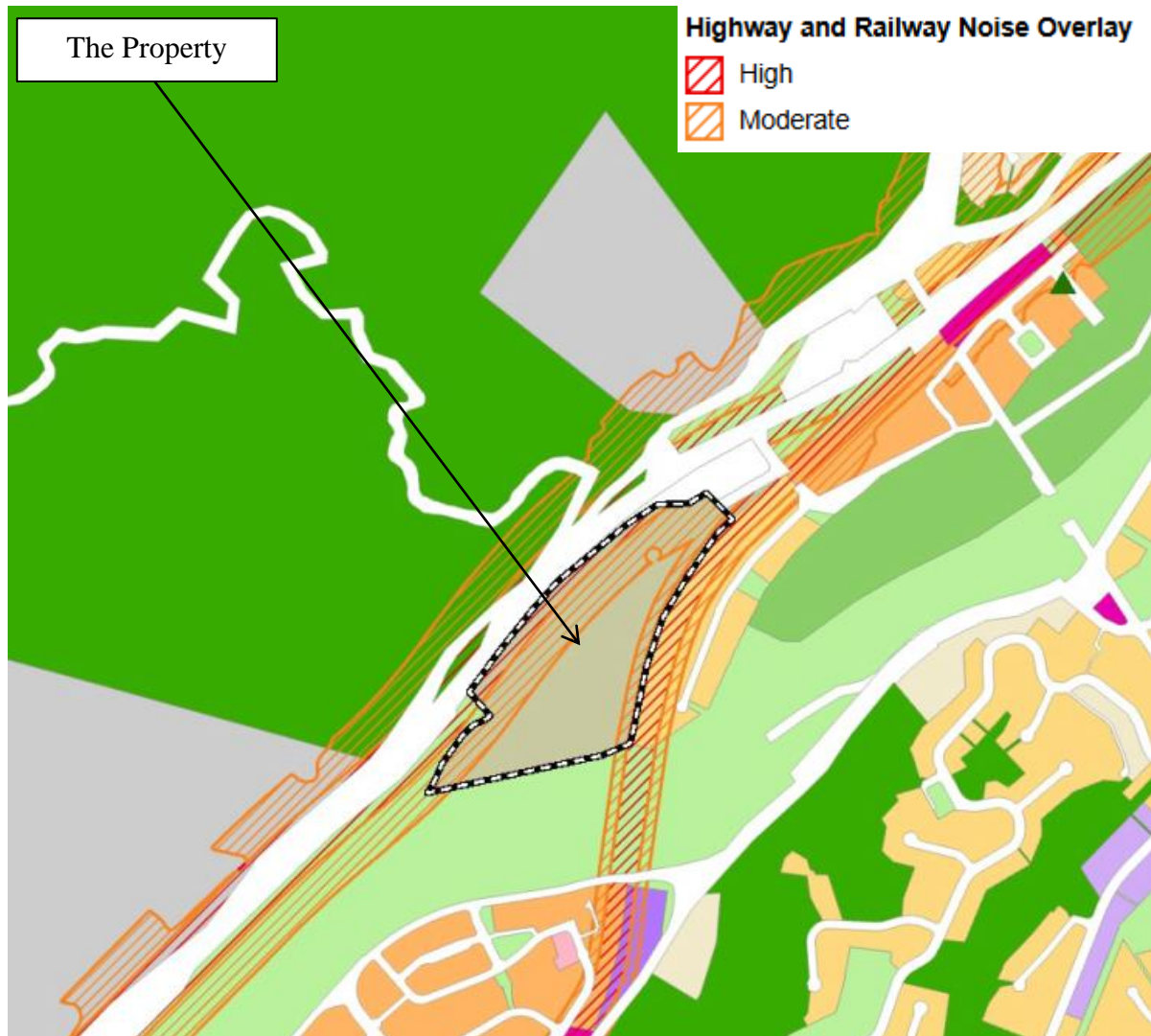


Figure 4: Proposed General Rural Zone (with Noise overlays) from PDP (HCC Online Maps)

4.3 Liquefaction Hazard

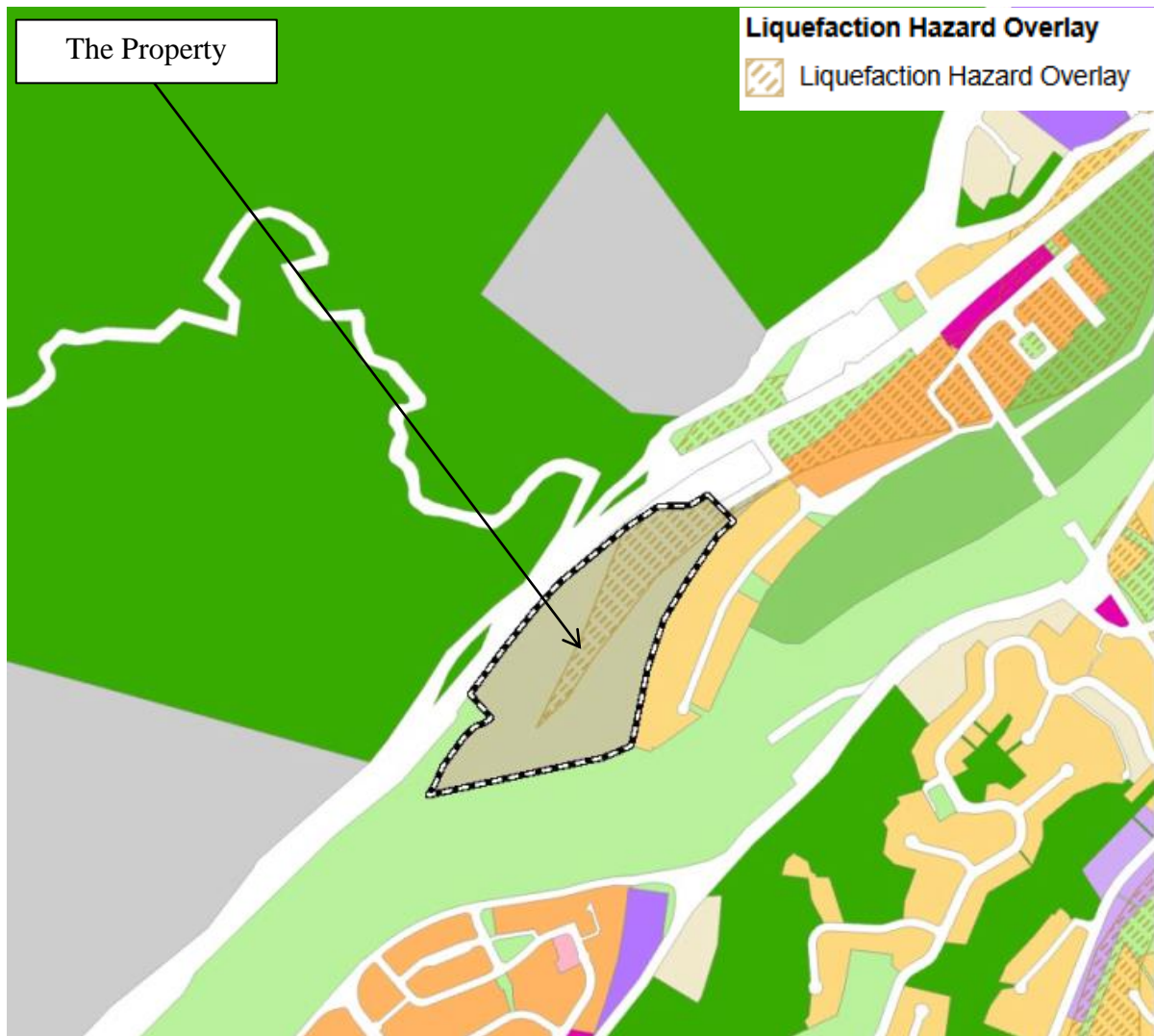


Figure 5: Proposed General Rural Zone (with Liquefaction overlay) from PDP (HCC Online Maps)

5. Consultation Draft of Proposed District Plan

The Draft District Plan Review that was released for public consultation in late 2023 proposed to change the zoning of the site to General Industrial.

