

# **Wellington City Proposed District Plan**

## **Hearing Stream 4 - General Industrial Zone**

### **Section 42A of the Resource Management Act 1991**

## Document Information

<b>REPORT FOR:</b>	<b>Independent Hearings Commissioners:</b> Robert Schofield (Chair) Lindsay Daysh Heike Lutz Liz Burge
<b>SUBJECT:</b>	<b>Wellington City Proposed District Plan – Hearing Stream 4 General Industrial Zone (GIZ)</b>
<b>PREPARED BY:</b>	Hannah van Haren-Giles
<b>REPORT DATED:</b>	26 May 2023
<b>DATE OF HEARING:</b>	22 June 2023

## Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps of the Wellington City Proposed District Plan as they apply to the General Industrial Zone (GIZ) including the Miramar/Burnham Wharf Precinct.
- ii. There were seventy-six submissions and nine further submissions received in relation to the General Industrial Zone. The submissions received were diverse and sought a range of outcomes. This report outlines recommendations in response to the issues that have emerged from these submissions.
- iii. The following are considered to be the key issues in contention:
  - a. Rezoning of sites to Mixed Use Zone (MUZ);
  - b. The directive to avoid reverse sensitivity effects;
  - c. The policy and rule framework for gyms, commercial activities, educational facilities, community corrections activities, and drive-through restaurants; and
  - d. Proposed amendments to the maximum building height and height in relation to boundary standards.
- iv. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.
- v. The report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to the General Industrial Zone should be retained as notified, amended, or deleted in full.
- vi. Appendix A of this report sets out the recommended changes to the General Industrial Zone chapter in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- vii. Appendix B of this report details officers' recommendations on submissions, and whether those submissions should be accepted or rejected. The body of this report should be consulted for reasoning.
- viii. For the reasons set out in the Section 32AA evaluation included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
  - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
  - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

# Contents

Executive Summary.....	3
<b>1.0 Introduction .....</b>	<b>6</b>
1.1 Purpose.....	6
1.2 Author and Qualifications .....	6
1.3 Code of Conduct .....	7
1.4 Supporting Evidence .....	7
1.5 Key resource management issues in contention .....	7
1.6 Procedural Matters.....	8
<b>2.0 Background and Statutory Considerations .....</b>	<b>9</b>
<b>3.0 Consideration of Submissions and Further Submissions .....</b>	<b>11</b>
3.1 Overview.....	11
3.2 General Points .....	12
3.3 GIZ-PREC01 Miramar/Burnham Wharf Precinct .....	18
3.4 General Industrial Zone Objectives .....	19
3.5 General Industrial Zone Policies.....	23
3.6 General Industrial Zone Rules .....	27
3.7 General Industrial Zone Standards.....	35
<b>4.0 Minor and inconsequential amendments.....</b>	<b>40</b>
<b>5.0 Conclusion .....</b>	<b>42</b>
<b>6.0 Appendices.....</b>	<b>47</b>

## Interpretation

**Table 1: Abbreviations**

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Wellington City Council
NSP-UD	National Policy Statement on Urban Development 2020
the Operative Plan/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

**Table 2: Submitters' and Further Submitters' Names**

Abbreviation	Submitters
Ara Poutama	Ara Poutama Aotearoa the Department of Corrections
the Fuel Companies	BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (the Fuel Companies)
CentrePort	CentrePort Limited
Envirowaste Services	Envirowaste Services Ltd
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island
GWRC	Greater Wellington Regional Council
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
McDonald's	McDonald's Restaurants New Zealand Limited
	Ministry of Education
	Miriam Moore
Oyster Management	Oyster Management Limited
Restaurant Brands	Restaurant Brands Limited
	Shelly Bay Road Limited
VUWSA	Victoria University of Wellington Students' Association
	Waka Kotahi
	Wellington City Youth Council
WIAL	Wellington International Airport Limited
Woolworths	Woolworths New Zealand

## 1.0 Introduction

### 1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
  - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
  - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

### 1.2 Scope

2. This report considers submissions received by the Council in relation to the relevant definitions, objectives, policies, rules, standards, and maps as they apply to the General Industrial Zone including the Miramar/Burnham Wharf Precinct.
3. This report:
  - a. Discusses general issues;
  - b. Considers the original and further submissions received;
  - c. Makes recommendations as to whether those submissions should be accepted or rejected; and
  - d. Concludes with a recommendation for any consequential changes to the plan provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

### 1.3 Author and Qualifications

6. My full name is Hannah Jane van Haren-Giles. I am a Senior Planning Advisor in the District Planning Team at Wellington City Council (the Council).
7. My role in preparing this report is that of an expert in planning.
8. I hold the qualification of Bachelor of Resource and Environmental Planning (First Class Honours) from Massey University. I am an Intermediate Member of the New Zealand Planning Institute.
9. I have five years' experience in planning and resource management, primarily as a consultant planner working for Hill Young Cooper Ltd. I have background in preparing and processing district and regional resource consent applications, plan and policy development, reviewing and preparing submissions, and providing resource management advice to a range of clients

including local authorities, industry groups, private sector companies, and individuals on various projects and planning processes.

10. My involvement with the Proposed Wellington City District Plan commenced in early 2020 when I was engaged to assist the Council with issues and options reports. I subsequently led the review and drafting of the Special Purpose Port Zone (including the Inner Harbour Port Precinct and Multi-User Ferry Precinct), Special Purpose Quarry Zone (including Kiwipoint Quarry Precinct), Special Purpose Stadium Zone, Hazardous Substances, and Contaminated Land chapters. I also authored the Section 32 Evaluation Reports for the Port Zone, Quarry Zone, Hazardous Substances, and Contaminated Land chapters.
11. Since joining the District Plan Team in July 2022 I have been involved in summarising submissions and further submissions, as well as developing the systems and database used to capture submissions and further submission points on the PDP.
12. I am also the reporting officer on the Earthworks, Subdivision, Port Zone, Quarry Zone, Hazardous Substances, and Contaminated Land chapters.

#### **1.4 Code of Conduct**

13. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
14. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
15. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

#### **1.5 Supporting Evidence**

16. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report is as follows:
  - a. [Statement of Expert Evidence by Dr Kirdan Lees, Sense Partners](#), dated 24 May 2023.

#### **1.6 Key resource management issues in contention**

17. Seventy-six submission points and nine further submission points were received in relation to the General Industrial Zone.
18. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention in the chapter:

- a. Rezoning of sites to MUZ;
- b. The directive to avoid reverse sensitivity effects;
- c. The policy and rule framework for gyms, commercial activities, educational facilities, community corrections activities, and drive-through restaurants; and
- d. Proposed amendments to the maximum building height and height in relation to boundary standards.

## **1.7 Procedural Matters**

19. There are not considered to be any other procedural matters to note.



## 2.0 Background and Statutory Considerations

### 2.1 Resource Management Act 1991

20. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
  - Section 74 Matters to be considered by territorial authority; and
  - Section 75 Contents of district plans.
21. As set out in the Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance regarding the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the [Section 32 Evaluation Report Part 2: Centres, Commercial, Mixed Use and Industrial Zones](#).
22. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18th July 2022, the following relevant statutory considerations have changed/been introduced:
  - a. **Spatial Planning Bill and Natural and Built Environment Bill (14.11.2022)**
    - These Bills are currently before the select committee and have no implications for the plan.
  - b. **Plan Change 1 to the Wellington Regional Policy Statement was notified (19.08.2022)**
    - A submission was received from the Wellington Regional Council seeking amendments to the PDP, in part to achieve alignment with its notified Plan Change. Submission points that relate to the matters of this s42a report are addressed here.

### 2.2 Schedule 1 and ISPP

23. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:
  - a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
  - b. For all other PDP provisions and content, the standard Part 1 of Schedule 1 process of the RMA is used. Part 1 Schedule 1 provisions can be appealed.
24. For the GIZ topic all the relevant zone provisions fall under the Part 1 Schedule 1 process.

### 2.3 Section 32AA

25. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

### **32AA Requirements for undertaking and publishing further evaluations**

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

26. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).
27. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach have not been re-evaluated. Additionally, further re-evaluation has not been undertaken if the recommended amendments have not materially altered the policy approach.

## **2.4 Trade Competition**

28. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
29. There are no known trade competition issues raised within the submissions.

## 3.0 Consideration of Submissions and Further Submissions

### 3.1 Overview

30. In total there were eighty-five submission points received in relation to the General Industrial Zone, as follows:
- a. 19 original submitters who collectively made 76 submission points; and
  - b. 4 further submitters who collectively made 9 further submission points in support or opposition to the primary submissions.

#### 3.1.1 Report Structure

31. Submissions on this topic raised a number of submission points that have been categorised in accordance with the general structure of PDP chapters as follows:
- a. General points – definitions and zoning matters
  - b. General points on the chapter as a whole
  - c. GIZ-PREC01 Miramar/Burnham Wharf Precinct
  - d. General Industrial Zone Objectives
  - e. General Industrial Zone Policies
  - f. General Industrial Zone Rules
  - g. General Industrial Zone Standards
32. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.
33. Recommended amendments are contained in the following appendices:
- a. Appendix A – Recommended Amendments to the General Industrial Zone Chapter
  - b. Appendix B – Recommended Responses to Submissions and Further Submissions on the General Industrial Zone Chapter
34. Additional information can also be obtained from the Centres, Commercial, Mixed Use and Industrial Zones [Section 32 Report](#), and the overlays and maps on the ePlan.
35. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, along with the full submissions. Where there is agreement with the relief sought and the rationale for that relief, this is noted in the assessment section of the report, with the associated recommendation provided in the summary of submission table in Appendix B. Where a further evaluation of the relief sought in a submission(s) has been undertaken, the evaluation and recommendations are set out in the body of this report. A marked-up version of the General Industrial Zone with recommended amendments in response to submissions is contained in Appendix A.
36. This report only addresses definitions that are specific to this topic. Definitions that relate to

more than one topic have been addressed in Hearing Stream 1 and the associated section 42A report, and in other relevant s42A reports for different topics.

