
TO: Napier City Council
Private Bag 6010
Napier 4142
Statement lodged by email districtplanreview@napier.govt.nz

STATEMENT ON: Napier City Council Proposed District Plan (Hearing Stream 2)

STATEMENT BY: Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd –
Submitter 180 and Further Submission points FS 35, FS 36 and FS 37

**SUBMITTER ADDRESS
FOR SERVICE:** Refer to page 5

HEARING STATEMENT

Introduction

1. RMG acts for Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd (“**GB**”) in this matter.
2. This statement is provided in lieu of attendance at Hearing Stream 2 scheduled to commence 2 December 2024.
3. GB is in support of the Council’s recommendations set out in the relevant s42A Reports and associated appendices.
4. This statement sets out the following:

A: Background and overview of GB’s submission

B: Assessment of Reporting Officer recommendations

C: Solution

D: Summary and conclusion

A: Background and Overview of GB's Submission

1. GB is New Zealand's longest standing cement manufacturer. GB is committed to sustainable products and product transparency which is central to their strategy, vision and values. This includes how it operates, with its New Zealand made cement being independently assessed to demonstrate a 27% lower carbon emissions per tonne of cement than the ISC 2020 Baseline.
2. GB has multiple locations throughout New Zealand. In Napier, it operates a Service Centre at the Port of Napier off Breakwater Road. Bulk cement is unloaded from vessels docked at the Port and is transferred via pipelines into silos at the facility. The Service Centre then loads bulk tankers for customer deliveries.
3. GB generally supports the Council's intention to review and replace the currently operative District Plan. GB's key concern relates to ensuring that the replacement Proposed District Plan (PDP) is fit-for-purpose and does not unreasonably compromise its ability to operate or redevelop its Napier Service Centre in the future.
4. With that object in mind, GB's submission on the PDP is focused (in part) on the content of the following provisions as they relate to GB's site at the Port:
 - a. PORTZ - Port Zone provisions and related definitions;
 - b. NOISE – Noise objectives and policies;
 - c. SW – Stormwater provisions; and
 - d. TPT – Transport provisions.
5. These are matters that are scheduled to be addressed as part of Hearing Stream 3 in March 2025.
6. GB's submission is also focused on the following District-wide PDP provisions as they relate to GB's site at the Port:
 - a. the CE – Coastal Environment provisions;
 - b. the LIGHT – Light provisions; and
 - c. the SIGN – Signs provisions.
7. On these matters, GB's submission expressed concern:
 - a. that the District-wide PDP objectives relating to the coastal environment do not sufficiently acknowledge the highly modified nature of the Port area and the practical limitations with respect to the preservation of natural character in that context;
 - b. over a lack of clarity regarding the application or otherwise of District-wide provisions relating to lighting and signs in the Port area.

8. The District-wide matters described in 5. above are addressed as part of Hearing Stream 2, and are the subject of this statement. A full copy of GB's original submission is attached to this statement for the assistance of the Panel (**Appendix 1**).
9. In relation to these matters, and to protect its position, GB subsequently made further submissions (FS 35, FS 36 and FS 37) in support of submission points by the Port of Napier (202.16 – 202.19) and in opposition to submission points by Alan Petersen (187.37) and Sera Chambers (150.118).
10. GB considers that the proposed relief sought in its original submission and further submissions would provide further clarity and consistency for all Plan users, and are of wider benefit beyond addressing GB's own interests.

B: Assessment of Reporting Officer Recommendations

11. We have reviewed the relevant Council Officer s42A Hearing Reports on submissions to the CE – Coastal Environment, LIGHT – Light and SIGN – Signs provisions.¹
12. GB's submission points and further submission points on these matters are suitably canvassed by the relevant Reporting Officers, and we make further comment on each of the three topics below.