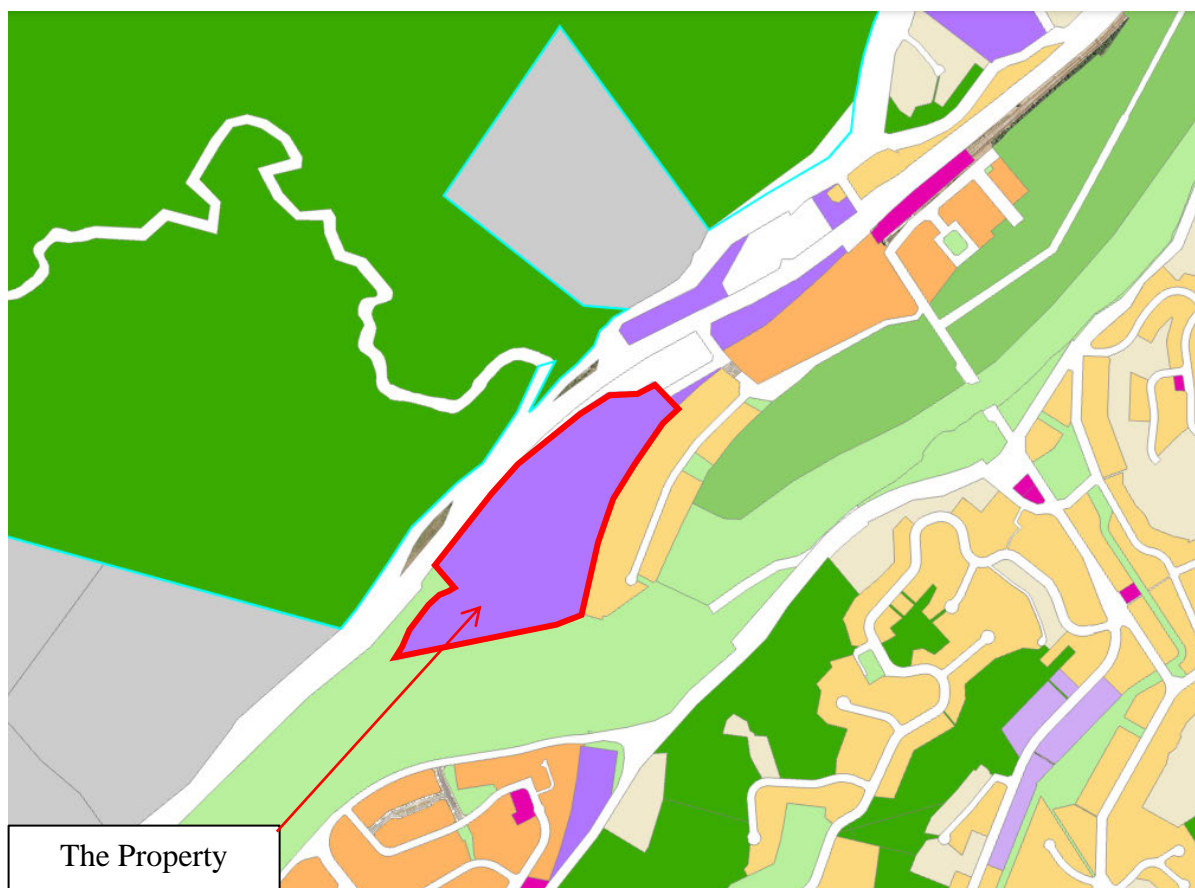


Figure 6: Proposed General Industrial Zone from Draft District Plan Review (HCC Online Maps)

Following the public consultation on the draft version of the proposed district plan, report DPRC2024/3/165 was presented to the District Plan Review Committee on 4 July 2024. The report outlined the Officer's recommendation that the site at 30 Benmore Crescent should be rezoned from general rural to general industrial. Officer's also recommended some specific provisions for the site that related to traffic, building design, landscaping, stormwater, protection of Dry Creek and public access. A copy of report DPRC2024/3/165 is attached.

The reasons for the Officer's recommendation for the rezoning was summarised as:

"For the reason that the proposed approach provides for the best use of the site considering its constraints and the development capacity needs of the city and region, while managing adverse effects."

TKL strongly supports the Officer's analysis contained in the report DPRC2024/3/165 and the recommendations.

At the District Plan Review Committee meeting on 4 July 2024, a number of members of the Manor Park Community Association made presentations to the committee expressing their concerns with the recommendation to rezone the site to General Industrial, and seeking further public consultation and a delay to the District Plan review process.

After an adjournment, the Committee voted to adopt the status quo for the zoning of the site and agreed to maintain the General Rural zoning of the site for the purposes of notification of the PDP.

6. Te Karearea Ltd Submission on Proposed Zoning

6.1 Submission Summary

Te Karearea Ltd opposes the proposed general rural zoning of 30 Benmore Crescent (Sec 1 SO 493901 held in Record of Title 738223).

Te Karearea Ltd submits that the zoning of 30 Benmore Crescent (Sec 1 SO 493901 held in Record of Title 738223) should be General Industrial with some specific provisions for:

- Faultline Hazard;
- An upper limit for total traffic generation, rather than use of the ‘high trip generator’;
- Design requirements for buildings over 1,000m² floor area;
- Protection / enhancement of the Dry Creek corridor;
- 10m yard setback for buildings;
- Restrict specific activities - general retail, trade supply retail, yard-based retail, supermarkets, service stations and garden centres as non-complying activities;
- Manage waste transfer stations and resource recovery facilities as restricted discretionary activities;
- Restrict food and beverage activities as discretionary activities
- Stormwater management requirements.

Otherwise, the provisions of the General Industrial zone would apply to the site.

Te Karearea Ltd opposes the General Rural Zoning for the following reasons:

- The General Rural zone does not give effect to higher order planning instruments such as the National Policy Statement on Urban Development 2020 (NPS-UD 2020).
- The General Rural zone is not the most appropriate zoning option to achieve the objectives of the Proposed District Plan.
- The Section 32 analysis of the zoning options for the site does not assess the costs and benefits of the zoning options, nor the economic, social and cultural effects of the proposed zone – as required by Section 32(2)(a).

6.2 *NPS-UD 2020 & Supply of General Industrial Land*

The NPS-UD 2020 (Policy 2) requires councils to provide sufficient development capacity to meet the expected demands for housing and for business land in the short, medium and long term. The generally accepted method to ensure there is sufficient development capacity is for councils to review the extent of land zonings provided in their district, as informed by development capacity analysis.

The September 2023 Housing and Business Development Capacity Assessment (HBA) for Wairarapa-Wellington-Horowhenua finds that the demand for business land will continue to grow throughout the region over the next three decades. Specifically for industrial activities, a significant amount (483 hectares) of additional industrial land is needed across the region.

Lower Hutt has historically been one of the main industrial hubs of the region. The size of the existing industrial land holdings in the city goes hand in hand with the commercial areas, as these commercial areas provide services to the industrial activities.

Overall, there is a lack of industrially zoned land in Lower Hutt to cater for the expected growth, particularly at the northern end of the city. Therefore, the NPS-UD requires Council to provide additional industrial zoned land to meet the forecast demand.

The Section 32 Report for Industrial Zones recognises (at para 58) the regional shortage of industrial land for large format industry. However, there is no analysis that the proposed industrial zones will provide sufficient development capacity for the district. Instead, the Section 32 Report appears to be based on the approach of retaining the existing industrial zones. The approach of retaining the existing industrial zones does not meet the requirements of the NPS-UD 2020 to ensure that there is sufficient business land – when the HBA analysis finds that additional industrial land is required.

The site at 30 Benmore Crescent is ideally suited to industrial use as it is located close to transport links on State Highway 2, centrally located for the Hutt Valley and is separated from neighbours by significant transport corridors. While there is a small residential area at Mary Huse Grove, this is located on the opposite side of the Wairarapa Railway Line.

6.3 Site Constraints - Overlays

As noted above the site is subject to a number of constraints that limit the potential future use of the site:

- Fault line;
- Highway Noise;
- Railway Noise;
- Dry Creek & flood hazard.

These constraints impose limitations on the options for future use of the site. In particular, the fault line would make the site inappropriate for residential use and other high occupancy purposes associated with metropolitan centres, local centres and mixed-use activities. Similarly, the noise overlays from the highway and railway indicate that residential and mixed-use activities should not be encouraged. The presence of Dry Creek and any related flooding issues present less of a constraint to the site, as the creek can remain, and future use of the site can accommodate the location of the creek. Similarly, mitigation options have been instigated via earthworks at the site to address the potential for flooding at the site.

Thus the only potential zoning options for future use of the site are:

- open space / recreational; or
- rural; or
- industrial.

For Council to impose an open space or recreational zoning at the site would significantly impede the options for private use of the land. This would raise the possibility of compensation for such a restrictive zoning of the site.

6.4 2012 – 2032 Urban Growth Strategy

Council's Urban Growth Strategy recognises the site has potential for use as industrial land.

The land in Manor Park is currently owned by the New Zealand Transport Agency and is zoned rural, limiting its uses to farming purposes. Much of the land is uncompacted fill and is subject to two hazards – the fault line and flooding from the Hutt River.

Consequently, it is not suitable for any intensive uses such as general business or residential. However, Council is interested in exploring the possibility of using this land for limited, light industrial purposes that are less at risk from these hazards, such as truck depots. Given the site is at the centre of the region and is at the junction of State Highway 2 and State Highway 58, the site could lend itself very well to such uses, especially once the Transmission Gully Motorway is built.

The Section 32 Report has not taken into consideration the 2012 – 2032 Urban Growth Strategy.

6.5 *Draft 2025 – 2055 Sustainable Growth Strategy*

The draft Sustainable Growth Strategy seeks to retain the main existing industrial area at Seaview / Gracefield. However, these areas are at risk from sea level rise and tsunami and have poor transport links. This strategy of retaining existing industrial areas does not align with the HBA report and Council's obligations under the NPS-UD 2020.

6.6 *Zoning Options*

The above analysis finds that there are only two viable options for future use of the site:

- rural; or
- industrial.

The above analysis recognises the findings of the HBA report, that the district has a shortage of industrial land, and notes Council's obligations under the NPS-UD 2020 to ensure there is sufficient capacity to meet the demand for business land.