### 3.1.2 Format for Consideration of Submissions

37. The consideration of submissions has been undertaken in the following format:
  - Matters raised by submitters;
  - Assessment; and
  - Summary of recommendations.
38. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
39. The recommended acceptance or rejection of submissions (and accordingly further submissions) is set out in Appendix B.
40. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment that represent a material change from the policy direction in the proposed GIZ chapter.

## 3.2 General Points

### 3.2.1 Definitions

#### Matters Raised by Submitters

41. Oyster Management [404.4] seek a new definition for 'indoor exercise facilities' be added to clarify that activities such as gyms can be provided for separately from other 'recreation activities' as follows:

**Indoor Exercise Facilities**

Indoor facilities used for exercise including gyms. Includes ancillary administrative activities such as offices.

#### Assessment

42. In response to Oyster Management [404.4], it is my understanding that a gym operates on a site within the GIZ that the submitter owns, and is seeking that this activity be provided for as a permitted activity.
43. This activity would have existing use rights that would enable it to continue operating, and/or if a new gym or indoor exercise facility were seeking to establish in the GIZ this could be considered 'service retail' under permitted activity rule GIZ-R4, or alternatively assessed as a discretionary activity under GIZ-R6 without the need for a specific definition.
44. I note that this definition has only been sought in relation to the GIZ. Given its proposed limited application, on balance, I do not consider that a new definition for indoor exercise activities is necessary.

## Summary of Recommendations

45. **HS4-GIZ-Rec1:** No amendments are recommended in response to submissions on definitions.
46. **HS4-GIZ-Rec2:** That 404.4 be **rejected**.

### 3.2.2 Zoning Matters

#### Matters Raised by Submitters

47. Miriam Moore [433.3] seeks to rezone the Main Road Tawa Industrial Area from GIZ to MUZ.
48. Shelly Bay Road Limited [324.1] (opposed by WIAL [FS36.245]) and [324.2] seek to rezone 3 Shelly Bay Road from GIZ to MUZ.
49. The Fuel Companies [372.3] (supported by WIAL [FS36.253]) seek to retain the GIZ zoning of the Miramar Terminal and adjoining sites as notified. The Fuel Companies [372.5] also seek to retain the GIZ zoning of the Kaiwharawhara Terminal.

#### Assessment

50. Miriam Moore [433.3] seeks that the industrial area on Tawa Street and Main Road, Tawa be rezoned from GIZ to MUZ. This area is identified in Figure 1 below.

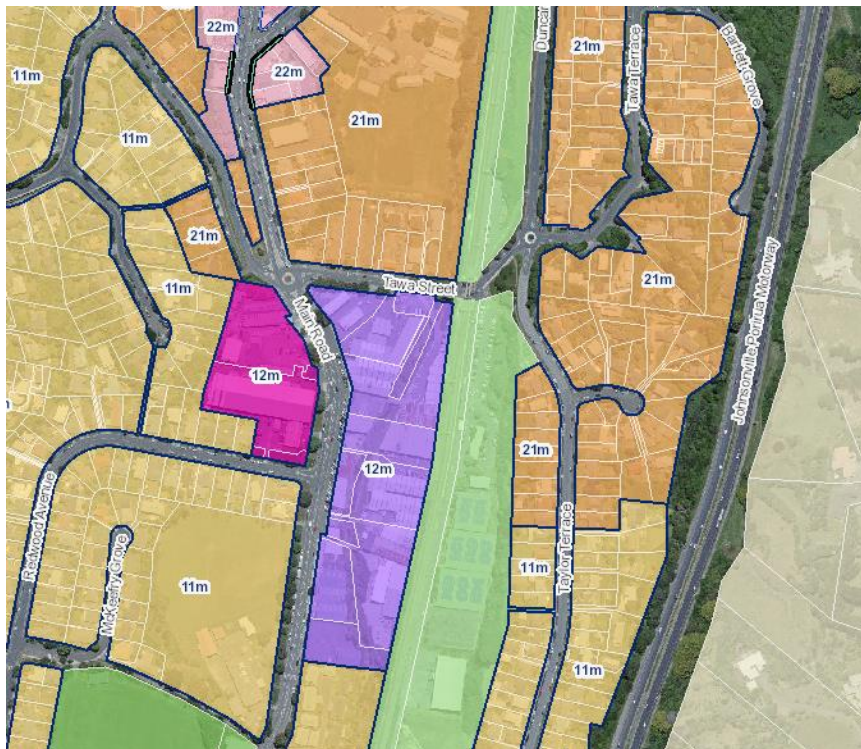


Figure 1: Zoning and locational context of industrial area on Tawa Street and Main Road, Tawa.

51. The PDP industrial zoning of this area reflects the extent of Business 2 zoning under the ODP.
52. The Tawa industrial area is adjacent to the Redwood Station, with high density residential zoning nearby. The area is also on Tawa's Main Road, and within a few minutes' walk of local and neighbourhood centres. The Porirua Stream runs through the site.

53. I note that the submission does not provide any planning evaluation or s32AA evaluation in support of the rezoning. However, Ms Moore has set out the following reasons in her submission:

- a. *The area is adjacent to Redwood Train Station and multiple schools.*
- b. *There is ample land zoned GIZ in Grenada North which is a more appropriate setting for industrial activities.*
- c. *MUZ would provide higher amenity, more compact and efficient land use, and a better arrival experience into Tawa along the Main Road.*
- d. *More MUZ in key areas (in proximity to the train station and schools) will result thriving neighbourhoods, and people able to live in sustainable ways that are better for our climate and social well being.*

54. I note that the descriptions of 'Mixed use zone' and 'General Industrial Zone' in the National Planning Standards are as follows:

Mixed Use Zone                      *Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.*

General Industrial Zone              *Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.*

55. Having undertaken a site visit on 5 May 2023, it is my view that the area aligns with the description of General Industrial Zone. While the area does contain commercial activities and community facilities including a bakery, physio, lawyers office, church and liquor store, there is a strong presence of industrial activities - primarily auto servicing, panel beaters, mechanics, plumbers, and light manufacturing.

56. I note that the loss of industrial land to residential and other non-industrial uses was identified as an issue in the supporting GIZ s32 Report<sup>1</sup>. The recommended response was to tighten the policy settings for residential and other non-industrial uses in the industrial zone.

57. The latest land demand projections from Sense Partners show a strong demand for industrial floorspace as well as an increase in industrial employment numbers – particularly in food manufacturing and light industrial activities.<sup>2</sup> Dr Lees expert evidence further details that “accommodating industrial land will be difficult given the strong demand from other sectors”<sup>3</sup>, making it particularly important that existing industrial land is not diminished.

58. This aligns with the GIZ s32 Report finding that “flat land suitable for industry is entirely finite in nature in the Wellington City context”, and that loss of industrial land during the life of the ODP

---

<sup>1</sup> [Section 32 Evaluation Report Part 2: Centres, Commercial, Mixed Use and Industrial Zones](#), Page 31.

<sup>2</sup> [Statement of Evidence, Dr Kirdan Lees](#), Pages 11, Figure 7 and Page 22, Paragraph 51.

<sup>3</sup> [Statement of Evidence, Dr Kirdan Lees](#), Page 11, Figure 8 and Paragraph 9.



has seen industrial activities ‘priced out’ of areas given over to higher-value activities.<sup>4</sup>

59. In my view, while there is industrial land available nearby in Grenada North, the Tawa area provides an important suburban environment for light industry and smaller scale industrial uses. Retaining the area as GIZ contributes to a well functioning urban environment in Redwood and Tawa, and aligns with NPS-UD Policy 1b and 1c in enabling suitable sites for different business sectors in terms of location and site size, and accessibility for all people between housing and jobs.
60. I acknowledge that rezoning the area to MUZ would allow for greater fungibility in enabling alternative uses. However, given the projected demand for industrial employment, floorspace, and land, as well as the finiteness of land availability for industrial activities, on balance I am of the view that General Industrial Zone is the most appropriate zoning for the area on Tawa Street and Main Road.
61. Shelly Bay Road Limited [342.1 and 324.2] seek that 3 Shelly Bay Road is rezoned from GIZ to MUZ to allow for the potential for future residential activities to occur. This site is identified in Figure 2 below.



Figure 2: Zoning and locational context of 3 Shelly Bay Road.

62. Shelly Bay Road Limited have set out that the properties on the opposite side of the road to the

<sup>4</sup> [Section 32 Evaluation Report Part 2: Centres, Commercial, Mixed Use and Industrial Zones](#), Page 31.

subject site are zoned either residential or mixed use. While this is correct, the properties opposite are located on a steep embankment which, in my view, given this separation is not contextual to the zoning of 3 Shelly Bay Road. Instead, I consider that the relevant locational context is the directly adjacent Burnham and Miramar Wharves and their role as regionally significant infrastructure.

63. The RPS definition of regionally significant infrastructure includes:

*Commercial Port Areas within Wellington Harbour and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.*

64. While I acknowledge that the land adjacent to Burnham and Miramar Wharves may not be presently owned/operated by CentrePort, it is still important within the context of the commercial port area. Continuing to enable and provide for regionally significant infrastructure is critical given the functional needs<sup>5</sup> and operational needs<sup>6</sup> of operational port activities to locate in a specific environment. Maintaining industrial land with a direct linkage to the harbour is in my view valuable. I note that CentrePort [402.145] have sought recognition of Miramar and Burnham Wharves location in the Coastal Marine Area and Burnham Wharf's use for operational port activities in the introduction of the Miramar/Burnham Wharf Precinct. This submission point is addressed later in section 3.3 of this report.
65. In addition, it is my understanding that Burnham and Miramar Wharves play a crucial role in the supply of jet fuel to Wellington International Airport. This correlates with the wharf area being regionally significant infrastructure in terms of *bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines*. It is my opinion, that the GIZ and Miramar/Burnham Wharf Precinct is the most appropriate zoning of the site as it recognises and provides for the locational context of this regionally significant infrastructure, operational port activities, and industrial activities.
66. The site is also located within the Inner Air Noise Overlay and is subject to Designation WIAL1 (Wellington Airport Obstacle Limitation Surfaces), noting the directive in Policy NOISE-P6 that development of noise sensitive activities within the Inner Air Noise Overlay is restricted. On this basis I agree with the point raised in the further submission of WIAL [FS36.245] that rezoning this site has the potential to result in the intensification of noise sensitive activities, giving rise to potential reverse sensitivity effects on WIAL.
67. On balance, I disagree with the submitter that 3 Shelly Bay Road is suitable for residential activities and consider that the proposed zoning of 3 Shelly Bay Road as GIZ should be retained for the reasons outlined in the above paragraphs.