CE – Coastal Environment

13. As indicated above, GB's key concern was that the proposed objectives relating to the Coastal Environment do not sufficiently acknowledge the highly modified nature of the Port area and the practical limitations with respect to the preservation of natural character. In its original submission (180), GB requested amendments to the provisions to acknowledge the highly modified nature of the Port area and provide a cross-reference to the PORTZ - Port Zone provisions.
14. In a further submission (FS 35), GB lent support to submissions by the Port of Napier (202.16 – 202.19) that tended to mirror GB's own concerns and relief sought.
15. The Reporting Officer addresses this matter (in part) by recommending the amendment of Objective CE-O3 to identify, as 'values and functions' in the Coastal Environment to be protected, "*modified elements of the coast including the Port, transportation networks and other network utilities and infrastructure with a functional and operational requirement to locate within the coastal environment.*"² To the extent that these values and functions are to be 'protected', GB supports this recommendation.
16. In further considering GB's submission, the Reporting Officer also identifies a gap in the Coastal Environment provisions in terms of giving effect to Policy 9 of the NZCPS 2010 relating to ports, and recommends the addition of a new policy as follows:

“CE-Px: Ports Recognise and provide for ports and their connections with other transport modes by ensuring development in the coastal environment does not adversely affect their

¹ Prepared by Brooke Hemmings, Jeriel Sajan and Jeriel Sajan, respectively, and dated 22, 21 and 19 October 2024, respectively.

² Paras 53 - 54

*safe and efficient operation.*³

17. In GB's assessment this new policy would appropriately give practical effect, not just to NZCPS Policy 9, but also the modified version of Objective CE-O3 recommended above, and it is therefore supportive of its inclusion in the chapter.
18. On the assumption that the Hearing Panel also takes the view that the above amendments are warranted, GB's acknowledges the Reporting Officer's position that cross-references to the PORTZ – Port Zone chapter (as originally and additionally requested by GB) would be unnecessary. GB appreciates that the PDP needs to be read as a whole.
19. In this context, and overall, GB is of the view that the amendments recommended by the Reporting Officer would assist in redressing the balance required in the Coastal Environment chapter between the protection of natural values where they exist and safeguarding the continued operation of the Port; a balance that the NZCPS itself acknowledges and provides for.

LIGHT – Light

20. GB made two points in its original submission on the notified provisions of the LIGHT – Light Chapter, that it was not sufficiently clear as to whether:
 - a. light spill and lighting design requirements set out in Standard LIGHT-S1 apply in the PORTZ Zone; and
 - b. a maximum height in relation to light support structures applied in the PORTZ Zone as set out in Standard LIGHT-S3 Table 1.
21. On both matters, GB was broadly of the view that the provisions should not apply, given operational needs in the Port area and it requested that explicit exclusions relating to the PORTZ Zone be incorporated in the relevant standards.
22. Clearly, the application (or otherwise) of these standards in the Port areas was not clear to other submitters either. To protect its position, GB made further submissions in opposition to submissions by others (Alan Petersen – 187.37) and Sera Chambers (150.118) that sought amendments to specify that these provisions did apply in the PORTZ Zone (FS 36 and 37, respectively).
23. On the first matter, the Reporting Officer acknowledges that it is not clear from a plain reading of Standard LIGHT-S1 what, if any, controls on light spill in the PORTZ Zone are intended to apply. The Reporting Officer indicates that it was 'intended' that light spill standards in the Port area align with those for industrial and commercial zones.⁴ As such, the Officer recommends the inclusion of a new entry in Standard LIGHT-S1 relating specifically to the PORTZ Zone.
24. GB notes that this entry matches word-for-word the notified provisions applying to Commercial and Industrial Zones, and on that basis that a reasonable level of control on light spill is warranted in order to protect residential amenity, GB is not adverse to its inclusion. Ultimately, the recommended addition clarifies that a light spill standard does apply with respect to the Port area, when this was not clear previously, with the stated intention of protecting amenity in nearby residential areas and, as such, the provisions appear to be appropriate and fit-for-purpose in that respect. On the basis that the application of these provisions is clarified as recommended, GB resiles from its original request that an explicit

³ Para 101

⁴ Para 83

exclusion relating to the PORTZ Zone be incorporated into the relevant standards.

25. On the second matter, GB supports the Reporting Officer's recommendation⁵ that Table 1 under Standard LIGHT-S3 be amended to provide further clarity that that the 20m height limit for light support structures applies only in 'other' Special Purpose Zones, not including the PORTZ Zone, where it is already stated that no height limit applies. GB agrees with the Reporting Officer that as this was the intention at drafting no s32AA assessment is warranted.