The advantages and disadvantages for the rural zone or the industrial zone options are assessed below.

General Rural Zone (status quo)

The definition of rural activity is:

means the use of land and/or buildings for agricultural, pastoral, horticultural, and forestry activities, and includes:

- a. the storage of products and initial processing as an ancillary activity of horticultural and agricultural products produced on the site; and*
- b. the storage and disposal of solid and liquid animal waste.*

Intensive indoor primary production, rural industry, quarrying and mining activities, top soil stripping and turf farming are excluded.

It is noted that the land at 30 Benmore Crescent has been subject to filling (historical and recently). Consequently, the site does not contain highly productive land for primary production

| General Rural Zone | |
|--------------------|--|
| Advantages: | <ul style="list-style-type: none"> – The range of permitted activities and building bulk is limited, which would mean that some potential adverse effects of industrial activities would be avoided for the nearby residential zone. |
| Disadvantages: | <ul style="list-style-type: none"> – The threshold for some potential adverse effects from rural activities is higher. For example, noise / vibration from rural activities and noise / vibration from related seasonal vehicles and equipment is not controlled. – Does not achieve utilisation of the site in accordance with the NPS-UD in terms of providing for future business capacity. |
| Conclusion: | <p>Not preferred.</p> <ul style="list-style-type: none"> – Underutilisation of the site is contrary to the NPS-UD, when the city does not provide the necessary future business capacity. |

General Industrial Zone (with site specific provisions)

The definition of industrial activity is:

means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

| General Industrial Zone – with site specific provisions | |
|---|--|
| Advantages: | <ul style="list-style-type: none"> – Achieves utilisation of the site in accordance with the NPS-UD in terms of providing for future business capacity. – The range of permitted activities and building bulk is limited by the site-specific provisions, which would mean that some potential adverse effects of otherwise permitted industrial activities would be avoided for the nearby residential zone. – The threshold for some potential adverse effects is lower than from rural activities. For example, noise / vibration from industrial activities has to meet permitted standards. – Improvements for the ecology of Dry Creek likely. |
| Disadvantages: | <ul style="list-style-type: none"> – Industrial activities (even though subject to standards) may still have some potential adverse effects for the nearby residential zone. |
| Conclusion: | <p>Preferred.</p> <ul style="list-style-type: none"> – Assists to meet the requirements NPS-UD, to provide the necessary future business capacity. – Provides a minimum standard for potential adverse effects. |

6.7 Section 32 Report Omissions

The Section 32 Report for Industrial Zones makes a brief comment on the option of General Industrial zoning for the site at 30 Benmore Crescent as follows:

Council considered extending the General Industrial Zone to a vacant site at 30 Benmore Crescent, Manor Park, as suitable for redevelopment for industrial purposes. Council opted not to pursue this option due to concerns over the impact on amenity values and the transport network and strong community opposition.

However, there is no analysis (as required by section 32(2)(a) RMA) of the options for the zoning of 30 Benmore Crescent.

The reason giving for not pursuing a General Industrial zone for the site is over amenity values and concerns to do with the transport network concerns, plus community opposition. These reasons do not represent an objective analysis of the relevant matters to be considered under section 32(2)(a).

Policy 6(b) of the NPS-UD 2020 anticipates that the proposed urban form resulting from planning documents under the NPS-UD 2020 may result in changes to amenity values for some people in a community. However, in the broader context there are improvements to the overall community amenity of the district through additional business land. Therefore, changes to the urban form are not to be considered as an effect on amenity.

With respect to the concerns relating to the transport network, the proposed local transport links are to be upgraded and would be sufficient to cater for a range of general industrial type uses. The anticipated roading upgrades have been approved by NZTA / Waka Kotahi and Council has approved a resource consent for these works. Therefore, there are no reasons to dismiss a general industrial zoning for the site on the basis of traffic and transport networks effects.

6.8 Conclusion

The above analysis shows that the most appropriate zoning for 30 Benmore Crescent, that would achieve the requirements of the NPS-UD 2020 and the objectives of the PDP, while managing potential effects, is to apply a General Industrial zoning to the property.

7. Te Karearea Ltd Submission on Flood Hazard Overlays

Te Karearea Ltd opposes the proposed flood hazard overlays shown to affect 30 Benmore Crescent (Sec 1 SO 493901 held in Record of Title 738223).

Te Karearea Ltd submits that the proposed flood hazard overlays shown at 30 Benmore Crescent (Sec 1 SO 493901 held in Record of Title 738223) should be amended to be consistent with the flood modelling information provided to Council for resource consent RM220258.

The flood modelling reports commissioned by TKL / Rosco shows that this property (now that the earthworks approved under RM220258 are substantially completed) is not subject to inundation from the Hutt River in a 440 year event. Additionally, any minor flooding from Dry Creek, which runs through the site, is also contained by the earthworks currently being completed and any flooding would be restricted to the stream corridor of Dry Creek.

Therefore, the Flood Hazard overlays in respect of the site should be removed from the proposed hazard overlay maps, with only the Dry Creek corridor shown as subject to flooding (as indicated in the flood model results by River Edge Consulting as per Fig 7 over the page).

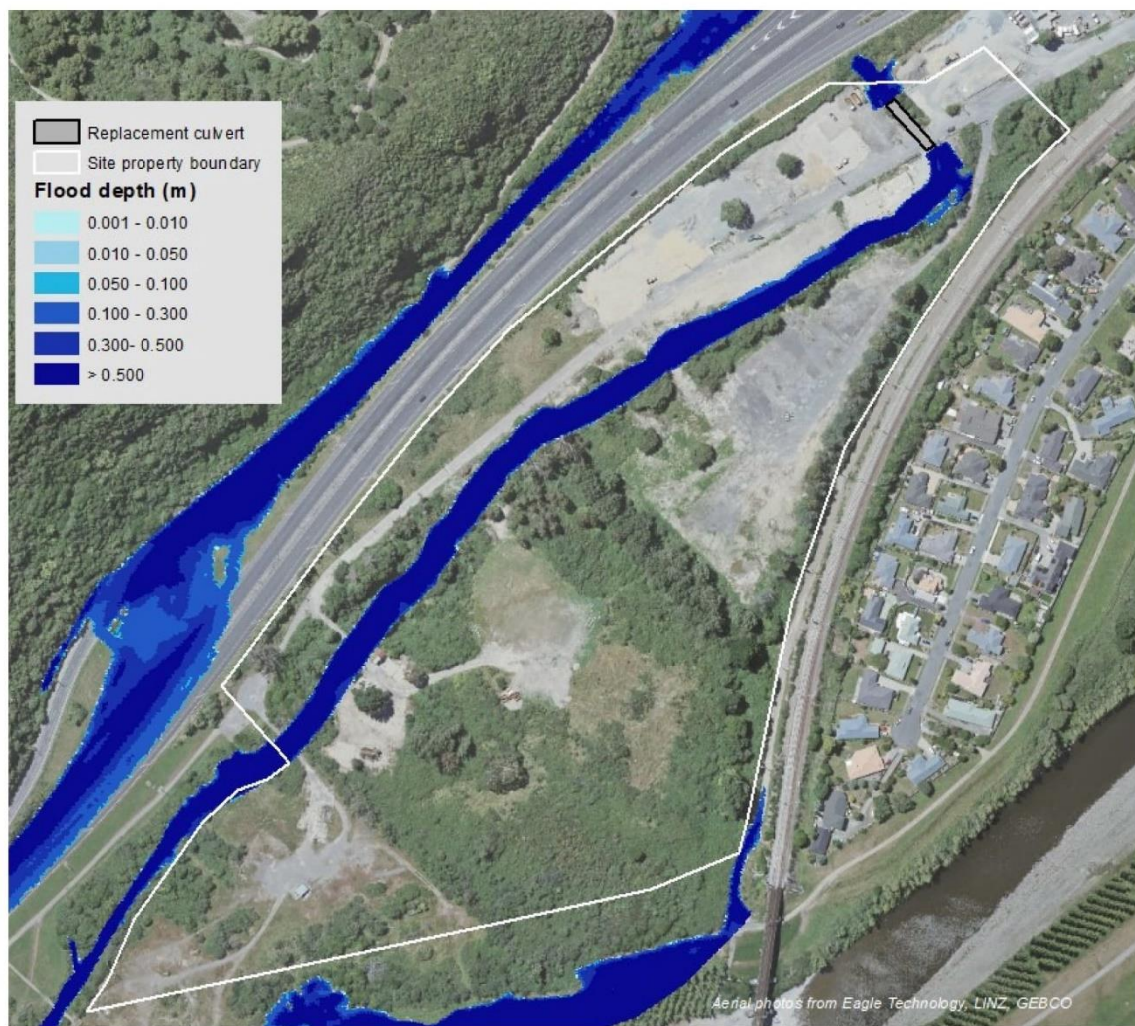


Figure 7: Flood modelling of completed earthworks (River Edge Consulting)

8. Te Karearea Ltd Submission on Proposed Zoning of Railway Corridor adjacent to 30 Benmore Crescent

Te Karearea Ltd opposes the proposed medium density residential zoning of the railway corridor adjacent to 30 Benmore Crescent (Sec 1 SO 493901 held in Record of Title 738223).