### **Summary of Recommendations**

68. **HS4-GIZ-Rec3:** No amendments are recommended in response to submissions on zoning.

---

<sup>5</sup> means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

<sup>6</sup> means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.



69. **HS4-GIZ-Rec4:** That 372.3, 372.5, and FS36.253 be **accepted**, and 433.3, 342.1 and 324.2 be **rejected**.

### 3.2.3 General Points on the chapter as a whole

#### Matters Raised by Submitters

70. A number of submitters generally support the GIZ as notified. These submitters are Wellington City Youth Council [201.38], Waka Kotahi [370.406], and VUWSA [123.60]. Envirowaste [373.31] also supports the chapter, noting that waste facilities must be protected from reverse sensitivity to ensure their ongoing operation.
71. Ara Poutama [240.62] consider that community corrections activities are essential social infrastructure that are a compatible and appropriate activity in industrial zones, and seek that relevant policies and land use activity rules applying to community corrections activities in the GIZ are amended.
72. GWRC [351.280] considers the approach taken in the GIZ aligns with Policy 32 of Proposed RPS Change 1. They further seek [351.281] that provisions have regard to the qualities and characteristics of well-functioning urban environments as articulated in Objective 22 of Proposed RPS Change 1.

#### Assessment

73. I have recommended amendments in response to matters raised by Envirowaste [373.31] and their associated submission points in other sections of this report. In the context of this submission point I draw attention to strategic directions CEKP-O3 and CEKP-O4 which provide clear directives that support large scale industrial and service-based activities that serve the needs of the City and wider region, and that protect land zoned GIZ from activities that are incompatible with the purpose of the zone.
74. I agree in principle with the position of Ara Poutama [240.62] that community corrections activities are essential social infrastructure that are appropriate to locate in the GIZ. Ara Poutama have made associated submission points seeking to amend GIZ-P1 and to add a new permitted activity rule for community corrections activities. These amendments are addressed in sections 3.5.1 and 3.6.1 of this report.
75. In response to GWRC [351.280 and 351.281] I consider that the approach of the GIZ aligns with Objective 22 and Policy 32 of Proposed RPS Change 1.

#### Summary of Recommendations

76. **HS4-GIZ-Rec5:** No amendments are recommended in response to submissions on general points.
77. **HS4-GIZ-Rec6:** That 201.38, 370.406, 123.60, 373.31, 240.62, 351.280, and 351.281 be **accepted**.

### 3.3 GIZ-PREC01 Miramar/Burnham Wharf Precinct

#### Matters Raised by Submitters

78. CentrePort [402.145] seek that recognition of Miramar and Burnham Wharves location in the Coastal Marine Area and Burnham Wharf's use for operational port activities is cross referenced in the introduction of the Miramar/Burnham Wharf Precinct.
79. There were no submissions in relation to GIZ-PREC01-O1 (Purpose), GIZ-PREC01-P1 (Miramar/Burnham Wharf Precinct), and GIZ-PREC01-R1 (Construction of, or additions and alterations to, buildings and structures). I recommend that these provisions be confirmed as notified, and have not assessed them further.

#### Assessment

80. CentrePort [402.22] have sought to amend the definition of 'port' to include Miramar and Burnham Wharves. I note that this matter will be addressed in the s42A report for the Port Zone. However, CentrePort have, as an alternative [402.145], sought to recognise Miramar and Burnham Wharves location in the Coastal Marine Area and Burnham Wharf's use for Operational Port Activities in the introduction of the Miramar/Burnham Wharf Precinct.
81. Miramar and Burnham Wharf are identified in the definition of regionally significant infrastructure in the RPS as being part of the Wellington Harbour Commercial Port Area. The land immediately adjoining Burnham Wharf is zoned GIZ and is located within the Miramar/Burnham Wharf Precinct.
82. In light of this, I agree with CentrePort that given this interrelationship it is appropriate to include recognition of regionally significant infrastructure and operational port activities in the introduction.

#### Summary of Recommendations

83. **HS4-GIZ-Rec7:** That the GIZ-PREC01 Miramar/Burnham Wharf Precinct introduction is amended as set out below and detailed in Appendix A.

#### **GIZ-PREC01      Miramar/Burnham Wharf Precinct**

Miramar and Burnham Wharf are regionally significant infrastructure located within the Coastal Marine Area.

The purpose of the Miramar/Burnham Wharf Precinct is to enable the continued safe and effective operation of operational port activities ~~the port~~ while regulating the use of this land for activities not related to this established use.

The Miramar/Burnham Wharf operates in close proximity to residential properties in the suburbs of Maupuia and Miramar and the neighbouring residential sites are potentially sensitive to the effects of the nearby port activities.

...

84. **HS4-GIZ-Rec8:** That 402.145 be **accepted**.

## 3.4 General Industrial Zone Objectives

### 3.4.1 GIZ-O1: Purpose

#### Matters Raised by Submitters

85. Restaurant Brands [349.204] seek that GIZ-O1 is retained as notified.

#### Assessment

86. No further assessment is required.

#### Summary of Recommendations

87. **HS4-GIZ-Rec9:** That GIZ-O1 be confirmed as notified.  
88. **HS4-GIZ-Rec10:** That 349.204 be **accepted**.

### 3.4.2 GIZ-O2: Sensitive activities

#### Matters Raised by Submitters

89. Restaurant Brands [349.205] seek that GIZ-O2 is retained as notified.  
90. Envirowaste Services [373.32 and 373.33]<sup>7</sup> consider that the proposed objective is not specific enough to deter sensitive activities from occurring in the GIZ, and that further amendments are required to ensure reverse sensitivity effects are avoided.

#### Assessment

91. I agree with Envirowaste Services [373.32 and 373.33] that further amendment to the objective framework is required to ensure reverse sensitivity effects are avoided. Given the nature of industrial activities, including existing heavy industrial activities, it is important that sensitive activities are not established where they may compromise or constrain an established or permitted land use or activity from operating effectively. As detailed in Dr Lees expert evidence "*accommodating industrial land will be difficult given the strong demand from other sectors*"<sup>8</sup>, making it particularly important that industrial land is not diminished by the establishment of sensitive activities. As detailed in Envirowaste Services' submission, waste facilities are especially vulnerable to reverse sensitivity effects arising from the potential discharge of odour, dust and noise from these facilities.
92. In my view this would be best achieved by merging and amending GIZ-O2 with GIZ-O3 to form a new broader objective to address reverse sensitivity effects and avoid incompatible activities.
93. If the Panel were of a mind to grant relief in relation to this matter, I would suggest that the amendments outlined in section 3.4.3 below are the most efficient and effective approach, and have addressed this matter, including s32AA evaluation, below.

---

<sup>7</sup> In the summary of submissions 373.32 and 373.33 have been incorrectly tagged to GIZ-O1, but relate to GIZ-O2.

<sup>8</sup> [Statement of Evidence, Dr Kirdan Lees](#), Page 11, Paragraph 9.

### Summary of Recommendations

- 94. **HS4-GIZ-Rec11:** That GIZ-O2 is deleted as detailed in Appendix A.
- 95. **HS4-GIZ-Rec12:** That 349.205, 373.32, and 373.33 be **accepted in part**.

### 3.4.3 GIZ-O3: Commercial activities

#### Matters Raised by Submitters

- 96. McDonald's [274.71] and Restaurant Brands [349.206] seek that GIZ-O3 is retained as notified.
- 97. Woolworths [359.91] considers that supermarkets by their nature are large in format and utilitarian in nature and not sensitive to effects arising from industrial activities. Woolworths seeks to amend GIZ-O3 to enable consideration of reverse sensitivity and operational and functional needs while also retaining recognition of the centres hierarchy in the PDP. The amendment sought by Woolworths (supported by Foodstuffs [FS23.26]) is as follows:

#### **GIZ-O3 Commercial activities**

Commercial activities are not established in the General Industrial Zone unless they:

1. Are ancillary to industrial activities; or
2. Are of a nature and scale that does not undermine the hierarchy of Centres. ;or
3. Demonstrate an operational or functional need to locate in the zone; or
4. Demonstrate that no adverse reverse sensitivity effects on permitted industrial activities in the surrounding zone arise.

#### Assessment

- 98. I agree in part with Woolworths [359.91] insofar as their amendment relates to adding consideration of reverse sensitivity effects to GIZ-O3. Reverse sensitivity is an important consideration within the GIZ to help prevent conflicts arising between industrial activities and other land uses.
- 99. However, I disagree with their suggested amendment to consider the operational or functional needs of activities, particularly commercial activities, to locate in the GIZ.
- 100. In my view as commercial activities do not have specific constraints to locate or operate in a particular environment, they therefore do not have functional needs<sup>9</sup> or operational needs<sup>10</sup> that align with the associated definitions of these terms. This is independent of any wholesale or distributional activities which are acknowledged as compatible in GIZ-P4. The centres hierarchy is also intended to provide for commercial activities, including supermarkets, in zones where they are more appropriately located.
- 101. Additionally, I note that the loss of industrial land to residential and other non-industrial uses

<sup>9</sup> means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

<sup>10</sup> means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

was identified as an issue in the supporting GIZ s32 Report<sup>11</sup>. The recommended response was to tighten the policy settings for residential and other non-industrial uses in the industrial zone. The s32 Report further details that “flat land suitable for industry is entirely finite in nature in the Wellington City context”, and that loss of industrial land during the life of the ODP has seen industrial activities 'priced out' of areas given over to higher-value activities.<sup>12</sup>

102. On this basis, and taking into consideration the submissions of Envirowaste Services [373.32 and 373.33] (relating to GIZ-O2) and Woolworths [359.91], I am of the opinion that GIZ-O3 would benefit from further amendment to better ensure that the GIZ and industrial activities are protected from reverse sensitivity effects and incompatible activities – including sensitive activities and commercial activities as set out in the policy framework in GIZ-P3 and GIZ-P4.