SIGN – Signs

26. In its submission, GB expressed concern that the application of the SIGN – Signs provisions in the PORTZ Zone was insufficiently clear, and provided detailed examples of how that uncertainty manifested in practical terms. It sought a broad review of the application of the provisions and appropriate amendments to reflect the 'workaday character and amenity' of the Port area and the adoption of an approach similar to that for the Industrial Zone.
27. In response to GB's submission, the Reporting Officer acknowledges that the practical (and in GB's estimation, likely unintended) effect of the notified SIGN – Signs provisions, if left unaltered, is to accord all signage in the PORTZ Zone a non-complying activity status, under Rule SIGN-R26, which would represent a reversal of the permissive presumption in the operative District Plan; a change in approach that the Officer acknowledges is not justified in s32 terms.
28. Accordingly, the Reporting Officer recommends amendments, including the deletion of Rule SIGN-R26 and the addition of a new rule ('SIGN-RxA'), to reinstate the permissive presumption.⁶ These recommended amendments would align with the tenor of the relevant objectives and policies and have the effect of making signs in the PORTZ Zone permitted, subject only to compliance with SIGN Standards S1 to S4. In that respect, GB notes with favour that the effect of the amendments is also to make it explicit that restrictions on sign size do not apply in the PORTZ Zone, in the same way that they do not in other zones of an equivalent 'workaday' character (e.g. Industrial).
29. GB welcomes these amendments and supports both them and the s32AA evaluation accompanying the recommendations, and commends them to the Hearing Panel.

C: Solution

30. Grant the original relief sought in the GB submission and as otherwise recommended by Council Reporting Officers.

D: Summary and Conclusion

31. GB supports the recommendations of Reporting Officers in relation to the company's submissions inclusive of recommended amendments to the notified PDP provisions.

Prepared by:
Resource Management Group Ltd.



Mark Leggett
Senior Planner
11 November 2024

⁵ Para 84

⁶ Para 45

Address for service of submitter:

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c/- Mark Leggett

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Attachments: APPENDIX 1: GB submission

APPENDIX 1: GB SUBMISSION

Submission on publicly notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To Napier City Council

Name of submitter: Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd (**GB**)

- 1 This is a submission on the Napier City Proposed District Plan (PDP); and
- 2 GB could not gain an advantage in trade competition through this submission.
- 3 The specific provisions of the PDP that GB's submission relates to and the reasons for GB's submission are set out in **Appendix A** and **Appendix B** below.
- 4 GB's submission on the PDP is that it:
 - a. Supports the specificity of PORTZ - Port Zone and NOISE – Noise objectives and policies relating to the Port;
 - b. Seeks an amendment to the definition for 'Port-related activities';
 - c. Seeks amendments to the SW – Stormwater, CE – Coastal Environment Chapter and LIGHT – Light Chapter provisions;
 - d. Seeks a review of the application of the TPT – Transport Chapter provisions and SIGN – Signs Chapter provisions as they apply to sites in the PORTZ – Port Zone and make consequential amendments; and
 - e. Seek amendments to, and deletions of, certain PORTZ – Port Zone provisions.
- 6 GB seeks the following decision from the local authority:
 - a. Grant the relief as set out in **Appendix B**;
 - b. Grant any other similar and /or consequential relief that would deal with GB's concerns set out in this submission.
- 7 GB wishes to be heard in support of the submission.
- 8 If others make a similar submission, GB will consider presenting a joint case with them at a hearing.