Te Karearea Ltd submits that the zoning of the railway corridor adjacent to 30 Benmore Crescent (Sec 1 SO 493901 held in Record of Title 738223) should be General Industrial.

Currently, this section of the railway corridor is zoned General Rural.

It is noted that a number of rules and standards of the General Industrial Zone apply where a site “*adjoins*” or is “*adjacent to*” another zone. The proposal to rezone the railway corridor adjacent to 30 Benmore Crescent to be Medium Density Residential would invoke rules and standards that seek to maintain the residential amenity of the railway corridor. Therefore, the zoning of the railway corridor adjacent to 30 Benmore Crescent should be amended to be General Industrial and consistent with the proposed zoning of 30 Benmore Crescent.

9. Definitions

Te Karearea Ltd supports the definition of “*industrial activity*”.

means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

10. Proposed General Industrial Provisions

Permitted Activities – GIZ-R6

It is noted that “*trade and industrial training facilities*” are permitted. However, it is unclear whether these are two types of ‘training facilities’ or that trade is a specific activity.

Permitted Standards – GIZ-S1

Te Karearea Ltd supports the proposed permitted standard GIZ-S1 for building height of 22m.

11. Transport Provisions

High Trip Generator Threshold – Table 8

The high trip generator threshold for industrial activities is proposed to apply to:

- Business Parks with 10 or more tenants / lots;
- Warehouse buildings greater than 5,000m² GFA;
- Manufacturing buildings greater than 2,000m² GFA;
- Other activities that generate over 200 vehicle trips per day.

This is opposed by Te Karearea Ltd, who prefer that the traffic generation limit should generally remain as per the current District Plan with an increased allowance for sites that are close to major roading transport routes.

12. Noise & Vibration Provisions

It is noted that the definition of “*noise*” includes vibration.

This definition is opposed by Te Karearea Ltd, who prefers that vibration should have a specific definition.

Rule Noise-R5 (vibration) only permits an activity where ground vibration effects do not extend beyond the boundary (as far as practicable) and that any vibration does not compromise public health or safety, or well-being and amenity values within any other site. This permitted standard is too vague and therefore requires a subjective interpretation of what level of vibration is permitted.

Rule Noise-R5 is opposed by Te Karearea Ltd. This rule should be amended to clarify that temporary activities and construction activities, are not subject to part a) of the permitted vibration rule Noise-R5.

13. Summary of Decision Sought

That the Council amends the provisions of the proposed district plan as requested in this submission.

14. Hearing

Te Karearea Ltd wishes to be heard in support of this submission.

15. Joint Submission

Te Karearea Ltd would consider presenting a joint case at a hearing.

16. Trade Competition

Te Karearea Ltd could not gain an advantage in trade competition through this submission.

Signature of person making submission.



.....
A D Gibson

Date 2 / 05 / 2025

On behalf of Te Karearea Ltd



KOMITI AROTAKE MAHERE Ā-ROHE DISTRICT PLAN REVIEW COMMITTEE

26 June 2024

Order Paper for the meeting to be held in the
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,
on:

Thursday 4 July 2024 commencing at 2:00 pm

The meeting will be livestreamed on Council's YouTube page.

Membership

| | |
|---|-----------------------------|
| | Cr B Dyer (Chair) |
| | Cr S Edwards (Deputy Chair) |
| Mayor C Barry | Cr J Briggs |
| Deputy Mayor T Lewis | Cr A Mitchell |
| Cr K Morgan | Cr N Shaw |
| Richard Te One, Mana Whenua Representative (Te Āti Awa, Taranaki) | |

For the dates and times of Council Meetings please visit www.huttcity.govt.nz

Have your say

You can speak under public comment to items on the agenda to the Mayor and Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this by emailing DemocraticServicesTeam@huttcity.govt.nz or calling the Democratic Services Team on 04 570 6666 | 0800 HUTT CITY

KOMITI AROTAKE MAHERE Ā-ROHE | DISTRICT PLAN REVIEW COMMITTEE

| | |
|----------------------|--|
| Chair: | Cr Brady Dyer |
| Deputy Chair: | Cr Simon Edwards |
| Membership: | <p>Mayor Campbell Barry</p> <p>Cr Josh Briggs</p> <p>Deputy Mayor Tui Lewis</p> <p>Cr Andy Mitchell</p> <p>Cr Karen Morgan</p> <p>Cr Naomi Shaw</p> <p>Richard Te One, Mana Whenua Representative (Te Āti Awa, Taranaki)</p> <p><i>Up to two representatives nominated by Iwi and appointed by Council</i></p> <p>Note: Elected members should hold current certification under the Making Good Decisions Training Assessment and Certification Programme for RMA Decision-Makers. The Chair should in addition hold Chair certification</p> <p>Standing Order 31 outlining the provisions of Mana Whenua do not apply to this committee and Iwi appointees will have full voting rights as members of the Committee under Standing Orders</p> |
| Quorum: | Half of the members |
| Meeting Cycle | Meets on an eight-weekly basis or at the requisition of the Chair |
| Reports to: | Council |

AREAS OF FOCUS:

- Undertake a full review of the District Plan and development of a Proposed District Plan
- Urban design and spatial planning
- Resource Management Act reform
- Mana Whenua partnership

MANA WHENUA MEMBERSHIP:

Mana Whenua membership will facilitate a collaborative approach to the District Plan review, and other District Plan matters that arise to ensure that appropriate relationships

and processes are facilitated to:

- enable genuine partnership between Iwi and Hutt City Council at a governance level;
- promote shared decision-making in city planning; and
- ensure the perspectives and aspirations of iwi are effectively integrated into the District Plan Review.

Members are committed to ensuring Te Awa Kairangi ki Tai is able to develop in a prosperous manner, while also actively protecting significant natural, cultural, spiritual and built assets.

Members recognise the autonomy and right of Mana Whenua to exercise their respective authority in order to meet their responsibilities to their people.

SHARED VALUES:

- Whanaungatanga – building a strong partnership with an inter-generational view of the sustainable prosperity and wellbeing of Te Awa Kairangi ki Tai.
- Manaakitanga – placing the care of our whānau and community at the centre.
- Kaitiakitanga – caring for and protecting our environment.
- Whakapono – working together in good faith with honesty and transparency.
- Kotahitanga – working together with Mana Whenua and the wider community to achieve agreed outcomes.

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DISTRICT PLAN DELEGATIONS:

Undertake a full review of the City of Lower Hutt District Plan, including establishing a District Plan work programme and monitoring its implementation.

- Consideration of matters related to the preparation and ongoing monitoring of the City of Lower Hutt District Plan.
- Preparation of required Changes and Variations to the City of Lower Hutt District Plan for Council approval to call for submissions.
- Approval of the draft District Plan for consultation.
- Make recommendations to Council on the statutory notified proposed District Plan.
- Make recommendations to Council on private District Plan Change requests for Council to accept, adopt or reject.
- Approve Council submissions on Resource Management-related matters, as well as the ability to delegate this approval to the Chief Executive.
- The Chair of the committee, in conjunction with the Chief Executive, is authorised to appoint a District Plan Hearings Subcommittee of suitably qualified persons to conduct hearings on behalf of the committee.

GENERAL:

Any other matters delegated to the committee by Council in accordance with approved policies and bylaws.

NOTE:

Manatū mō te Taiao | Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law that are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore to facilitate this, the RMA training run for councillors that wish to become hearings commissioners is mandatory.

Reasons for the importance of the training:

1. Hearings commissioners are kept abreast of developments in the legislation.
2. Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time-consuming and often creates unrealistic expectations for the community).
3. The reputation of Council as good and fair decision-makers or judges (rather than legislators) is upheld.

HUTT CITY COUNCILKOMITI AROTAKE MAHERE Ā-ROHE
DISTRICT PLAN REVIEW COMMITTEE

Meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt on
Thursday 4 July 2024 commencing at 2:00 pm.

ORDER PAPERPUBLIC BUSINESS**1. OPENING FORMALITIES - KARAKIA TŪTURU: TĒNEI AU**

Tēnei au
Tēnei au te hōkai nei o taku
tapuwae Ko te hōkai nuku ko
te hōkai rangi Ko te hōkai a tō
tupuna a Tāne-nui-a- rangi
Ka pikitia ai ki ngā rangi
tūhāhā ki te Tihi-o-Manono
Ka rokohina atu rā ko Io-
Matua-Kore anake
Ka tikina mai ngā kete o te
wānanga Ko te kete-tuauri
Ko te kete-tuatea Ko te kete-
aronui
Ka tiritiria ka poupoua
Ka puta mai iho ko te ira
tāngata Ki te wheiao ki te ao
mārama
Tihei-mauri ora!

This
This is the journey of sacred footsteps
Journeyed about the earth journeyed
about the heavens
The journey of the ancestral god
Tānenuiarangi Who ascended into the
heavens to Te Tihi-o- Manono
Where he found Io, the parentless source
From there he retrieved the baskets of
knowledge Te kete-tuauri
Te kete-tuatea Te kete-aronui
These were distributed and implanted
about the earth
From which came human life Growing
from dim light to full light
There was life.