### Summary of Recommendations

103. **HS4-GIZ-Rec13:** That GIZ-O3 is amended as set out below and detailed in Appendix A.

**GIZ-O3** ~~Commercial activities~~ Protection of the General Industrial Zone

~~Commercial activities are not established in the General Industrial Zone unless they:~~

- ~~1. Are ancillary to industrial activities; or~~
- ~~2. Are of a nature and scale that does not undermine the hierarchy of Centres.~~

Industrial activities and the role and function of the General Industrial Zone are not constrained or compromised by:

1. Incompatible activities and/or reverse sensitivity effects;
2. Activities sensitive to nuisance effects including odour, dust, and noise; and
3. Commercial activities that are provided for in centres and mixed use zones.

104. **HS4-GIZ-Rec14:** That 274.71 and 349.206 be **rejected**, and 359.91 and FS23.26 be **accepted in part**.

### Section 32AA Evaluation

105. In my opinion, the amendments recommended to GIZ-P3 are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that the amended objective:
- a. Better articulates the purpose, role and function of the zone - that the GIZ and industrial activities are protected from reverse sensitivity effects and incompatible activities;
  - b. Removes duplication between GIZ-O2/GIZ-P3 and GIZ-O3/GIZ-P4, with the amended objective providing overarching direction and GIZ-P3 and GIZ-P4 providing specific direction relating to sensitive and commercial activities.
  - c. Gives better effect to CEKP-O3 and CEKP-O4 than the notified provisions in achieving the

<sup>11</sup> [Section 32 Evaluation Report Part 2: Centres, Commercial, Mixed Use and Industrial Zones](#), Page 31.

<sup>12</sup> Ibid.

strategic objectives of the PDP.

- d. Provides a high-level broad framework that articulates the vision and goal of the GIZ to protect industrial land and activities which is then supported by the existing policies (GIZ-P3 and GIZ-P4) which are more specific in guiding decision-making in relation to sensitive activities and commercial activities. This ensures there is a high-level directional framework supported by detail in the associated policies.

106. The environmental, economic, social and cultural effects of the recommended amendments, as they vary somewhat from the existing plan Evaluation Report, are below.

Environmental	<ul style="list-style-type: none"> <li>• There are unlikely to be any environmental costs compared to the notified provisions as the substance of the directive of the objective does not vary substantively from the existing plan Evaluation Report, instead there are positive effects by providing greater certainty in aiding plan readability, and efficiency in clarifying the provision framework.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>• Compared to the notified proposal, the recommended approach is unlikely to have additional economic costs.</li> <li>• The effects are likely to be more positive, in enabling industrial activities to operate efficiently and effectively, and reducing the potential for reverse sensitivity effects that may constrain the development and operation of industrial activities.</li> </ul>
Social	<ul style="list-style-type: none"> <li>• There are unlikely to be any additional social costs or benefits compared to the notified proposal.</li> </ul>
Cultural	<ul style="list-style-type: none"> <li>• No cultural effects are identified.</li> </ul>

### 3.4.4 GIZ-O4: Amenity and design and GIZ-O5: Managing effects

#### Matters Raised by Submitters

- 107. FENZ [273.326] and Restaurant Brands [349.207] seek that GIZ-O4 is retained as notified.
- 108. Restaurant Brands [349.208] seek that GIZ-O5 is retained as notified.

#### Assessment

- 109. No further assessment is required.

#### Summary of Recommendations

- 110. **HS4-GIZ-Rec15:** That GIZ-O4 and GIZ-O5 be confirmed as notified.
- 111. **HS4-GIZ-Rec16:** That 273.326, 349.207, and 349.208 be **accepted**.

## 3.5 General Industrial Zone Policies

### 3.5.1 GIZ-P1: Enabled activities

#### Matters Raised by Submitters

112. Restaurant Brands [349.209] seek that GIZ-P1 is retained as notified.
113. Ara Poutama [240.64 and 240.65] seek to amend GIZ-P1 in connection with their submission point [240.63] that seeks to provide for community corrections activities as a new permitted activity rule. The amendment sought by Ara Poutama is as follows:

#### **GIZ-P1 Enabled Activities**

Enable industrial activities and community corrections activities in the General Industrial Zone.

#### Assessment

114. I acknowledge and agree with Ara Poutama that community corrections activities are essential social infrastructure. As detailed in section 3.6.1 of this report, I have recommended that community corrections activities are provided for as a permitted activity in response to relief sought by Ara Poutama [240.63]. However, I am of the view that it is not necessary to amend GIZ-P1 to include reference to community corrections activities as the primary purpose of the GIZ is to enable industrial activities. I further note that emergency service facilities are provided for as a permitted activity under GIZ-R3 with no associated reference to this activity in the policies.
115. For these reasons, I consider that no further amendment to GIZ-P1 is warranted.

#### Summary of Recommendations

116. **HS4-GIZ-Rec17:** That GIZ-P1 be confirmed as notified.
117. **HS4-GIZ-Rec18:** That 349.209 be **accepted**, and 240.64 and 240.65 be **rejected**.

### 3.5.2 GIZ-P2: Heavy industrial activities

#### Matters Raised by Submitters

118. Restaurant Brands [349.210] seek that GIZ-P2 is retained as notified.

#### Assessment

119. No further assessment is required.

#### Summary of Recommendations

120. **HS4-GIZ-Rec19:** That GIZ-P2 be confirmed as notified.
121. **HS4-GIZ-Rec20:** That 349.210 be **accepted**.

### 3.5.3 GIZ-P3: Sensitive activities

#### Matters Raised by Submitters

122. Restaurant Brands [349.211] seek that GIZ-P3 is retained as notified.
123. Envirowaste Services [373.34 and 373.35] consider that the proposed policy is not specific enough to deter sensitive activities from occurring, and considers that further amendments are required to ensure reverse sensitivity effects are avoided.

#### Assessment

124. I agree with Envirowaste Services [373.34 and 373.35] that the policy could be strengthened to ensure reverse sensitivity effects are avoided. Reverse sensitivity effects have the potential to impact on existing industrial activities and/or permitted activities establishing in the GIZ. Given the nature of industrial activities, including existing heavy industrial activities, it is important that sensitive activities are not established where they may compromise or constrain an established or permitted land use or activity from operating effectively. As detailed in Envirowaste Services' submission, waste facilities are especially vulnerable to reverse sensitivity effects arising from the potential discharge of odour, dust and noise from these facilities.
125. In light of this, I am of the view that GIZ-P3 should be amended to include reference to avoiding a wider range of nuisance effects in addition to noise. This would align with the reference to these effects in the Introduction, and the recommended amendment to GIZ-O3 in paragraph 103.

#### Summary of Recommendations

126. **HS4-GIZ-Rec21:** That GIZ-P3 is amended as set out below and detailed in Appendix A.

#### GIZ-P3 Sensitive Activities

Avoid the establishment of sensitive activities in the General Industrial Zone, unless such activities are:

1. Ancillary to a permitted or consented activity on the same site; and
2. Sufficiently insulated from **nuisance effects including odour, dust and** noise effects of existing activities or other activities permitted in the Zone.

127. **HS4-GIZ-Rec22:** That 349.211 be **accepted in part**, and 373.34 and 373.35 be **accepted**.

### 3.5.4 GIZ-P4: Commercial activities

#### Matters Raised by Submitters

128. McDonald's [274.72] seeks that GIZ-P4 is retained as notified.
129. Restaurant Brands [349.212] have sought to provide for drive-through facilities as a permitted activity and seek to amend the GIZ-P4 accordingly. The amendment sought by Restaurant



Brands (supported by McDonald's [FS45.2]) is as follows:

**GIZ-P4 Commercial Activities**

Avoid commercial activities in the General Industrial Zone except for:

1. Office, retail and other commercial activities which are ancillary to industrial activities; and
2. Trade supply retail, wholesalers, building improvement centres, service retail, drive-through restaurant, and yard based retail.

130. Woolworths [359.92] considers that supermarkets by their nature are large in format and utilitarian in nature and not sensitive to effects arising from industrial activities. Woolworths seeks to amend GIZ-P4 to enable consideration of reverse sensitivity and operational and functional needs while also retaining recognition of the centres hierarchy. The amendment sought by Woolworths (supported by Foodstuffs [FS23.27]) is as follows:

**GIZ-P4 Commercial Activities**

Avoid commercial activities in the General Industrial Zone that do not demonstrate an operational or functional need to locate within the zone and that result in unacceptable adverse effects that undermine the vibrancy of Centres, recognising that some commercial activities can be comfortably accommodated within the zone, including ~~except for~~:

1. Office, retail and other commercial activities which are ancillary to industrial activities; and
2. Trade supply retail, wholesalers, building improvement centres, service retail and yard based retail.

131. Foodstuffs [476.59 and 476.60] considers that GIZ-O3.2 acknowledges the ability of certain commercial activities that are of a nature and scale that do not undermine the hierarchy of Centres, however GIZ-P4 lists only certain commercial activities. The amendment sought by Foodstuffs is as follows:

**GIZ-P4 Commercial Activities**

Avoid commercial activities in the General Industrial Zone except for:

1. Office, retail and other commercial activities which are ancillary to industrial activities; ~~and or~~
2. Trade supply retail, wholesalers, building improvement centres, service retail and yard based retail; or
3. Are of a nature and scale that does not undermine the hierarchy of Centres.