Signed for and on behalf of **Golden Bay Cement, a division of Fletcher Concrete & Infrastructure Ltd** by its Resource Management Consultants and authorised agents Resource Management Group Ltd



Mark Leggett
Senior Consultant
15 December 2023

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Appendix A

INTRODUCTION

- 1 GB welcomes the opportunity to submit on the Napier City Proposed District Plan (PDP). GB's submission is broadly organised as follows:
 - **Statement of interest and background;**
 - **Summary of GB's submission;**
 - **Summary of relief sought**
 - **Conclusion**
 - **Detailed relief sought (contained in Appendix B)**

STATEMENT OF INTEREST AND BACKGROUND

- 2 GB is New Zealand's longest standing cement manufacturer. GB is committed to sustainable products and product transparency which is central to their strategy, vision and values. This includes how they operate, with their New Zealand made cement being independently assessed to demonstrate a 27% lower carbon emissions per tonne of cement than the ISC 2020 Baseline.
- 3 GB has multiple locations throughout New Zealand. In Napier, it operates a Service Centre at the Port of Napier off Breakwater Road. Bulk cement is unloaded from vessels docked at the Port and is transferred via pipelines into silos at the facility. The Service Centre then loads bulk tankers for customer deliveries.
- 4 Under the PDP, its Napier Service Centre off Breakwater Road at the Port of Napier would be located in the Special Purpose Zone – Port Zone (PORTZ) and would be subject to the Liquefaction Hazard Overlay - Probability: high, Coastal Environment Overlay (Mahia), Statutory Acknowledgements – Area of Interest (Mana Ahuriri) Overlay and various District-wide provisions in the PDP.

SUMMARY OF GB'S SUBMISSION

- 5 GB generally supports the Council's intention to review and replace the currently operative District Plan. GB's key concern relates to ensuring that the replacement Proposed PDP is fit-for-purpose and does not unreasonably compromise its ability to operate or redevelop its Napier Service Centre in the future.
- 6 With that object in mind, GB's submission to the PDP is focused on the following:
 - (a) Support for the specificity of PORTZ - Port Zone and NOISE – Noise objectives and policies relating to the Port;
 - (b) Concern over the scope of the definition for 'Port-related activity' as provided for in the PORTZ – Port Zone and whether it sufficiently covers GB's operations, as described above, at its Napier Service Centre;
 - (c) Concern over an absence of a definition in the PDP for 'Port-related industrial activity, transport, storage and goods handling' as provided for in the PORTZ – Port Zone and, more fundamentally, a lack of justification for restricting Industrial activity, beyond that 'related to the Port', in the PORTZ – Port Zone;
 - (d) Concern over the broad application of District-wide stormwater management provisions requiring hydraulic mitigation to all areas of the City, including sites in the Port, given that the characteristics of Port sites mean that they are not contributors to the resource management issues that provisions seeks to address;

- (e) Concern that it is not made sufficiently clear in the PDP that the District-wide transport provisions do not generally apply in Port sites by virtue of those sites not having direct access to legal roads;
- (f) Concern that the District-wide PDP objectives relating to the coastal environment do not sufficiently acknowledge the highly modified nature of the Port area and the practical limitations with respect to the preservation of natural character in that context;
- (g) Concern over a lack of clarity regarding the application or otherwise of District-wide provisions relating to light spill and signs in the Port area;
- (h) Concern over a lack of clarity regarding the application of otherwise of PORTZ Zone-based controls relating to height in relation to boundary in the Port area; and
- (i) Concern over the application of PORTZ Zone-based controls on site coverage in the Port area.

SUMMARY OF RELIEF SOUGHT

7 In summary, GB seeks the following, as a means to support the clarity, rationale and workability of the PDP provisions:

- (a) **Retain** the PORTZ - Port Zone and NOISE – Noise objectives and policies relating to the Port, as notified;
- (b) **Amend** the definition for ‘Port-related activity’ to clarify that it applies to activities undertaken by entities in addition to the Port Napier authority;
- (c) **Amend** the PORTZ - Port Zone provisions to provide more broadly for ‘industrial activity, transport, storage and goods handling’ activities as a permitted activities in the zone;
- (d) **Amend** the District-wide stormwater management provisions to create an exemption with respect to Port-located sites;
- (e) **Review** and make consequential **amendments** to the District-wide transport provisions, including the creation of an exemption with respect to Port-located sites without direct access to a legal road;
- (f) **Amend** the District-wide coastal environment provisions to acknowledge the highly modified nature of the Port area and provide a cross-reference to the PORTZ - Port Zone provisions;
- (g) **Review** and make consequential **amendments** to District-wide provisions relating to light spill and signs in the Port area, including the creation of an exemption for Port-related sites with respect to the former, and to apply provisions commensurate with the Port’s appearance and character with respect to the latter;
- (h) **Amend** PORTZ-Zone based controls relating to height in relation to boundary to refocus their application to external zone boundaries and to create an exemption with respect to Port-located sites without direct access to a legal road; and
- (i) **Delete** PORTZ Zone-based site coverage controls as they relate to the Port area.