2. APOLOGIES

No apologies have been received.

3. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

4. CONFLICT OF INTEREST DECLARATIONS

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

5. DISTRICT PLAN ZONING - 30 BENMORE CRESCENT, MANOR PARK

Report No. DPRC2024/3/165 by the Senior Policy Planner

7

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

6. SPATIAL PLAN

Report No. DPRC2024/3/166 by the Head of Urban Development 28

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

7. UPDATE ON THREE WATERS AND NATURAL HAZARDS AND COASTAL HAZARDS CHAPTERS FOR THE PROPOSED DISTRICT PLAN.

Report No. DPRC2024/3/167 by the Head of Planning 110

CHAIR'S RECOMMENDATION:

"That the recommendations contained in the report be endorsed."

8. INFORMATION ITEM**District Plan Review Committee Forward Programme 2024**

Memorandum dated 30 May 2024 by the Democracy Advisor and Head of Planning 117

CHAIR'S RECOMMENDATION:

"That the recommendation contained in the memorandum be endorsed."

9. QUESTIONS

With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

10. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA

| | |
|--------------------------|--|
| Unuhia! | <i>Release us from the supreme sacredness of our tasks</i> |
| Unuhia! | <i>To be clear and free</i> |
| Unuhia i te uru-tapu-nui | <i>in heart, body and soul in our continuing journey</i> |
| Kia wātea, kia māmā | <i>Oh Rongo, raise these words up high</i> |
| Te ngākau, te tinana, te | <i>so that we be cleansed and be free,</i> |
| wairua i te ara takatū | <i>Yes indeed, we are free!</i> |
| Koia rā e Rongo | <i>Good and peaceful</i> |
| whakairihia ake ki runga | |
| Kia wātea, kia wātea! | |
| Ae rā, kua wātea! | |
| Hau, pai mārire. | |

Judy Randall
DEMOCRACY ADVISOR



District Plan Review Committee

11 June 2024

Report no: DPRC2024/3/165

District Plan Zoning - 30 Benmore Crescent, Manor Park

Purpose of Report

1. The purpose of this report is to:
 - a. Brief the Committee on progress on the Wellington Regional Leadership Committee's ongoing Industrial Land Study,
 - b. Brief the Committee on the unique resource management issues relating to a site at 30 Benmore Crescent, Manor Park,
 - c. Present a summary of feedback on the draft District Plan relating to the Benmore Crescent site, and
 - d. Present a recommended option for the Benmore Crescent site for the upcoming proposed District Plan.

Recommendations

That the Committee:

- (1) notes the content of this report; and
- (2) directs officers to prepare a General Industrial Zone chapter for the proposed District Plan as it relates to 30 Benmore Crescent, Manor Park, in accordance with recommended option 1 contained in the report, by:
 - (a) applying the General Industrial Zone to 30 Benmore Crescent, Manor Park;
 - (b) applying site-specific provisions for 30 Benmore Crescent to control high trip generator thresholds, design and layout of new buildings and work areas, landscaping and screening on boundaries, stormwater management, protection of the Dry Creek stream corridor, public access and protection of industrial development capacity through controlling subdivision; and
 - (c) other zone-wide changes discussed in the report in response to feedback on the draft District Plan.

For the reason that the proposed approach provides for the best use of the site considering its constraints and the development capacity needs of the city and region, while managing adverse effects.

Background – Industrial land supply

2. Council has an obligation under the Resource Management Act, National Policy Statement on Urban Development, and Regional Policy Statement to provide sufficient development capacity for business land to meet the city's expected needs. Council has committed to providing for this capacity through the regional Future Development Strategy. This obligation applies to finding adequate land for each business sector, not just as a whole.
3. There is very little vacant industrial land in the region at present. The developed capacity is generally tightly held and there is little availability. Commercial real estate agency CBRE's figures for Q1 2024 indicate industrial vacancy across the region is very low at 2.5%. Existing space is also gradually being lost, due to industrial conversions to other land uses (e.g. retail and residential) and the demolition of industrial buildings for RiverLink. Across the region, over half of existing industrial land is also affected by resilience issues such as natural hazard risk.
4. Council monitors the availability of business land through the periodic Housing and Business Development Capacity Assessment (HBA). The last such assessment was in 2023 and concluded that while most business sectors could meet their expansion needs through intensification, this is not the case for industrial businesses, and the region needs to provide 697 hectares of additional industrial land over the next 30 years. Currently there are 230 hectares of vacant industrial land in the region.
5. The HBA assigns business capacity to individual territorial authorities, with 156 hectares of this industrial land demand being in Lower Hutt. For a sense of scale this is around three-quarters the area of industrial land in Seaview/Gracefield/Moera. Of this demand, 52 hectares is expected to be needed in the next ten years. There are only 16 hectares of vacant industrial land in Lower Hutt.
6. While the HBA is conducted for Lower Hutt as well as at a regional level, there are no practical options to deliver the modelled 156 hectares of new industrial land within our boundaries. Industry operates in a regional market for development sites, and the long term trend is likely to be the drift of industry northward, chiefly to the Kāpiti Coast and Horowhenua, but to a lesser degree to Porirua and Upper Hutt, which have more practical greenfield development opportunities.
7. However, different areas in the region are not perfectly interchangeable. All businesses value location to some degree, and are more or less productive in different locations. For industry, key locational values are usually some combination of:
 - a. Proximity to customers, suppliers and other complementary businesses,
 - b. Proximity to employees,
 - c. Proximity to transport and other infrastructure, such as highways, railways, ports, airports, the three waters network, and high voltage electricity connections, and

- d. Locations with less constraint on their activities through needing to be sensitive to neighbours.
8. Industrial land also tends to need to be flat, and for many sectors needs to be capable of providing for large sites in the order of thousands or tens of thousands of square metres.
9. Feedback from industry and developers is that Lower Hutt remains a very desirable location for industrial growth due to proximity to customers and potential employees.
10. To provide further information on the region's industrial land needs and inform the next iteration of the Future Development Strategy (FDS), the Wellington Regional Leadership Committee is currently conducting a high-level assessment of options for greenfield and brownfield land in the region. Officers will be able to provide an oral update on progress at the meeting.

Background – The site at 30 Benmore Crescent

11. 30 Benmore Crescent, Manor Park, is a site of around 13.2 hectares bounded by State Highway 2, reserve land alongside the Hutt River, and the Wairarapa railway line corridor, as shown below:

Site Plan



Wider Location Plan

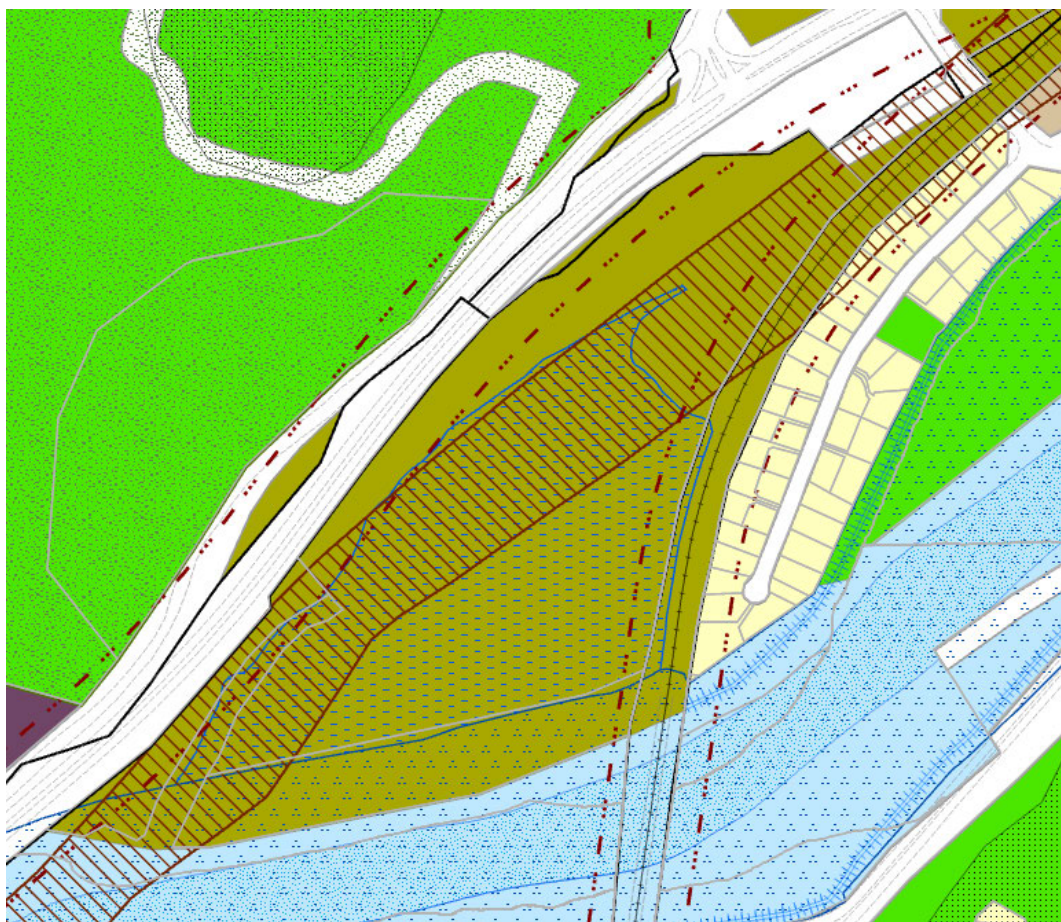












Legend

| | | |
|--|---------------------------------|---|
| 1: Belmont Quarry | 7: SH2/SH58 interchange | 14: Hutt River / Te Awa Kairangi |
| 2/58: State Highways | 8: Manor Park railway station | 15: Wairarapa Line rail bridge (no road or foot access) |
| 3: Firth Industries (building supplies) | 9: Homes | 16: Uniplas NZ (manufacturing) |
| 4: Belmont Regional Park (Dry Creek entrance and campsite) | 10: Homes | 17: Homes (High St, Taitā) |
| 5: Dry Creek quarry and clean fill (temporarily closed) | 11: Manor Park Private Hospital | 18: GWRC reserve land |
| 6: NZTA/Downer depot | 12: Manor Park Golf Sanctuary | |
| | 13: Homes (Mary Huse Grove) | |