**Assessment**

132. Restaurant Brands [349.212] (supported by McDonald's [FS45.2]) consider that there is no clear justification or rationale as to why drive-through restaurant activities cannot be provided for as a permitted activity. They submit that drive-through restaurants are compatible with the adverse effects generated from industrial activities and are of a scale and nature that do not undermine the hierarchy of Centres, and as such the policies of the GIZ should be amended to

provide for drive-through activities.

133. I agree with Restaurant Brands [349.212] that drive-through restaurants are compatible activities in the GIZ for the reasons outlined in the above paragraph. However, I note in this regard provision is already made to accommodate such activities via the definition of service retail<sup>13</sup> which amongst other matters, includes takeaway food outlets. Consequently, I am of the view that this extends to include drive-through restaurants and consider that no further amendment to GIZ-P4 is required.
134. If the Panel were of a mind to grant relief in relation to this matter for specificity/clarity on the activity status of drive-through restaurants, amendment to the definition of 'service retail' is an alternative. I also note that there is a PDP definition of 'drive-through restaurant' that is not presently referenced in the PDP. Beyond the scope of this s42A Report, I would recommend that the definition of 'drive-through restaurant' be deleted – I suggest this be addressed in the Wrap up Hearing.
135. Turning to Woolworths [359.92], the purpose of the GIZ as set out in GIZ-O1 and strategic objective CEKP-O4 is to enable industrial activities and protect industrial zoned land from activities that are incompatible with the purpose of the zone. Further to this, strategic objective CEKP-O2 and GIZ-O3 direct that commercial activities are appropriately located within Centres zones, and should be avoided in the GIZ to ensure that the Centres hierarchy is not undermined.
136. In the absence of any compelling evidence, planning evaluation or s32AA evaluation from Woolworths in support of their submission, I consider the notified provisions most appropriately implement the objectives of the PDP.
137. As such, I am of the view that providing for supermarkets, or commercial activities more broadly, in the GIZ would be inconsistent with the zone purpose and would undermine the hierarchy of Centres.
138. In response to Foodstuffs [476.59 and 476.60] I disagree with the amendment sought as this would duplicate the directive of GIZ-O3.2. The objective provides the higher-level directive while GIZ-P4 provides greater specificity regarding the nature and scale of activities that are anticipated to be accommodated within the zone through the rule framework.

#### **Summary of Recommendations**

139. **HS4-GIZ-Rec23:** That GIZ-P4 be confirmed as notified.
140. **HS4-GIZ-Rec24:** That 274.72 be **accepted**, 349.212, FS45.2, 359.92, FS23.27, 476.59, and 476.60 be **rejected**.

### **3.5.5 GIZ-P5: Design of new development and GIZ-P6: Zone interfaces**

#### **Matters Raised by Submitters**

141. Restaurant Brands [349.213] (supported by McDonald's [FS45.3]) seek that GIZ-P5 is retained as

---

<sup>13</sup> means the sale of served food and/or beverages, and/or services such as, but not limited to video and DVD hire, dry cleaners, takeaway food outlets, cafés, pubs, bars, hairdressers and beauticians and banks.

notified.

142. Restaurant Brands [349.214] (supported by McDonald’s [FS45.4] seek that GIZ-P6 is retained as notified.

#### **Assessment**

143. No further assessment is required.

#### **Summary of Recommendations**

144. **HS4-GIZ-Rec25:** That GIZ-P5 and GIZ-P6 be confirmed as notified.  
145. **HS4-GIZ-Rec26:** That 349.213, 349.214, FS45.3, and FS45.4 be **accepted**.

### **3.6 General Industrial Zone Rules**

#### **3.6.1 New Rules**

##### **Matters Raised by Submitters**

146. Ara Poutama [240.63] seek a new permitted activity rule for community corrections activities, as follows:

**GIZ-RX Community Corrections Activities**

- 1. Activity status: Permitted**

147. Ministry of Education [400.146] seek a new discretionary activity rule for educational facilities, as follows:

**GIZ-RX Educational Facilities**

- 1. Activity status: Discretionary**

**Where**

**GIZ-S1 – GIZ-S6 are complied with.**

**Discretion is restricted to:**

- a. The scale, intensity and/or character of the buildings and associated activity.**
- b. Noise levels**
- c. The placement of buildings on the site.**
- d. The provision of suitable and safe access.**
- e. The extent of impervious surfaces and landscaping.**
- f. The effects of matters of reverse sensitivity.**

- 2. Activity status where compliance not achieved: Non-Complying**

148. Oyster Management [404.83 and 404.84] seek that the GIZ provides for gyms and seek a new permitted activity rule for indoor exercise facilities.

## Assessment

149. Ara Poutama [240.63] contend that community corrections activities are essential social infrastructure, play a valuable role in reducing reoffending, and enable people and communities to provide for their social and cultural well-being and for their health and safety. They have also identified that industrial areas provide suitable sites; in particular community work components often require large sites for yard-based activities and large equipment and/or vehicle storage.
150. In response I agree that community corrections activities are a compatible activity that is consistent with the character and amenity of the GIZ, and are not sensitive to the effects of industrial environments or prone to reverse sensitivity. As such I consider that the amendment sought to include a new permitted activity rule for community corrections activities is appropriate.
151. The Ministry of Education [400.146] has sought discretionary activity status for educational facilities in the GIZ on the basis that this provides flexibility without unreasonable restrictions for educational facilities that may be best placed within industrial zones to serve the education needs of these areas.
152. I acknowledge and agree with the Ministry of Education that educational facilities are essential social infrastructure and that training facilities, in particular, may need to locate within the GIZ. Trade and industrial training facilities are provided for as a permitted activity under GIZ-R2.
153. Providing more broadly for 'educational facilities' as defined in the PDP is in my opinion not appropriate given it extends to include child care services and schools. Educational facilities – being included within the definition of sensitive activities are sensitive to the adverse effects of industrial activities, particularly the discharge of odour, dust and noise, and as such their establishment within the GIZ may compromise existing or permitted industrial activities. The nature of industrial activities, in particular heavy industrial activities, makes them incompatible with sensitive activities.
154. Further, providing for educational facilities as a discretionary activity would be inconsistent with the purpose of the zone and contrary to the directive set out in GIZ-O1, GIZ-O2, and strategic objective CEKP-O4 which seeks to protect industrial zoned land from activities that are incompatible with the purpose of the zone. Educational facilities are in my view more appropriately located in the commercial and mixed use zones where they are a permitted activity.<sup>14</sup>
155. In response to Oyster Management [404.83 and 404.84], I refer to my assessment in section 3.2.1 above that it is my understanding that the gym operating on the submitters site would continue to have existing use rights, and/or if a new gym or indoor exercise facility were seeking to establish in the GIZ that this could be considered 'service retail' under permitted activity rule GIZ-R4, or alternatively assessed as a discretionary activity under GIZ-R6. As such I do not consider that a specific rule for indoor exercise activities is necessary.

---

<sup>14</sup> Educational facilities are a permitted activity under NCZ-R3, LCZ-R3, MUZ-R3, MCZ-R3, and CCZ-R3.

### Summary of Recommendations

156. **HS4-GIZ-Rec27:** That one new rule be inserted as set out below and detailed in Appendix A.

**GIZ-R4 Community Corrections Activities**

**1. Activity status: Permitted**

157. **HS4-GIZ-Rec28:** That 240.63 be **accepted**, and 400.146, 404.83, and 404.84 be **rejected**.

### Section 32AA Evaluation

158. In my opinion, the amendments recommended to add a new rule is the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that the new rule:

- a. Is not inconsistent with the notified objectives of the PDP which seek that the GIZ and industrial activities be protected.
- b. Achieves the objectives of the District Plan.

159. The environmental, economic, social and cultural effects of the recommended amendments, as they vary somewhat from the existing plan Evaluation Report, are below.

Environmental	<ul style="list-style-type: none"><li>• There are unlikely to be any environmental costs compared to the notified provisions.</li></ul>
Economic	<ul style="list-style-type: none"><li>• Compared to the notified proposal, the recommended approach is unlikely to have additional economic costs.</li><li>• The effects are likely to be more positive, in enabling community corrections activities to operate efficiently and effectively.</li></ul>
Social	<ul style="list-style-type: none"><li>• Compared to the notified proposal, the recommended approach is unlikely to have additional social costs.</li><li>• The effects are likely to be more positive, in enabling community corrections activities to operate efficiently and effectively.</li></ul>
Cultural	<ul style="list-style-type: none"><li>• No cultural effects are identified.</li></ul>

### 3.6.2 GIZ-R1: Industrial activities and GIZ-R2: Trade and industrial training facilities

160. There were no submissions received in relation to GIZ-R1 (Industrial activities), and GIZ-R2 (trade and industrial training facilities). I recommend that these rules be confirmed as notified, and have not assessed them further.

### 3.6.3 GIZ-R3: Emergency service facilities

#### Matters Raised by Submitters

161. FENZ [273.327] and Oyster Management [404.85] seek that GIZ-R3 is retained as notified.

#### Assessment

162. No further assessment is required.

#### Summary of Recommendations

163. **HS4-GIZ-Rec29:** That GIZ-R3 be confirmed as notified.

164. **HS4-GIZ-Rec30:** That 273.327 and 404.85 be **accepted**.

### 3.6.4 GIZ-R4: Commercial activities

#### Matters Raised by Submitters

165. McDonald's [274.73 and 274.74] support the provision for service retail - that commercial activities (McDonald's restaurants) are permitted activities, and seek that GIZ-R4 is retained as notified.

166. Restaurant Brands [349.215] (supported by McDonald's [FS45.5]) considers it appropriate to provide for drive-through restaurant activities as a permitted activity within the GIZ, and seek a consequential amendment as follows:

#### GIZ-R4 Commercial activities

1. Activity status: Permitted

Where:

- a. The activity is trade supply retail, a wholesaler, a building improvement centre, service retail, drive-through restaurant, or yard based retail.