CONCLUSION

8. GB considers that the amendments sought in its submission will assist resource users and decision-makers by improving the clarity, rationale and workability of PDP where it applies to its Napier Service Centre and to sites in the Port area generally. **Appendix B** outlines GB’s requested relief in full.

Appendix B

Proposed Napier City District Plan – Detailed Relief

Submitter Name: **Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd**

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
Part 1 - Definitions Chapter	Definition for 'Port-related activity'	Oppose	<p>It not entirely clear whether the definition for 'Port-related activity' is intended to encompass Port-located and related operations undertaken by entities in addition to the activities undertaken by Napier Port authority. In GB's submission the ambit of the zone should be clarified, as GB has a critical operational need to locate at the Port, given that its operations involve the unloading of bulk cement from ships via fixed pipelines for conveyance to the adjacent silos in the first instance, followed by the loading of bulk road vehicles for customer deliveries. These operational elements are encapsulated by references to the <i>'loading, unloading, and processing of freight and cargo'</i>, <i>'transitional storage activities'</i>, <i>'associated marshalling, parking, and manoeuvring of vehicles'</i>, and <i>'ancillary distribution activities including dry bulk warehousing and bulk liquids storage and transfer, including fuel and ancillary pipeline networks'</i> in the definition.</p> <p>The resulting permitted activity status of 'Port-related activities' (with a default to restricted discretionary activity in the event of infringements of relevant standards in the PORTZ Zone) is entirely appropriate in this context.</p> <p>However, for the avoidance of doubt, GB seeks that the definition for 'Port-related activity' is amended to clarify that it includes said activity undertaken by entities in addition to the Port Napier authority.</p>	<p>Amend definition for 'Port-related activities' to read (in part):</p> <p><i><u>'The use of land and/or buildings by any entity not limited to the Port Napier Authority ...'</u></i></p>

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
Part 2 – SW – Stormwater Chapter	Rule SW-R5 Standard SW-S1	Oppose	<p>GB submits that it is questionable why Rule SW-R5 and Standard SW-1 relating to hydraulic mitigation should apply at all to sites in the PORTZ Zone, given their proximity to the receiving environment, absence of connection to the wider stormwater network and the low likelihood that they are contributors to flood risk.</p> <p>In such an intensely developed environment, on-site retention (e.g. via soakage to landscaping) is unlikely to be a practical option. On-site detention serves no purpose given that the wider stormwater network is generally not in receipt of discharges from Port sites. GB observes that no impervious surface limit is imposed for the PORTZ Zone and that in the Auckland Unitary Plan (for example) similar standards only apply in areas of known compromised stormwater network capacity (not including the ports in that region).</p> <p>In GB’s submission the relevant s32 report gives only a cursory consideration to the option of identifying specific stormwater management areas; it concludes that ‘discrete areas’ cannot be identified and that a broad-brush application of standards is administratively simpler. In GB’s submission, the blanket imposition of such controls fails to account for the specific characteristics of areas such as the Port.</p> <p>GB submits that, at the very least, an exemption to Rule SW-R5 and Standard SW-S1 is required with respect to sites located in the PORTZ Zone.</p>	<p>Amend Rule SW-R5 and Standard SW-S1 to include (in both instances) the following exemption:</p> <p><i><u>‘This rule / standard does not apply to sites located in the PORTZ – Port Zone.’</u></i></p>
Part 2 – TPT – Transport Chapter	Entire Chapter	Oppose	GB submits that the PDP Transport provisions do not apply with respect to GB’s site (Lot 1 DP 13666) and other sites at the Port that do not have direct access to a legal road. Breakwater Road is the nearest legal road identified in the PDP’s Roding Hierarchy. The vehicle routes about the	Review the application of the TPT Chapter provisions to the PORTZ Zone and make consequential amendments.