12. The Wellington Fault runs through the site. Due to the significant potential risk to people and property from the fault rupturing in a major earthquake, new buildings should not be built on or near the fault line.
13. The site historically was also vulnerable to river flooding from both Dry Creek, which runs through the site, and the Hutt River, and is not protected by stop banks.

14. The land has been heavily modified over the years. It was used in the distant past for agricultural purposes and as temporary housing, but in recent decades has seen only limited use. Over the years activities have included use as a nursery, outdoor industrial and construction storage, some industrial activities such as prefab building construction, concrete batching, paint storage, and recreation activities including paintball. Although the site has never been formally open to the public, until recently there were no effective barriers to entry and so was also used for informal recreation.
15. It is likely that the site has also been used for uncontrolled or illegal cleanfill, general waste, and industrial waste dumping, and the site is known to have been used for activities on the Ministry for the Environment Hazardous Industries and Activities List. Soil testing has found contaminants, including asbestos.
16. In the operative District Plan, the site is zoned in the General Rural Activity Area with parts subject to one or more of the State Highway and Railway Corridor Buffer Overlays, the Wellington Fault Overlay, and the Secondary River Corridor Overlay, as shown below:



| Activity Areas | Designation |
|--|--|
|  Extraction |  Designations |
|  General Recreation | Wellington Fault Overlay |
|  General Rural |  |
|  Medium Density Residential | Regional/Forest Park |
|  River Recreation |  Regional Park |
|  High Density Residential | |
| State Highway and Railway Corridor Buffer Overlays | Primary River Corridor |
|  |  Primary River Corridor |
| Railway Line | Secondary River Corridor |
|  Railway Line |  Secondary River Corridor |
| Flood Protection Bank | |
|  Flood Protection Bank | |

17. The site was mentioned in the [Urban Growth Strategy 2012-2032](#) (see p37) as suitable for commercial or industrial development, but unsuitable for intensive uses (including residential) based on the location and natural hazard risk.
18. Until recently, the land was owned by the Crown through the New Zealand Transport Agency Waka Kotahi ("NZTA") and was used in construction of the grade-separated State Highway 2 / State Highway 58 Manor Park interchange. After becoming surplus it was sold in March 2020 to Te Rūnanga O Toa Rangatira, Inc. ("the Rūnanga"), the mandated iwi authority for Ngāti Toa, under their Deed of Settlement with the Crown.
19. The Rūnanga seeks to use the land to get a commercial return and has partnered with a property developer, Rosco Industrial ("Rosco") to develop the land.
20. To this end, Rosco has applied for and been granted resource consents from both Hutt City Council and the Regional Council to undertake earthworks on the site, to level it and raise the ground height to reduce the risk of flooding. These earthworks are well underway at time of writing.
21. Rosco's larger plan for the site is to subdivide it into a three-lot business park under the name *Te Kārearea*. To this end they have applied for another resource consent for roading layout changes. Their first prospective tenant, Waste Management NZ, have also applied for resource consent to build a waste transfer station on one of the three proposed lots. Further information about the status of the consents is available at <https://www.huttcity.govt.nz/property-and-building/resource-consents/types-of-work-that-need-a-resource-consent/30-benmore-crescent>. The consents are currently on hold at the applicant's request while technical negotiations with NZTA are underway but could restart at short notice.

22. These consents are being processed by Council under the operative district plan, using the relevant provisions from the General Rural Activity Area. Even once the new District Plan is proposed, the consents will continue to be processed under the operative plan until the new plan takes legal effect, which will probably be in at least late 2026. Even in a very contracted consent process, the consents will likely have been decided by then. Accordingly, the Proposed District Plan will have little influence over whether the consents are granted.
23. If there has been any change in the status of the consent applications since time of writing, relevant officers will be able to provide an oral update at the meeting.

Background and Discussion – District Plan Review

24. The Committee approved the Draft District Plan for consultation at the 18 October 2023 meeting. The Draft District Plan showed the site as being in the General Industrial Zone, along with 10 Benmore Crescent. There were no site-specific provisions, but some zone-specific or district-wide overlays applied to parts of the site:
 - a. Industrial Main Through Route Frontage (requiring landscaping and setbacks from SH2),
 - b. Wellington Fault Hazard Overlay,
 - c. Liquefaction Hazard Overlay,
 - d. Flood Hazard Overlays – Stream Corridor, Overland Flow Path, and Inundation Area, and
 - e. Highway and Railway Noise Overlay.
25. Feedback was sought on the industrial zones in general, as well as specifically for the site. Officers received a significant volume of feedback on this issue in the draft. This feedback is discussed in detail in Appendix 1 to the report.
26. The resource management issues raised in feedback are not unique to the site, although they do vary from the zone as a whole in degree and significance. The site is also different from other industrial areas in that it is likely to be completely developed in a relatively short time frame, rather than the gradual redevelopment seen in existing industrial areas.

Options

27. Having considered the resource management issues and the feedback to date, Council needs to select an approach to managing the site in the District Plan. The overall structural approach of the Plan is that all land in the district is assigned to a zone, and then overlays and precincts can be used to add area- or site-specific provisions to manage specific issues for a site.

28. There are two issues at stake:

- a. The larger strategic issue of whether industrial activity is an appropriate use or the most appropriate use for the site – that is, selecting an appropriate zone, and
- b. If industrial activity is provided for on the site, how to manage it – that is, the provisions that apply within that zone, and whether they should differ for this site. Our recommended approach to these issues is incorporated into options 1, 2, and 3.

29. The practical strategic options identified by officers are:

| # | Option |
|---|---|
| 1 | General Industrial Zone with site-specific precinct provisions |
| 2 | Light Industrial Zone with site-specific precinct provisions |
| 3 | Commercial or Mixed Use Zone with site-specific precinct provisions |
| 4 | General Rural or Rural Lifestyle Zone |

30. To manage the effects of industrial activities, officers propose both general changes to the Industrial Zones as a whole (also including feedback that was not specific to Benmore Crescent), and some changes that, under options 1, 2, or 3, would apply to only Benmore Crescent. Option 4 does not involve any site-specific provisions.

31. The recommended zone-wide changes would apply in all Industrial Zones across the city, including on Benmore Crescent if an Industrial Zone is applied there:

- a. Set out activities that need consent to manage dust and odour,
- b. Clarify issues of the storage of hazardous substances,
- c. Address additional issues of traffic caused by heavy vehicles,
- d. Expand and clarify definitions relating to *sensitive activities*, *heavy industrial activities*, and *trade and industrial training facilities*, and
- e. Remove blanket public notification requirements in favour of allowing resource consent planners to make case-by-case decisions on notification based on the test in the Resource Management Act, to avoid notification for minor consents.

32. Options 1, 2, and 3 would also include changes specific to the site to address:

- a. Lower “high trip generator” thresholds to assess transport impacts,
- b. Design and layout of new buildings and work areas,

- c. Removing the generic Industrial Main Through Route Frontage overlay in favour of specific controls on landscaping and screening across all the site's boundaries,
 - d. Stormwater management,
 - e. Vegetation in, and protection of, the Dry Creek stream corridor,
 - f. Public access to Dry Creek and the Hutt River, and
 - g. Protection of industrial development capacity through controlling subdivision (except option 3).
33. All options would continue to apply standard district-wide approaches to natural hazards, financial contributions for infrastructure, three waters, historic heritage, notable trees, sites and areas of significance to Māori, natural character, natural features and landscapes, light, noise, temporary activities, signs, earthworks and wind, without any special treatment for the site.
34. All options will continue with the district-wide approach to flood hazard mapping and not update this site specifically. The landowner would be able to submit on this issue and seek updated mapping during the hearing if they can provide updated information.
35. All options would assume that Council's policy on indigenous biodiversity will be implemented without any special treatment for the site.
36. Except as noted in paragraph 32, all options will apply the standard district-wide approaches for public access and transport.
37. All options would continue to leave issues best managed through regional council functions to the Greater Wellington Regional Council:
- a. the water quality of waterbodies,
 - b. discharges to air, water, and land, and
 - c. the provision of public transport services.
38. All options, due to the timing of the district plan process, would be unlikely to affect the ongoing resource consent applications for the site.