167. Woolworths [359.93] submits that a non-complying activity status for supermarkets under GIZ-R4.2 is unnecessary and considers discretionary activity status is more appropriate for supermarkets. They seek to amend GIZ-R4.2 as follows:

#### GIZ-R4 Commercial activities

2. Activity status: ~~Non-complying~~ Discretionary

Where:

- a. Compliance with the requirements of GIZ-R4.1 cannot be achieved.

#### Assessment

168. I acknowledge and agree with McDonald's [274.73 and 274.74] support for the provision of

service retail, as in my view the definition of service retail encompasses drive-through restaurants.

169. In response to Restaurant Brands [349.215] I agree that drive-through restaurants are compatible activities in the GIZ for the reasons outlined in paragraph 133 of this report. However, as noted above and again at paragraph 133, provision is already made to accommodate such activities via the definition of service retail<sup>15</sup> which amongst other matters, includes takeaway food outlets. Consequently, I am of the view that this extends to include drive-through restaurants and consider that no further amendment to GIZ-R4 is required.
170. In response to Woolworths [359.93], I refer to my related assessment in paragraphs 135 – 137. For ease, I repeat that assessment below:
171. The purpose of the GIZ as set out in GIZ-O1 and strategic objective CEKP-O4 is to enable industrial activities and protect industrial zoned land from activities that are incompatible with the purpose of the zone. Further to this, strategic objective CEKP-O2 and GIZ-O3 direct that commercial activities are appropriately located within Centres zones, and should be avoided in the GIZ to ensure that the Centres hierarchy is not undermined. As such, I consider the notified provisions most appropriately implement the objectives of the PDP.
172. In my view non-complying is the appropriate activity status for commercial activities that do not comply with GIZ-R4.1. This aligns with the clear avoidance directive in GIZ-P4 and reinforces the purpose of the zone set out in GIZ-O1.

#### **Summary of Recommendations**

173. **HS4-GIZ-Rec31:** That GIZ-R4 be confirmed as notified.
174. **HS4-GIZ-Rec32:** That 274.73 and 274.74 be **accepted**, and 349.215, FS45.5 and 359.93 be **rejected**.

### **3.6.5 GIZ-R5: Sensitive activities not ancillary to a permitted activity**

#### **Matters Raised by Submitters**

175. The Ministry of Education [400.147 and 400.148] seek that educational facilities are provided for by way of exclusion from the non-complying rule for 'sensitive activities' in GIZ-R5, as follows:

**GIZ-R5 Sensitive activities not ancillary to a permitted activity (Except educational facilities)**

1. Activity status: **Non-complying**

---

<sup>15</sup> means the sale of served food and/or beverages, and/or services such as, but not limited to video and DVD hire, dry cleaners, takeaway food outlets, cafés, pubs, bars, hairdressers and beauticians and banks.

### **Assessment**

176. Educational facilities are sensitive activities and may be sensitive to the adverse effects of industrial activities, as such their establishment within the GIZ may compromise the purpose of the zone. In my view, all sensitive activities not ancillary to a permitted activity are appropriately captured as a non-complying activity under GIZ-R5. This is consistent with the objectives and policies of the zone including GIZ-O2 and GIZ-P3 that the establishment of sensitive activities in the GIZ be avoided.

### **Summary of Recommendations**

177. **HS4-GIZ-Rec33:** That GIZ-R5 be confirmed as notified.
178. **HS4-GIZ-Rec34:** That 400.147 and 400.148 be **rejected**.

## **3.6.6 GIZ-R6: All other activities and GIZ-R7: Operational port activities**

179. There were no submissions received in relation to GIZ-R6 (All other activities) and GIZ-R7 (Operational port activities). I recommend that these rules be confirmed as notified, and have not assessed them further.

## **3.6.7 GIZ-R8: Maintenance and repair of buildings and structures**

### **Matters Raised by Submitters**

180. FENZ [273.328] and Restaurant Brands [349.216] seek that GIZ-R8 is retained as notified.

### **Assessment**

181. No further assessment is required.

### **Summary of Recommendations**

182. **HS4-GIZ-Rec35:** That GIZ-R8 be confirmed as notified.
183. **HS4-GIZ-Rec36:** That 273.328 and 349.216 be **accepted**.

## **3.6.8 GIZ-R9: Demolition or removal of buildings and structures**

### **Matters Raised by Submitters**

184. FENZ [273.329] and Restaurant Brands [349.217] seek that GIZ-R9 is retained as notified.
185. GWRC [351.282 and 351.283] support the permitted activity status for the demolition of buildings provided that building waste is properly disposed of, noting that this gives effect to Policy 34 of the operative RPS. However, they seek an amendment to include a rule requirement that permitted activity status is subject to building and demolition waste being disposed of at an approved facility.



### **Assessment**

186. I disagree with the amendment sought by GWRC [351.282 and 351.283] relating to the requirement for disposal of building waste at approved facilities. As addressed by Mr Patterson in Hearing Stream 2<sup>16</sup>, it would be an impractical requirement to enforce given the difficulties of tracking waste from the many demolition projects that occur across the city. In addition, the Solid Waste Management and Minimisation Bylaw 2020 deals with construction waste and all persons undertaking demolition are required to comply with this.

### **Summary of Recommendations**

187. **HS4-GIZ-Rec37:** I recommend that GIZ-R9 be confirmed as notified.
188. **HS4-GIZ-Rec38:** I recommend that 273.329 and 349.217 be **accepted**, and 351.282 and 351.283 be **rejected**.

## **3.6.9 GIZ-R10: Construction of, or additions and alterations to, buildings and structures**

### **Matters Raised by Submitters**

189. FENZ [273.330] and Restaurant Brands [349.218] seek that GIZ-R10 is retained as notified.

### **Assessment**

190. No further assessment is required.

### **Summary of Recommendations**

191. **HS4-GIZ-Rec39:** That GIZ-R10 be confirmed as notified.
192. **HS4-GIZ-Rec40:** That 273.330 and 349.218 be **accepted**.

## **3.6.10 GIZ-R11: Outdoor storage areas**

### **Matters Raised by Submitters**

193. FENZ [273.331 and 273.332] support GIZ-R11 with amendment to ensure screening of outdoor storage areas as a visual mitigation will not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves or other emergency response facilities. The amendment sought is as follows:

---

<sup>16</sup> [Part 3 \(Medium Density Residential Zone\) section 42A Report prepared for Hearing Stream 2](#), Paragraph 517.

**GIZ-R11 Outdoor storage areas**

1. Activity status: **Permitted**

Where:

- a. The storage area is screened by either a fence or landscaping of 1.8m in height from any adjoining road or site.
- b. Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

**Assessment**

194. I agree that an amendment to prevent walls and structures from obscuring emergency or safety signage or obstructing access to emergency panels, hydrants, shut-off valves, or other emergency response facilities is appropriate as it will act to safeguard public and private safety in the event of a fire emergency. I note that FENZ states in their submission that where this is not possible, mitigation should not be required. This is consistent with Mr Patterson's recommendation in Hearing Stream 2.<sup>17</sup>

**Summary of Recommendations**

195. **HS4-GIZ-Rec41:** That GIZ-R11 is amended as set out below and detailed in Appendix A.

**GIZ-R1~~1~~2 Outdoor storage areas**

1. Activity status: **Permitted**

Where:

- a. The storage area is screened by either a fence or landscaping of 1.8m in height from any adjoining road or site-; and
- b. Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

196. **HS4-GIZ-Rec42:** That 273.331 and 273.332 be **accepted**.

**Section 32AA Evaluation**

197. In my opinion, the amendments recommended to GIZ-R11 are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that:
- a. The change will help to safeguard public and private safety in the event of an emergency.
  - b. The change is more efficient and effective than the notified provisions in achieving the

<sup>17</sup> [Part 3 \(Medium Density Residential Zone\) section 42A Report prepared for Hearing Stream 2](#), Paragraph 845.

objectives of the District Plan.

198. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

## 3.7 General Industrial Zone Standards

### 3.7.1 New Standard

#### Matters Raised by Submitters

199. KiwiRail [408.130] seek a new standard and matter of discretion for boundary setbacks in order to address significant safety hazards associated with the operational rail corridor. The amendment sought by KiwiRail (opposed by Kāinga Ora [FS89.41]) is as follows:

**GIZ-SX Boundary setbacks**

Buildings or structures must not be located within a 5m setback from a rail corridor boundary.

And where relevant the following matter of discretion be inserted:

Matters of discretion:

(X) The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.

#### Assessment

200. I agree with KiwiRail [408.130] that requiring a setback from a railway corridor is a sensible outcome to ensure that buildings and structures can be accessed and maintained without needing to access or use the railway corridor. However, I disagree with the 5m setback requested and concur with the view expressed by Kāinga Ora [FS89.36] that a considerably reduced setback would be appropriate to protect rail infrastructure and balance the cost on landowners.
201. In light of this I support an amended setback requirement of 1.5m from any railway corridor, noting that this should allow sufficient space to safely access and maintain buildings located adjacent to such corridors. This is consistent with the RPS Policy 8 which includes a requirement for district plans to include rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure. I note that Mr Patterson recommended a 1.5 metre setback in his Section 42A Report for the Residential Zones<sup>18</sup>, and that this is also consistent with recommendations in the CCZ, MCZ, LCZ and MUZ as set out in the Hearing Stream 4 Overview and General Matters 42A Report. The suggested new matter of discretion is in my view more appropriate as an associated assessment criteria to the new standard.

<sup>18</sup> [Part 3 \(Medium Density Residential Zone\) section 42A Report prepared for Hearing Stream 2](#), Paragraphs 539 and 761.

## Summary of Recommendations

202. **HS4-GIZ-Rec43:** That a new standard be inserted as set out below and detailed in Appendix A.

<b><u>GIZ-S7 Boundary setbacks</u></b>	
<p>1. <u>Buildings or structures must not be located within a 1.5m setback from a rail corridor boundary.</u></p>	<p><u>Assessment criteria where the standard is infringed:</u></p> <p>1. <u>The extent to which the location and design of the building relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u></p>

203. **HS4-GIZ-Rec44:** That new standard GIZ-S7 be referenced in GIZ-R10.1.a as set out below and detailed in Appendix A.

