Officer’s Right of Reply: Plan Change 52

Commissioner Questions deferred at the start of the Hearing:

1. Why does PC52 specify a 26metre planting separation in 16.4.2(b.i) for new roads as shown in Diagram 1?
2. Where does vehicle crossing/entranceways sit in such frontages – do they need to be located to fit within the 26m separation?

Reporting Officer Response:

a) The 26m planting requirement maintains consistency with the planting required within the Manfeild Park Development Area. This is appropriate given the expansive and open nature of the Industrial Zone.
b) Vehicle crossings are generally provided for as practically and sensibly as possible, within the specific constraints of each site, as a matter of practice.
c) It is noted that submitter HWRG sought that these provisions for new roads be deleted entirely.
d) As a matter of clarity two additional changes are recommended that:
   o Diagram 3 offers little additional guidance and is perhaps confusing. It could be deleted and the relevant text reference removed also.
   o The first sentence of Standard 16.4.2(b.i) be amended, to clearly identify that Diagram 1 is intended to show planting within road reserve adjacent to the carriageway, as follows:
      "Along any new road constructed after date PC rules take effect, a tree must be planted every 26m within road reserve, with a minimum size at planting of PB40."

3. In Performance Standard 16.4.2(b.iii.b bullet 1) the outcome sought is clear, that a variety of low shrubs and trees to the specified height be planted. However, Waugh's Road frontage is excluded and provided separately in the second bullet point. This second bullet point does not specify the outcome sought in relation to planting. Will this achieve sufficient amenity at the state highway frontage?

Reporting Officer Response:

a) It is noted that there may be some uncertainty about outcomes as currently recommended.
b) The intention is that the same planting outcomes essentially also apply for Waugh’s Rd. Where screening is less critical but that enhanced amenity is achieved through
successful planting. It is recommended that the first and second bullet points be replaced with the following three bullet points:

- On **sites which adjoin any major or minor arterial roads** (excluding Waughs Road) (Refer Appendix 3B.1) or which lie directly across the road from a Residential or Village Zone, a 2m landscaping strip must be provided.

- On sites adjoining Waughs Road/SH 54 a 5m wide landscaping strip must be provided.

- **Where landscape strips are to be provided they must be** planted and maintained with a variety of low shrubs and trees that will grow to a **height of at least** between 0.5 - 1.0 metres.

4. Is it reasonable or achievable to require that outdoor storage areas ‘not be visible’?

**Reporting Officer Response:**

a) The standard is unduly strict as currently recommended. It could be amended to state:

  o **Any outdoor storage areas must as far as practicable, be screened and not visible when viewed** from any adjacent non-industrial zoned land or arterial road

**Kerry Quigley and Waugh Family Evidence (in relation to Mahoe boundaries):**

**Reporting Officer Response:**

a) Following consideration of the specific heritage values of the Mahoe property and the existing rural residential nature of the land zoned Rural adjacent to Waugh's Road, it is accepted that the environment of the Mahoe property is really more akin to a residential zone than a true Rural Zone.

b) It is accepted that the Mahoe property is unique in this context and warrants additional protection from potential adverse visual effects of industrial development on adjacent land.

c) While a distinction could be made for just Rural zoned land adjacent to properties fronting Waugh's Road, it is felt that on balance for simplicity it could also be applied to all Rural zoned boundary interfaces without adverse effect. This is consistent with the notified intention and within the scope of the Plan change.

d) John Hudson confirms that the recommended building back set back of 5 metres with a screen planting buffer of 2 metres adjacent to the Rural Zone boundary is appropriate. The planting area of 6.5metres recommended by the submitter’s landscape advisor is not accepted as this goes beyond the requirements for
interface with residential zoned land. This would create inconsistency within the provisions. It is noted also that an appropriate level of screen planting, given the existing planting on the Mahoe property can still be achieved within a 2metre planting area.

e) It is accepted that the mitigation screening should be required on the industrial zoned site. However given the configuration and significant length of the Waugh's boundary adjacent to Mahoe, a compromise recognising the economic implications and the potential environmental benefits of the existing planting on the Mahoe property is reasonable.

f) The additional species recommended by Mr Athol Sanson could be included in the Appendix 16.1, although this appendix list is not intended to be an exhaustive list of species.

g) A performance standard to require fencing to protect planted areas is not a necessity, as once that planting becomes a requirement, it is likely that the industrial site would no longer be grazed by animals that might damage plants. Fencing is not intended to achieve screening of industrial activities, as that is the purpose of planting in such locations e.g. adjacent to Mahoe.

h) Performance standard 16.4.2(b.iv) requires that where fences are to be erected adjacent to a road, that it be erected internally to the site with landscape planting fronting the road. This standard could be amended to apply to all industrial boundaries not just adjacent to a road, as follows:

16.4.2(b.iv):

Any fencing where located adjacent to a road, or non-industrial zoned land must be erected internally to the site with landscape planting fronting the road or non-industrial zoned land boundary.