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
			<p>site are part of the larger parcel of land relating to the Port as a whole (Legal Desc Part Lot 1 DP 20975).</p> <p>Specifically, it is submitted that the TPT Standards do not apply and, in particular, TPT-S3 (loading spaces – as it references ‘roads’ and ‘streets’), TPT-S4 (vehicle access – as it references ‘roads’), TPT-S5 (vehicle access restrictions, as presumably tied to roads), TPT-S6 (manoeuvring, as tied to roads), or TPT-S7 (vehicle trip generation, as tied to residential zones).</p> <p>Furthermore, it is submitted that neither TPT-R2 (New or modified vehicle access and crossings onto a state highway or arterial road) nor the remainder of the activity rules (that all require compliance with the above standards) apply.</p> <p>GB submits that the Council undertake a review the application of the TPT Chapter provisions to sites in the PORTZ Zone and make consequential amendments as necessary, including specifying an exemption to the provisions with respect to sites at the Port that have no legal road access.</p>	<p>Amend the TPT Chapter to include the following statement:</p> <p><i><u>‘The following provisions do not apply to sites located in the PORTZ – Port Zone that do not have direct access to a legal road: [list the resulting provisions]’</u></i></p>
<p>Part 2 – CE – Coastal Environment Chapter</p>	<p>Entire Chapter</p>	<p>Oppose</p>	<p>While there some references in CE Chapter policies to the importance and modified nature of the Port, functional/operational need for a location in the coastal environment, and the impact of existing land uses on natural character in policies (i.e. Policies CE-P1, CE-P2a.i. & e., respectively) and accounting for existing built character in assessment criteria (ab. to ae.), these are not reflected in the CE Chapter objectives, and broadly the CE Chapter provisions are strongly oriented towards the preservation and protection of natural character, natural features, coastal values, and indigenous biodiversity.</p>	<p>Amend CE Chapter objectives as required to acknowledge the importance and modified nature of the Port, functional/operational need for a location in the coastal environment, and the impact of existing land uses on natural character.</p> <p>Amend the CE Chapter (under the heading ‘Other relevant District Plan provisions’) to include a cross-reference to the Part 3 PORTZ – Port Zone Chapter provisions.</p>

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
			GB submits that the current CE Chapter provisions do not appropriately give effect to the NZCPS and particularly Policy 9. Greater recognition needs to be given to the highly modified nature of the Port and environs in the CE Chapter objectives. GB requests that the CE Chapter objectives are amended to clear that proposals in this location are not to be held to the same values assessment as those in less modified coastal locations. A cross-reference in the CE Chapter to the provisions of the Port Zone should also be made.	
Part 2 – LIGHT – Light Chapter	LIGHT – Light – Standards Table	Oppose	It is not entirely clear from the table whether light spill and lighting design requirements set out in Standard LIGHT-S1 apply in the PORTZ Zone. It is assumed that it is not intended that such standards do apply in the PORTZ Zone given the operational needs of this area and that the PORTZ Zone is not mentioned in the left hand column. If so, then in GB's submission this is to be supported, although an explicit statement to this effect would provide additional clarity and certainty.	Amend Standard LIGHT-S1 to include the following statement: <i><u>'This standard does not apply to sites located in the PORTZ – Port Zone.'</u></i>
Part 2 – LIGHT – Light Chapter	LIGHT-S3 Table 1	Oppose	This table indicates that for 'All Special Purpose Zones' the maximum height of light support structures in a zone must not exceed 20m in height, but also states that for the 'Port Zone' no height limit applies. It is assumed that the second, more specific reference is the correct one, where the PORTZ Zone is concerned, but it would assist if the structure of the table was rearranged to clarify this.	Amend LIGHT-S3 Table 1 by rearranging it to clarify that the 20m height limit only applies in Special Purpose Zones other than those specifically listed (where no height limit applies).
Part 2 – NOISE – Noise Chapter	Objective NOISE-O5 Policy NOISE-P6	Support	GB submits that the more specific wording of the proposed objective and policy (in comparison to the equivalent Operative District Plan provisions) is to be supported.	Retain provisions as notified.