<b><u>GIZ-R10.1: Construction of, or additions and alterations to, buildings and structures</u></b>
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance with GIZ-S1, GIZ-S3, GIZ-S4, GIZ-S5, <del>and</del> GIZ-S6, <u>and GIZ-S7</u> is achieved.</p>

204. **HS4-GIZ-Rec45:** That 408.130 and FS89.41 be **accepted in part**.

### Section 32AA Evaluation

205. In my opinion, the addition of a new standard and assessment criteria is the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that the new standard:

- a. Will protect the rail corridor and allow sufficient space to safely access and maintain buildings located adjacent to such corridors.
- b. Achieves the objectives of the District Plan.

206. The recommended amendments will not have any greater environmental, social, economic or cultural effects than the notified provisions.

## 3.7.2 GIZ-S1: Maximum height of buildings and structures for the purpose of GIZ-R10.1 and GIZ-PREC01-R1.1

### Matters Raised by Submitters

207. Restaurant Brands [349.219] seek that GIZ-S1 is retained as notified.

208. FENZ [273.333 and 273.334] seek an exemption for hose drying towers associated with emergency service facilities in order to appropriately provide for their operational requirements. The amendment sought by FENZ is as follows:

**GIZ-S1 Maximum height of buildings and structures for the purpose of GIZ-R10.1 and GIZ-PREC01-R1.1**

...

This standard does not apply to:

- a. Cranes, elevators and similar cargo handling equipment and lighting poles in the Miramar/Burnham Wharf precinct.
- b. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.

209. Oyster Management [404.86 and 404.87] seek that the height limit in the Newlands industrial area (including 6 Hurring Place and 12 Newlands Road) be increased from 15m to 20m.

**Assessment**

210. In response to FENZ [273.333 and 273.334], I firstly note that emergency service facilities up to 9m would be within the permitted maximum height limit across all height control areas in the GIZ.<sup>19</sup> As such there is no basis for an exemption for emergency service facilities.
211. Further, I do not consider that the height exemption sought for hose drying towers is necessary given that the suggested maximum of 15m would be within the permitted maximum height limit in most of the GIZ height control areas.
212. An exception to this is Height Control Area 1 which has a permitted height limit of 12m, noting that potential adverse effects associated with any over height structures within this area would be considered through a consenting process. However, as the need for new hose drying towers will arise infrequently, I am of the opinion that any associated cost or delay to FENZ in applying for resource consent would be relatively insignificant overall.
213. In response to Oyster Management [404.86 and 404.87] I note that the submission does not provide any compelling evidence, planning evaluation or s32AA evaluation as to why the height limit should be increased, other than a 20m height limit would be consistent with the height limit for industrial zones in other districts.
214. The Newlands maximum height limit of 15m reflects the ODP maximum building height standard.<sup>20</sup> I note that the surrounding industrial areas, Ngauranga and the area adjacent to Kiwi Point Quarry, share a similar locational context to Newlands – being that they are all within proximity to State Highway 1 through Ngauranga Gorge. The maximum height limit for Ngauranga in GIZ-S1 is 18m.
215. Taking into consideration this locational context, in addition to the steep embankment behind

<sup>19</sup> Height Control Area 1: 12 metres, Height Control Area 2: 15 metres, and Height Control Area 3: 18 metres

<sup>20</sup> ODP Business Area Rules - 34.6.2.1.1 Maximum building height

the Newlands industrial area that provides a natural buffer, I am supportive of increasing the maximum height limit. In my view it would be appropriate to amend the Newlands height limit to 18m as opposed to 20m, in line with the height limit for Ngauranga. This aligns with Sense Partners assessment of key district plan controls for the GIZ advising consideration of “*enabling greater building heights to allow for increased efficiency of land use.*”<sup>21</sup>

#### **Summary of Recommendations**

216. **HS4-GIZ-Rec46:** That GIZ-S1 be amended to shift ‘Newlands’ from Height Control Area 2 to Height Control Area 3 as detailed in Appendix A.
217. **HS4-GIZ-Rec47:** That 349.219, 404.86, and 404.87 be **accepted in part**, and 273.333 and 273.334 be **rejected**.

#### **Section 32AA Evaluation**

218. In my opinion, the amendments recommended to GIZ-S1 are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that the amended height:
- a. Will allow for increased efficiency of land use in a manner that is consistent with surrounding industrial areas.
  - b. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
219. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### **3.7.3 GIZ-S2: Maximum height of buildings and structures for the purpose of GIZ-R10.2 and GIZ-PREC01-R1.2**

#### **Matters Raised by Submitters**

220. Restaurant Brands [349.220] seek that GIZ-S2 is retained as notified.
221. Oyster Management supports having a separate standard for additional height as a restricted discretionary activity [404.88, 404.89, and 404.90] and seeks that Newlands (which includes 6 Hurring Place and 12 Newlands Road) be categorised as Height Control Area 5, with a corresponding restricted discretionary height control of 24m.

#### **Assessment**

222. In response to Oyster Management [404.88, 404.89, and 404.90], I refer to my related assessment in section 3.7.2 above.
223. Based on this I am of the view it would be appropriate to categorise Newlands within Height Control Area 5 with a maximum height limit of 24m, in line with the height limit for Ngauranga.

---

<sup>21</sup> [Colliers International and Sense Partners Retail and Market Assessment 2020](#), Page 138.

### Summary of Recommendations

224. **HS4-GIZ-Rec48:** That GIZ-S2 be amended to shift 'Newlands' from Height Control Area 4 to Height Control Area 5 as detailed in Appendix A.
225. **HS4-GIZ-Rec49:** That 404.88, 404.89, and 404.90 be **accepted** and 349.220 be **accepted in part**.

### Section 32AA Evaluation

226. In my opinion, the amendments recommended to GIZ-S2 are the most appropriate way to achieve the objectives of the plan compared to the notified provisions. In particular, I consider that the amended height:
- a. Will allow for increased efficiency of land use in a manner that is consistent with surrounding industrial areas.
  - b. The change is more efficient and effective than the notified provisions in achieving the objectives of the District Plan.
227. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

### 3.7.4 GIZ-S3: Height in relation to boundary

#### Matters Raised by Submitters

228. Restaurant Brands [349.221] seek that GIZ-S3 is retained as notified.
229. FENZ [273.335 and 273.336] seek an exemption for hose drying towers associated with emergency service facilities in order to appropriately provide for their operational requirements. The amendment sought is as follows:

#### GIZ-S3 Height in relation to boundary

...

These standards do not apply to:

- a. A boundary with a road;
- b. Internal boundaries;
- c. Fences or standalone walls no greater than 1.8 metres in height where these are not for the purpose of screening an outdoor storage area;
- d. Solar power or heating components provided these do not exceed the height in relation to boundary by more than 500mm measured vertically;
- e. Satellite dishes, antennas, aerials, chimneys, flues, architectural or decorative features (e.g. finials, spires) provided that none of these exceed 1m in diameter and do not exceed the height in relation to boundary by more than 3m measured vertically;~~and~~
- f. Lift overruns, provided these do not exceed the height in relation to boundary by more than 1m measured vertically;~~and~~
- g. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.

### Assessment

230. In response to FENZ [273.335 and 273.336] I refer to my related assessment in paragraphs 210 – 212 of this report, noting that there is scope for hose drying towers to be located to comply with the standard, or alternatively considered through a consenting process where any non-compliance arises. I do not anticipate that the need for new hose drying towers would arise frequently so would not result in a significant cost or delay to FENZ.

### Summary of Recommendations

231. **HS4-GIZ-Rec50:** That GIZ-S3 be confirmed as notified.
232. **HS4-GIZ-Rec51:** That 349.221 be **accepted**, and 273.335 and 273.336 be **rejected**.

## 3.7.5 GIZ-S4: Maximum gross floor area, GIZ-S5: Windows adjacent to Residential Zones, and GIZ-S6: Verandah control

### Matters Raised by Submitters

233. Restaurant Brands seek that GIZ-S4 [349.222], GIZ-S5 [349.223] and GIZ-S6 [349.224] are retained as notified.

### Assessment

234. No further assessment is required.

### Summary of Recommendations

235. **HS4-GIZ-Rec52:** That GIZ-S4, GIZ-S5, and GIZ-S6 be confirmed as notified.
236. **HS4-GIZ-Rec53:** That 349.222, 349.223, and 349.224 be **accepted**.

## 4.0 Minor and inconsequential amendments

237. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
238. The following minor and inconsequential amendments relevant to this report are identified below and proposed to be corrected, as set out in Appendix A.

### GIZ-S1:

239. It is considered that minor changes are desirable to provide clarity for the location of height control areas in GIZ-S1, as follows:
- a. Delete reference to 'Hyde Farm' in Height Control Area 3 as the 'Grenada North' location in Height Control Area 3 is a more commonly associated name for this collective industrial area.
  - b. Delete reference to 'Lincolnshire Farm' in Height Control Area 2 and instead replace with



'Grenada Village' as this is a more commonly associated name for that industrial area. In addition, the Lincolnshire Farm General Industrial Activity Area is specifically managed in *DEV2 – Development Area: Lincolnshire Farm*, with a maximum height of 12m under DEV2-S1.

- c. Correction to add 'Kaiwharawhara' to Height Control Area 2 which by error was not listed in GIZ-S1. The 15m maximum height limit at Kaiwharawhara is already identified in the planning maps. Inclusion in Height Control Area 2 aligns with the maximum height of the adjacent Mixed Use Zone MUZ-S1 – being 15 metres.
- d. Amend reference 'Tawa street' in Height Control Area 1 to 'Tawa Street and Main Road' for consistency with GIZ-S2.