HW Richardson Group Tabled Evidence:

Reporting Officer Response:

a) The submitter largely supports the recommendations in my evidence, in relation to the tension between enhancing and maintaining amenity values affected by industrial activities.

b) The submitter seeks a change to Policy 2.4 to ‘encourage’ rather than ‘require’ industrial activities to locate within the Industrial Zone. It is Council’s clear intention that to require industry into the appropriate zone to mitigate against adverse effects in other more sensitive zones whilst also enabling and encouraging industrial activities into the District by permitting them in just one Zone. The Industrial Zone.
c) Conversely, it is not Council’s intention to prohibit industrial activities from seeking to establish in other zones, and this will be reflected in a discretionary or non-complying activity status for industry in other zones as they are reviewed.

d) It is however Council’s intention to clearly direct industrial activities that the Industrial Zone is intended to be the appropriate location to establish and operate.

e) For the above reasons I do not support further amendments to Policy 2.4 and confirm the recommendation in my evidence.

Feilding Promotions Inc Submission

Reporting Officer Response:

a) In response to a query from the Chair, the submitter noted that design standards would be useful for enhancing amenity values.

b) It is noted that the submission did not raise this issue and no other submitter has sought introduction of such regulation.

c) In the Manawatu context a deliberate decision was made not to include building design standards in the Industrial Zone. This was primarily because the focus was to encourage industrial activity to the District by permitting industry and minimising constraints. In return industry is required to locate within the Industrial Zone.

d) In the Feilding context, potential issues of poor design may be addressed largely by the market. For example at key entrance locations, where landscaping is required to enhance the amenity of the site and surroundings, the market is assumed to charge a premium for sites with a high visibility and profile. Industry that values such locations are considered on balance more likely than not to also respect basic design principles.

e) Conversely industrial activities that do not require profile or visibility, will be unlikely to pay the associated premium and prefer to locate within the Zone interior.

f) Council is working on a side agreement with the Waughs who own the most prominent undeveloped key entrance site with a view to managing design of the site more proactively through agreement rather than regulation.
The Oil Companies

Reporting Officer Response:

Objective 2 and Assessment criteria 16.4.3

a) The submitter seeks to further amend Objective 2 to require maintenance only within the Industrial Zone. This is not supported as the Council has a very clear focus to enhance visual amenity wherever it is practical.

b) Consistent with that approach I do not support further amendment to the assessment criteria as proposed by the submitter.

c) I do accept the rational for amending the objectives and policies to refer to ‘practical’ rather than ‘possible’. This change should be made throughout the Plan as a matter of consistency.

Policy 2.5

d) The Committee should note that my recommendation in relation to this policy already proposed to delete ‘or enhance’ and I concur that the addition of ‘or create’ does provide for situations where perhaps the appropriate amenity level is not already present.

e) Amend to replace possible with practicable as above.

Landscaping 16.4.2(b.iii.b) Major and Minor Arterial Roads

f) The two suggested amendments are supported as sensible and correct respectively.

Rule 16.4.4(c)

g) The proposed amendment is supported as it clarifies the intention of the Plan.

Waugh Family Evidence (in relation to state highway frontage)

Reporting Officer Response:

a) In discussion with the submitters following the hearing it appears reasonably likely that a side agreement may be reached, in relation to options for landscaping and building set back and design that would achieve the Plan outcomes in relation to enhancing amenity at this key entrance to Feilding and retain sufficient flexibility and likely be more economical for the landowners.

b) At this point, I do not propose any amendment be made to the recommended Plan provisions affecting this property. However in the event that a detailed agreement is reached it may be appropriate to consider including such matters in the Plan rather than leaving them in a side agreement.
Horizons Regional Council (paragraphs 11 – 13)

Reporting Officer Response:

a) The Commissioner’s have asked about the effect of my recommendation at ‘16.4.2 Guidance Note’ to accept the regional council request to include the words: ‘Land included within the 0.5% AEP (1 in 200 year) modelled floodable land in Appendix 16.2 (Kawakawa Industrial Park Growth Area) is also subject to the Flood Channel Zone Rules.’

b) I wish to amend my recommendation to reject that wording as the effect is to essentially change the zoning of such land without first going through an appropriate process.

c) The purpose of a guidance note is not to regulate but to inform plan users of other legislation or obligations that may be relevant or applicable.

d) I consider that it is firstly an inappropriate use of a guidance note and secondly is not a reasonable way to amend the rules that apply to any piece of land.

e) The same could be said of the Note under 16.4.2(i) however as this issue is being addressed by Council infrastructure for the entire development area, I considered this matter more pragmatically.