39. The options are evaluated below:

| Option 1: General Industrial Zone with site-specific precinct provisions | |
|---|--|
| Approach | Apply the General Industrial Zone, with site-specific provisions to manage transport, the design of new buildings and work areas, landscaping and screening, stormwater management, the Dry Creek stream corridor, public access, and protecting industrial development capacity. |
| Advantages | <p>Provides 10 hectares of immediately available additional capacity for industrial activities within the city limits, in a good strategic location for the activity.</p> <p>Provides a use for the site that is much less sensitive to the natural hazard risks and noise and air pollution the site is subject to.</p> <p>Uses the opportunity provided by the site to provide relatively large industrial allotments, which are harder to find than smaller allotments.</p> <p>Consistent with most industrial land in the district on the Wellington Fault Hazard Overlay.</p> |
| Disadvantages | Industrial activities can create adverse effects on neighbouring areas such as dust, odour, fumes, safety risks, transport safety and congestion impacts, visual impacts, and stormwater impacts. While the plan would be designed to manage these, that management may not completely avoid all issues. |
| Conclusion | Recommended option. |

| Option 2: Light Industrial Zone with site-specific precinct provisions | |
|---|---|
| Approach | <p>Apply the Light Industrial Zone, with site-specific provisions to manage transport, the design of new buildings and work areas, landscaping and screening, stormwater management, the Dry Creek stream corridor, public access, and protecting industrial development capacity.</p> <p>The key difference in the Light Industrial Zone compared to the General Industrial Zone is that it expects amenity values <i>within</i> the zone that are compatible with residential activities and commercial centres, as opposed to protecting those values only at boundaries with other zones.</p> <p>Light Industrial Zones also provide for smaller site sizes and a wider range of commercial activities.</p> |
| Advantages | <p>Provides 10 hectares of immediately available additional capacity for industrial activities within the city limits, in a good strategic location for the activity.</p> <p>Provides a use for the site that is less sensitive to the natural hazard risks and noise and air pollution the site is subject to.</p> <p>Provides for a wider range of commercial activities than the General Industrial Zone which may result in faster development of the site.</p> |
| Disadvantages | <p>Industrial activities can create adverse effects on neighbouring areas such as dust, odour, fumes, safety risks, transport safety and congestion impacts, visual impacts, and stormwater impacts. While the plan would be designed to manage these, that management may not completely avoid all issues.</p> <p>Smaller site sizes and a wider range of high-trip generating activity will increase road transport demand for the site compared to General Industrial, and the wider range of activities that could attract more visitors risks, exposing more people to natural hazard risks.</p> |
| Conclusion | <p>Practical, but does not make the most of the potential of the site and does not significantly change the potential adverse effects.</p> |

| Option 3: Commercial or Mixed Use Zone with site-specific provisions | |
|---|---|
| Approach | <p>Apply a Commercial or Mixed Use Zone, with site-specific provisions to manage transport, the design of new buildings and work areas, landscaping and screening, stormwater management, the Dry Creek stream corridor and public access.</p> <p>Regardless of the exact zone selected, given the constraints on residential development, the location, and small residential catchment, the likely tenants of such a site would be large-scale commercial developments targeting a city-wide or regional market. This would likely be car-oriented large format retail.</p> |
| Advantages | <p>Provides additional business capacity for large-format retail.</p> <p>Likely avoids many of the adverse effects of industrial activity, such as odour, fumes, dust, and risks from hazardous substances.</p> |
| Disadvantages | <p>This is significantly contrary to the strategic approach of the district plan work to date, the Spatial Plan, and regional direction which stresses support for existing commercial centres like Pito-one and the City Centre and encourages commercial development to be practically accessed by active and public transport.</p> <p>Does not address needs for industrial land, which is the largest deficit, in favour of other commercial activities, which have greater existing capacity and greater ability to expand through intensification.</p> <p>This would have substantially greater impacts on the local transport network than industrial use.</p> <p>The wider range of activities that could attract more visitors, has a higher chance of exposing more people to natural hazard risks.</p> |
| Conclusion | <p>Practical, but not recommended, and would be a major departure from the expected strategic direction of the district plan work to date and the Spatial Plan.</p> |

| Option 4: General Rural Zone or Rural Lifestyle Zone. | |
|--|--|
| Approach | Apply the General Rural Zone or Rural Lifestyle Zone. |
| Advantages | <p>Some of the negative effects of industrial activities on nearby residential and recreation land would be avoided.</p> <p>Some of the benefits of providing business land would still be provided through the ability of industrial activity to seek to locate in the zone through a resource consent, particularly industrial activities with similar effects to rural industry.</p> |
| Disadvantages | <p>There may not be practical agricultural or horticultural use for the site, given the site size and history of soil contamination.</p> <p>The zone would still enable many of the negative effects of industrial land. In some ways the negative impacts of industrial activities on the site would be greater than in an industrial zone, due to the typically greater effects of rural-type industries (e.g. odour and dust) on urban activities. Rural zones, unlike urban zones, are not expected to contain their effects within the site.</p> <p>Significantly underuses the potential of the site when it would be well suited for more general industrial use.</p> |
| Conclusion | Practical, but not recommended due to significantly underusing the potential of the site and combining many of the negative impacts of the industrial option without providing all of the benefits. |

40. A comparison of general provisions for the four different zones and some examples of the activities they enable is below, as of the draft district plan. Each shows the “activity status” in the plan, from permitted (no resource consent needed) through to restricted discretionary, discretionary, and non-complying (each needing a resource consent, and in that order, the application becoming more challenging for the applicant).

| Activity | Operative plan: General Rural Activity Area | Option 1: General Industrial | Option 2: Light Industrial | Option 3: Commercial Zone (e.g. Mixed Use Zone) | Option 4: Rural Zone (e.g. General Rural Zone) |
|---|---|------------------------------|----------------------------|---|--|
| Livestock farming | P | D | D | NC | P |
| Residential (live-work) | P | NC | RD | P | P |
| Residential (large lifestyle blocks) | P | NC | D | P | P |
| Residential (multi-unit) | NC | NC | D | P | NC |
| Professional services office (new building, 200m ²) | NC | D | D | P | NC |
| General retail (new building, 200m ²) | NC | RD | P | P | NC |
| Supermarket (1500m ²) | NC | RD | P | P | NC |
| Service station (with 100m ² indoor retail area) | NC | P | P | D | NC |
| Garden centre (250m ² indoor area, new building) | NC | RD | RD | D | NC |
| Panel beater | NC | P | P | D | NC |
| Light manufacturing (indoor, 200m ²) | NC | P | P | RD | NC |
| Logistics warehouse | NC | P | P | D | NC |
| Waste transfer station | D | D | D | NC | NC |
| Shopping mall | NC | NC | NC | D | NC |
| Paintball (fully outdoor) | RD | P | P | P | D |
| Key | | | | | |
| P | RD | D | NC | | |
| Permitted | Restricted Discretionary | Discretionary | Non-complying | | |

41. The following options were considered and rejected as being impractical:

| Rejected options | |
|---------------------------------|--|
| Heavy Industrial Zone | The Heavy Industrial Zone is designed to provide a space for industrial activities that create significant effects or risks on the surrounding area. This zone has been applied only to Seaview, which includes a large “buffer area” to separate it from surrounding residential areas. It is not appropriate for land this close to a residential area. |
| Open Space and Recreation Zones | This would oblige the owner to use the land for open space, recreation, or conservation purposes, and avoid negative effects on the amenity of nearby residential areas. It would almost certainly render the land incapable of any reasonable use for a private owner, and if legal action were taken, Council would likely be obliged to either select a different option or acquire the land. |
| Residential Zones | <p>Much of the site is not practical for residential use under any circumstances due to natural hazard risk from flooding, liquefaction, and fault rupture. Council would still need an alternative approach for that part of the site.</p> <p>Much of the site may be exposed to air pollution from the state highway and noise pollution from both the state highway and railway and so is an undesirable location for residential development.</p> <p>Greenfield expansion in a location with relatively poor access to existing commercial and community facilities is not supported by Council’s existing strategies, or national and regional RMA direction.</p> |
| Site-specific zone | Council would still need to decide on what mix of uses is appropriate for the site in order to craft a site-specific zone, and so this option still requires the major strategic decision to be made. |

Climate Change Impact and Considerations

42. The matters addressed in this report have been considered in accordance with the process set out in Council’s Climate Change Considerations Guide.
43. Industrial land uses may cause direct carbon emissions. As a discharge to air, the management of these emissions is covered by regional council functions and the Emissions Trading Scheme.
44. Land use planning can also indirectly affect emissions, particularly as motor vehicle travel depends on the proximity of businesses to both each other and the commutes of workers. The land at Manor Park is likely to be closer to

other suppliers, customers and workers than the marginal alternative greenfield site for industrial land. Accordingly, emissions are likely to be lower if the land is used for residential, commercial, or industrial purposes rather than left vacant or used for a rural or open space purpose.