**GIZ-S2:**

240. Similar to the minor changes for GIZ-S1 above, it is considered that minor changes are desirable to provide clarity for the location of height control areas in GIZ-S2, as follows:

- a. Addition of the word 'Southern' for the 'Southern Landfill' industrial area as a more commonly associated name for that industrial area and to provide consistency with GIZ-S1.
- b. Delete reference to 'Hyde Farm' in Height Control Area 5 as the 'Grenada North' location in Height Control Area 5 is a more commonly associated name for this collective industrial area.
- c. Delete reference to 'Lincolnshire Farm' in Height Control Area 1 and instead replace with 'Grenada Village' as this is a more commonly associated name for that industrial area. In addition, the Lincolnshire Farm General Industrial Activity Area is specifically managed in *DEV2 – Development Area: Lincolnshire Farm*, with a maximum height of 12m under DEV2-S1.
- d. Correction to add 'Kaiwharawhara' to Height Control Area 4 which by error was not listed in GIZ-S2. Inclusion in Height Control Area 4 reflects the restricted discretionary maximum height of the adjacent Mixed Use Zone MUZ-S2 – being 22.5 metres.
- e. Addition of 'Moa Point' to Height Control Area 1 which by error was not listed in GIZ-S2. This provides alignment and consistency with GIZ-S1.
- f. Minor amendment to capitalise 'Tawa Street and Main Road' in Height Control Area 3.

241. Consequential renumbering of policies and rules as set out in Appendix A.

## 5.0 Conclusion

242. This report has provided an assessment of submissions received in relation to the General Industrial Zone Chapter.
243. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
244. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
  - b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

## 5.1 Recommendations

245. It is recommended that:
- a. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
  - b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

## 5.2 Collated recommendations

**HS4-GIZ-Rec1:** No amendments are recommended in response to submissions on definitions.

**HS4-GIZ-Rec2:** That 404.4 be **rejected**.

**HS4-GIZ-Rec3:** No amendments are recommended in response to submissions on zoning.

**HS4-GIZ-Rec4:** That 372.3, 372.5, and FS36.253 be **accepted**, and 433.3, 342.1 and 324.2 be **rejected**.

**HS4-GIZ-Rec5:** No amendments are recommended in response to submissions on general points.

**HS4-GIZ-Rec6:** That 201.38, 370.406, 123.60, 373.31, 240.62, 351.280, and 351.281 be **accepted**.

**HS4-GIZ-Rec7:** That the GIZ-PREC01 Miramar/Burnham Wharf Precinct introduction is amended as set out below and detailed in Appendix A.

### **GIZ-PREC01      Miramar/Burnham Wharf Precinct**

Miramar and Burnham Wharf are regionally significant infrastructure located within the Coastal Marine Area.

The purpose of the Miramar/Burnham Wharf Precinct is to enable the continued safe and effective operation of operational port activities ~~the port~~ while regulating the use of this land for activities not related to this established use.

The Miramar/Burnham Wharf operates in close proximity to residential properties in the suburbs of Maupuia and Miramar and the neighbouring residential sites are potentially sensitive to the effects of the nearby port activities.

...

**HS4-GIZ-Rec8:** That 402.145 be **accepted**.

**HS4-GIZ-Rec9:** That GIZ-O1 be confirmed as notified.

**HS4-GIZ-Rec10:** That 349.204 be **accepted**.

**HS4-GIZ-Rec11:** That GIZ-O2 is deleted as detailed in Appendix A.

**HS4-GIZ-Rec12:** That 349.205, 373.32, and 373.33 be **accepted in part**.

**HS4-GIZ-Rec13:** That GIZ-O3 is amended as set out below and detailed in Appendix A.

**GIZ-O3** ~~Commercial activities~~ Protection of the General Industrial Zone

~~Commercial activities are not established in the General Industrial Zone unless they:~~

- ~~1. Are ancillary to industrial activities; or~~
- ~~2. Are of a nature and scale that does not undermine the hierarchy of Centres.~~

Industrial activities and the role and function of the General Industrial Zone are not constrained or compromised by:

1. Incompatible activities and/or reverse sensitivity effects;
2. Activities sensitive to nuisance effects including odour, dust, and noise; and
3. Commercial activities that are provided for in centres and mixed use zones.

**HS4-GIZ-Rec14:** That 274.71 and 349.206 be **rejected**, and 359.91 and FS23.26 be **accepted in part**.

**HS4-GIZ-Rec15:** That GIZ-O4 and GIZ-O5 be confirmed as notified.

**HS4-GIZ-Rec16:** That 273.326, 349.207, and 349.208 be **accepted**.

**HS4-GIZ-Rec17:** That GIZ-P1 be confirmed as notified.

**HS4-GIZ-Rec18:** That 349.209 be **accepted**, and 240.64 and 240.65 be **rejected**.

**HS4-GIZ-Rec19:** That GIZ-P2 be confirmed as notified.

**HS4-GIZ-Rec20:** That 349.210 be **accepted**.

**HS4-GIZ-Rec21:** That GIZ-P3 is amended as set out below and detailed in Appendix A.

**GIZ-P3 Sensitive Activities**

Avoid the establishment of sensitive activities in the General Industrial Zone, unless such activities are:

1. Ancillary to a permitted or consented activity on the same site; and
2. Sufficiently insulated from nuisance effects including odour, dust and noise effects of existing activities or other activities permitted in the Zone.

**HS4-GIZ-Rec22:** That 349.211 be **accepted in part**, and 373.34 and 373.35 be **accepted**.

**HS4-GIZ-Rec23:** That GIZ-P4 be confirmed as notified.

**HS4-GIZ-Rec24:** That 274.72 be **accepted**, 349.212, FS45.2, 359.92, FS23.27, 476.59, and 476.60 be **rejected**.

**HS4-GIZ-Rec25:** That GIZ-P5 and GIZ-P6 be confirmed as notified.

**HS4-GIZ-Rec26:** That 349.213, 349.214, FS45.3, and FS45.4 be **accepted**.

**HS4-GIZ-Rec27:** That one new rule be inserted as set out below and detailed in Appendix A.

**GIZ-R4 Community Corrections Activities**

1. Activity status: **Permitted**

**HS4-GIZ-Rec28:** That 240.63 be **accepted**, and 400.146, 404.83, and 404.84 be **rejected**.

**HS4-GIZ-Rec29:** That GIZ-R3 be confirmed as notified.

**HS4-GIZ-Rec30:** That 273.327 and 404.85 be **accepted**.

**HS4-GIZ-Rec31:** That GIZ-R4 be confirmed as notified.

**HS4-GIZ-Rec32:** That 274.73 and 274.74 be **accepted**, and 349.215, FS45.5 and 359.93 be **rejected**.

**HS4-GIZ-Rec33:** That GIZ-R5 be confirmed as notified.

**HS4-GIZ-Rec34:** That 400.147 and 400.148 be **rejected**.

**HS4-GIZ-Rec35:** That GIZ-R8 be confirmed as notified.

**HS4-GIZ-Rec36:** That 273.328 and 349.216 be **accepted**.

**HS4-GIZ-Rec37:** I recommend that GIZ-R9 be confirmed as notified.

**HS4-GIZ-Rec38:** I recommend that 273.329 and 349.217 be **accepted**, and 351.282 and 351.283 be **rejected**.

**HS4-GIZ-Rec39:** That GIZ-R10 be confirmed as notified.

**HS4-GIZ-Rec40:** That 273.330 and 349.218 be **accepted**.

**HS4-GIZ-Rec41:** That GIZ-R11 is amended as set out below and detailed in Appendix A.

**GIZ-R1~~1~~2 Outdoor storage areas**

1. Activity status: **Permitted**

Where:

- a. The storage area is screened by either a fence or landscaping of 1.8m in height from any adjoining road or site; and
- b. Screening does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.

**HS4-GIZ-Rec42:** That 273.331 and 273.332 be **accepted**.

**HS4-GIZ-Rec43:** That a new standard be inserted as set out below and detailed in Appendix A.

<b><u>GIZ-S7 Boundary setbacks</u></b>	
<b><u>1. Buildings or structures must not be located within a 1.5m setback from a rail corridor boundary.</u></b>	<b><u>Assessment criteria where the standard is infringed:</u></b>  <b><u>1. The extent to which the location and design of the building relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u></b>

**HS4-GIZ-Rec44:** That new standard GIZ-S7 be referenced in GIZ-R10.1.a as set out below and detailed in Appendix A.

<b>GIZ-R10.1 Construction of, or additions and alterations to, buildings and structures</b>
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance with GIZ-S1, GIZ-S3, GIZ-S4, GIZ-S5, <del>and</del> GIZ-S6, <del>and</del> <u>GIZ-S7</u> is achieved.</p>

**HS4-GIZ-Rec45:** That 408.130 and FS89.41 be **accepted in part**.

**HS4-GIZ-Rec46:** That GIZ-S1 be amended to shift 'Newlands' from Height Control Area 2 to Height Control Area 3 as detailed in Appendix A.

**HS4-GIZ-Rec47:** That 349.219, 404.86, and 404.87 be **accepted in part**, and 273.333 and 273.334 be **rejected**.

**HS4-GIZ-Rec48:** That GIZ-S2 be amended to shift 'Newlands' from Height Control Area 4 to Height Control Area 5 as detailed in Appendix A.

**HS4-GIZ-Rec49:** That 404.88, 404.89, and 404.90 be **accepted** and 349.220 be **accepted in part**.

**HS4-GIZ-Rec50:** That GIZ-S3 be confirmed as notified.

**HS4-GIZ-Rec51:** That 349.221 be **accepted**, and 273.335 and 273.336 be **rejected**.

**HS4-GIZ-Rec52:** That GIZ-S4, GIZ-S5, and GIZ-S6 be confirmed as notified.

**HS4-GIZ-Rec53:** That 349.222, 349.223, and 349.224 be **accepted**.

**HS4-GIZ-Rec54:** Minor and inconsequential amendments relevant to this report will be corrected as set out in section 4.0 and Appendix A.

## 6.0 Appendices

### Appendix A: Recommended Amendments to the General Industrial Zone Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

### Appendix B: Recommended Responses to Submissions and Further Submissions on the General Industrial Zone Chapter