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
Part 2 – SIGN – Signs Chapter	SIGN – Signs – Rules Table SIGN – Signs – Standards Table	Oppose	<p>It is not clear which SIGN rules apply to signs in the PORTZ Zone. Rules SIGN-R1 to SIGN-R8, SIGN-R10 to SIGN-R14, SIGN-R19, SIGN-R21, SIGN-R22, SIGN-R24 and SIGN-R25 specifically to signs in the road reserve, specific parks, certain precincts or zones, on certain buildings or in relation to specific activities, whereas as Rules SIGN-R9, SIGN-R15 to SIGN-R18, SIGN-R20 and SIGN-S23 apply in areas outside those specified. Rule SIGN-R26 acts as a non-complying activity default for signs not otherwise provided for.</p> <p>It is only an assumption on GB’s part that Rules SIGN-R15 to SIGN-R18, and notably Rule SIGN-R15 in relation to signs on building facades, are intended to apply in the PORTZ Zone. If that is the case, then it would appear that Standards SIGN-S1, SIGN-S2 and SIGN-S4 are brought to bear as they reference ‘All zones and precincts’, but not Standard SIGN-S3, which does not mention the PORTZ Zone. While GB considers that an absence of any control on sign area in the PORTZ Zone is appropriate, if that is what is intended, it would be concerned if signs in the PORTZ Zone fell to non-complying status under Rule SIGN-R26 in the absence of specific references elsewhere.</p> <p>GB submits that the Council undertake a review of the application of the SIGN provisions to the PORTZ Zone and make consequential amendments as necessary to clarify which provisions apply. GB submits that any SIGN provisions applying to the PORTZ Zone must reflect the workaday character and amenity of the area. In that context it is noted that, explicitly, no limitation on sign area or combination of signs per site applies in the industrial zone (SIGN-S3). A similar approach is warranted for the PORTZ Zone.</p>	<p>Review the application of the SIGN provisions to the PORTZ Zone and consequentially amend the SIGN – Signs – Rules Table and SIGN – Signs – Standards Table as appropriate to provide clarity as to their application and so that, as a consequence, a similar approach is adopted as that that applies in industrial zones.</p>

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
Part 3 - PORTZ – Port Zone Chapter	Objectives PORTZ-O1 and PORTZ-O2 Policies PORTZ-P1, PORTZ-P2 and PORTZ-P4	Support	As noted in the accompanying s32 report, the proposed objectives and policies seek to address identified issues with the more generic operative provisions: i.e. that they overlook the unique operational needs of the Napier Port and do not include specific objectives and policies that provide for the nature and scale of the operations ensuring that the Port facilities are not constrained. GB submits that the more specific wording of the proposed objectives and policies is to be supported, as giving effect to NZCPS Policy 9 and to the Port’s status as regionally significant infrastructure.	Retain provisions as notified.
Part 3 - PORTZ – Port Zone Chapter	Provision for ‘Port-related industrial activity, transport, storage and goods handling’ Assessment criteria PORTZ-AC3 Assessment criteria PORTZ-AC5	Oppose	‘Port-related industrial activity, transport, storage and goods handling’ is provided for as a permitted activity in the PORTZ Zone, (with a default to fully discretionary activity in the event of infringements of relevant standards in the PORTZ Zone). However, the term is not defined in the PDP and the distinction between it and the definition for ‘Port-related activity’ (which by comparison is also permitted in the PORTZ Zone with a default to restricted discretionary activity in the event of infringements of relevant standards), is not clear. Further, in GB’s submission, there is no justification for distinguishing between ‘Port-related industrial activity’ and general ‘Industrial activity’, which is defined, in the PORTZ Zone. ‘Industrial activity’ should be provided for as a permitted activity, enabling the PORTZ objectives and policies and relevant assessment criteria (including ‘ <i>Whether the activity has an operational requirement to be located in the Port Zone</i> ’) as notified brought to bear in instances where relevant PORTZ standards are infringed.	Amend Rule PORTZ-R4 to read: <i>‘PORTZ-R4: Port-related industrial Industrial activity, transport, storage and goods handling’</i> Amend Assessment criteria PORTZ-AC3 to read: <i>‘PORTZ-AC3: Port-related industrial Industrial activity, transport, storage and goods handling’</i> Delete Assessment criteria PORTZ-AC3a. relating to: <i>‘Whether the activity has an operational requirement to be located in the Port Zone.’</i> Amend Assessment criteria PORTZ-AC5 to read: <i>‘PORTZ-AC5: Activities that are not directly related to the port activities <u>subject to PORTZ-R5</u>’</i>