Consultation

45. The results of consultation on the Draft District Plan relevant to the site are summarised in the appendix. Any option selected will be consulted on further as part of the formal RMA process for notifying a new District Plan. Any interested person would be able to lodge a submission on the District Plan and speak to that submission at the hearing.

Legal Considerations

46. The legal considerations for the District Plan Review as a whole apply, but two specific duties are relevant:
- a. Section 31(1)(aa) gives local authorities a duty to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district, and
 - b. Section 85 of the Resource Management Act 1991 provides that if a District Plan makes any land “incapable of reasonable use” and that that “places an unfair and unreasonable burden” on the owner, the Environment Court can order the Council to either amend its plan or (with the consent of the owner) acquire the land.
47. Officers’ view is that all of the options presented can be defended as consistent with those duties.

Financial Considerations

48. The choice of option may impact the number of submissions, length of the hearing, or number of appeals on the proposed District Plan, which would all impact Council’s costs for the District Plan Review. However, this cannot practically be quantified in advance and the District Plan Review budget is based on the assumption that there may be a lengthy hearing and several appeals.

Appendices

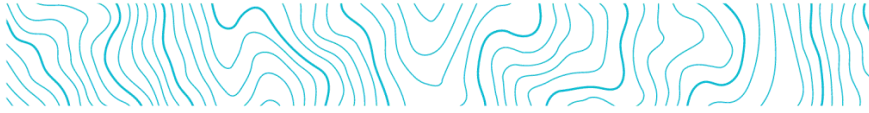
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Author: Stephen Davis
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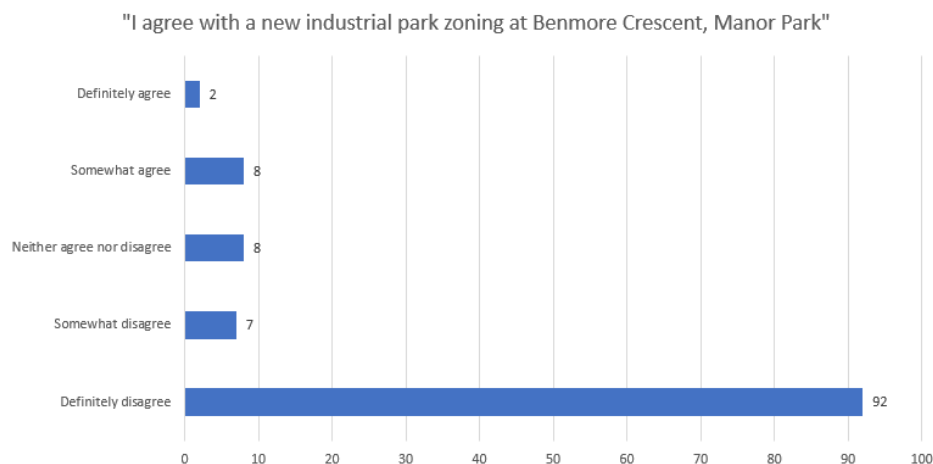
Reviewed By: Tim Johnstone
Head of Planning

Approved By: Alison Geddes
Director Environment and Sustainability



Draft District Plan Feedback – Benmore Crescent, Manor Park

1. Most respondents answered the online survey, which asked a specific question about the site:



2. Many of those respondents also provided written feedback, and some respondents only provided written feedback.
3. We also conducted an in-person engagement session at Manor Park Golf Sanctuary, which had an estimated turnout of around 70-100 local residents. Residents gave their feedback in person and asked questions of Council staff and a representative of Rosco who was present. Themes were similar to those received in written feedback.
4. Combining all sources of feedback, we summarise the main themes of the feedback below.

Rosco and Waste Management NZ Feedback

5. Rosco Industrial and Waste Management NZ supported the General Industrial zoning, but also sought:
 - i. That the zone also apply to the rail corridor, which would have the effect of avoiding some zone provisions designed to protect adjacent residential areas,
 - ii. Flood hazard overlays be updated to take account of the earthworks being conducted on site,

- iii. Reducing or removing some of the General Industrial zone’s protections for the privacy and amenity on neighbouring residential areas,
- iv. Increasing the threshold of vehicle trips that would trigger the High Trip Generator thresholds in the Transport chapter,
- v. Removal of mandatory public notification for some applications,
- vi. Reducing the scope of the definition of “heavy industrial activity” to remove references to offensive noise, dust, and odour, which would have the effect of avoiding some consents for industrial activities,
- vii. Various other minor and technical issues.

General feedback on industrial zones

- 6. Some plan-wide or zone-wide feedback that wasn’t specific to this site alone, but did seek that this site along with other rural areas:
 - i. Have zoning be based on the ability of Fire and Emergency New Zealand to fight fires on the site,
 - ii. Be kept with rural zoning be kept for reasons of natural character and biodiversity, or
 - iii. Be kept with rural zoning to provide more opportunities to create lifestyle blocks.
- 7. Some respondents asked for more industrial land to be provided in general, but did not mention this site in particular.
- 8. One respondent was neutral on the zoning for the site but sought that if it did go ahead, development be managed to encourage active and public transport for workers and customers.

Feedback opposing industrial zoning for the site

- 9. All other feedback relevant to the site was from people who opposed the General Industrial zoning for Benmore Crescent. Some did not suggest a specific alternative, while others sought a variety of alternative options:
 - i. Retaining the site as a rural zone,
 - ii. Residential, commercial, or mixed use zoning, or
 - iii. Open space and recreation zoning, sometimes in combination with Council acquiring the land.
- 10. Respondents raised issues with potential industrial activities (including heavy industrial activities). Much of this feedback was framed around the potential of a waste transfer station in particular.

11. Issues relevant to the district plan were:

- i. Creating objectionable noise pollution from industrial activities,
- ii. Windblown rubbish,
- iii. Creating objectionable noise pollution from vehicle traffic, including engine brakes from heavy vehicles,
- iv. Vibration from industrial activities, earthworks, construction, and traffic,
- v. Safety issues at the Benmore Crescent / Manor Park Road intersection, and the State Highway 2 / State Highway 58 / Manor Park Road roundabout,
- vi. The ability of heavy vehicles to use that roundabout,
- vii. Safety issues in general from the use of heavy vehicles,
- viii. Safety and traffic congestion issues from the interaction of traffic to and from Benmore Crescent with traffic using the level crossing,
- ix. Whether development at Benmore Crescent would preclude the ability of NZTA to, in future, grade-separate the rail crossing,
- x. Increasing traffic congestion generally,
- xi. Parking and public transport for workers,
- xii. Risks of hazardous waste storage and runoff into waterways,
- xiii. Stormwater runoff volumes and quality generally, from impervious surfaces,
- xiv. Impacts on habitats of indigenous plants and wildlife,
- xv. Attracting pest animals and impacts on pest control efforts,
- xvi. The potential for an increase in illegal waste dumping,
- xvii. Industry's possible stress on infrastructure for electricity, three waters, and other utilities,
- xviii. Impacts on residential character and amenity,
- xix. Impacts on rural character and amenity,
- xx. Impacts on stress, mental health, and social wellbeing,
- xxi. Impacts on patients and visitors to the Manor Park Private Hospital,
- xxii. Impacts on recreation, such as users of the Hutt River trail and the Manor Park golf course,
- xxiii. Visual impacts including landscaping,

- xxiv. Hours of operation, and
 - xxv. The proximity of the site to residential areas in general.
12. Issues raised that are resource management issues but within the domain of the Regional Council and its Regional Plan are:
- i. Creating objectionable odours, fumes, and dust,
 - ii. Risks of hazardous waste storage runoff into waterways, and
 - iii. Water quality generally.

Other feedback received

13. Respondents raised concerns about procedure and the review process, including:
- i. Whether the engagement and draft district plan process are genuine or predetermined,
 - ii. Whether the Council had enough information to conclude that there was demand for industrial use of the site,
 - iii. Whether alternative locations had been adequately considered,
 - iv. Whether alternative uses for the site had been adequately considered, and
 - v. Whether alternative uses for the site would be more beneficial (e.g. commercial or housing).
14. For completeness, respondents also raised concerns related to the site that are not the domain of the district plan:
- i. Impacts on (financial) property values and the ease of selling property,
 - ii. Illegal street racing, and
 - iii. Council's resourcing of the Compliance and Monitoring team, and political will to take enforcement action.
15. Many residents spoke of their view of the existing Manor Park suburb as close-knit, semi-rural, having a connection to nature, exclusive, serene, being a sanctuary, or being a "well-kept secret".
16. Manor Park residents also provided significant feedback that related more directly to the effects and consent compliance of the ongoing earthworks, and to the ongoing resource consent applications for the site. These were assessed for issues relevant to the District Plan review, and then passed on to the Resource Consents and Compliance and Monitoring teams.
17. Of the issues raised, many are about issues that are specific to the possibility of a waste transfer station. All the recommended options continue to include waste transfer stations

as a “heavy industrial activity” which would be a discretionary or non-complying activity requiring a resource consent. The potential impacts could then be considered fully at the resource consent stage.

18. However, some issues are relevant to industrial activities as a whole. Issues where we think the site may need special treatment are outlined in the main body of the report.