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
			<p>Finally, it is not clear what activities the Assessment criteria PORTZ-AC5 are intended to apply to. They are titled ‘Activities that are not directly related to the port activities’, but it is not clear whether this encompasses any activities not catered for under Rule PORTZ-R1 alone, or also PORTZ-R2 to PORTZ-R5. In GB’s submission, and subject to the requested amendment to PORTZ-R4 above, it should be clarified that PORTZ-AC5 only applies with respect to activities subject to PORTZ-R5 (i.e. any activities not otherwise provided for under other rules).</p>	
Part 3 - PORTZ – Port Zone Chapter	Standard PORTZ-S2 Assessment criteria PORTZ-AC1	Oppose	<p>The stated purpose of Standard PORTZ-S2 relating to height in relation to boundary is to provide for the (maintenance of) the character and amenity of areas adjacent to the Port including residential amenity. Correctly, then, point 2. in the standard refers to the ‘zone boundary’, but also to ‘any site boundary’ adjoining a road or designated rail corridor.</p> <p>GB submits that by referencing the ‘site boundary’ the standard over-extends its scope beyond the stated purpose, which is to maintain the character and amenity of adjacent zones. Further, GB submits that the standard does not apply with respect to GB’s site (Lot 1 DP 13666) and other sites at the Port that do not have direct access to a legal road.</p> <p>GB submits that the application of the standard to sites <u>within</u> the PORTZ Zone is questionable given the functional, workaday appearance of the Port, the fact that the standard appears intent on managing the interface with other zones, and the reality that most sites at the Port have no legal road access.</p> <p>GB requests that the rationale for Standard PORTZ-S2 is reviewed and that amendments are made to clarify and rationalise its application.</p>	<p>Amend Standard PORTZ-S2 as follows:</p> <p><i>‘2. No part of a building, structure, outdoor storage, refuse storage area or stockpile or stored goods must project beyond a building envelope constructed by drawing planes along all parts of all zone boundaries, other than the coastal marine area boundary. The planes must commence 7.5 m above ground level at the zone boundary and at any site boundary adjoining a road or designated rail corridor and must be inclined to the horizontal at an angle of 65 degrees.</i></p> <p><i>3. This standard does not apply to lighting poles, quayside cranes, and container cranes <u>or to sites located in the PORTZ – Port Zone that do not have direct access to a legal road.</u>’</i></p> <p>Amend related matters of discretion and Assessment criteria PORTZ-AC1 to reflect a</p>

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				refocusing of the standard on the management of the PORTZ Zone's external interface and maintenance of the character and amenity of adjoining residential areas.
Part 3 - PORTZ – Port Zone Chapter	Standard PORTZ-S3 Assessment criteria PORTZ- AC1	Oppose	<p>It is not clear why a limit on site coverage is sought to be imposed in the PORTZ Zone. The stated purpose of the rule is '<i>to provide for <u>buildings</u> that are functional and of a sufficient size to provide for a range of <u>port-related</u> activities; to manage the <u>effects</u> of <u>buildings</u> and <u>structures</u> on residential amenity and use of the <u>coastal marine area</u> and open spaces.'</i></p> <p>GB submits that the application of the standard to sites <u>within</u> the PORTZ Zone is questionable given the functional, workaday appearance of the Port and its physical separation from residential areas, the highly modified nature of the coastal environment in this location, and the operational need to maximise the efficient use of limited space.</p> <p>GB notes that no equivalent limitation on site coverage applies in the GIZ – General Industrial Zone, which exhibits a similar character to the Port.</p> <p>GB submits that 100% coverage should be permissible in the circumstances and seeks the deletion of this standard.</p>	<p>Delete Standard PORTZ-S3.</p> <p>Delete associated Assessment criteria in PORTZ-AC1.</p>