
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 15/12/2023

Submission Reference Number #:180

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

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Attachments:
Submission_Proposed Napier DP_GBC_15 December 2023_FINAL.pdf
Submission_Proposed Napier DP_GBC_15 December 2023_FINAL.pdf

I wish to be heard: Yes
I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?
- **No**

Are you directly affected by an effect of the subject matter of the submission that
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition
- **N/A**

Submission points

Point 180.1

Section: General

Sentiment: Amend

Submission:

Please refer to the attached submission.

SUMMARY OF GB's SUBMISSION

- 1 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.
- 2 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.

Relief sought

Please refer to the attached submission.

SUMMARY OF RELIEF SOUGHT

- 1 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.

Point 180.2

Section: Definitions

Sub-section: Definitions

Provision:

PORT RELATED ACTIVITIES

The use of land and/or buildings for:

- a. Navigation, mooring, berthing, departure, manoeuvring, refuelling, storage, servicing, maintenance, and the embarking, disembarking, and transit of passengers;
- b. Loading, unloading, and processing of freight and cargo including containers and logs;
- c. Transitional storage activities;
- d. Associated marshalling, parking, and manoeuvring of vehicles and trains;
- e. Associated rail activities;
- f. Ancillary distribution activities including dry bulk warehousing and bulk liquids storage and transfer, including fuel and ancillary pipeline networks, and
- g. Any ancillary activity necessary for the functional needs and operational needs of port operations, or supporting the operation, maintenance, and security of facilities and services, which includes:
 - i. Ancillary operation and maintenance support services including freight and vehicle depots, storage facilities and workshops;
 - ii. Energy generation, storage, and maintenance for port operations;
 - iii. Ancillary office, and
 - iv. Car parking for staff and visitors.

Sentiment: Oppose

Submission:

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 '*loading, unloading, and processing of freight and cargo*', '*transitional storage activities*', '*associated marshalling, parking, and manoeuvring of vehicles*', and '*ancillary distribution activities including dry bulk warehousing and bulk liquids storage and transfer, including fuel and ancillary pipeline networks*' in the definition.

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.

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.

Relief sought

Amend definition for 'Port-related activities' to read (in part):

'The use of land and/or buildings by any entity not limited to the Port Napier Authority ...'

Point 180.3

Section: SW - Stormwater

Sub-section: SW - Stormwater - Rules Table

Provision:

SW-R5: Any development of new or redevelopment of existing impervious areas

SW-R5A

Activity Status: Permitted

Where:

1. The maximum impervious area standard for the relevant zone or precinct is met, and
2. Development of new or redevelopment of existing impervious areas meets standard SW-S1.

Sentiment: Oppose

Submission:

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.

In such an intensely developed environment, on-site retention (e.g. via soakage to landscaping) is unlikely to be a practical

SW-R5B

Activity Status where activity conditions are not met: Restricted Discretionary

Matters of discretion are:

1. Public health and safety;
2. Network efficiency, and
3. Effects on the values of the receiving environment.

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).

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.

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.

Relief sought

Amend Rule SW-R5 and Standard SW-S1 to include (in both instances) the following exemption:

'This rule / standard does not apply to sites located in the PORTZ – Port Zone.'

Point 180.4

Section: SW - Stormwater

Sub-section: SW - Stormwater - Standards Table

Provision:

SW-S1: Hydraulic mitigation

All sites with a connection to a public stormwater network

Purpose: to reduce potential flooding hazards and optimise efficiency of the stormwater and drinking water networks.

1. Provide retention (volume reduction) of at least 10 mm runoff depth for the impervious area for which hydrology mitigation is required (refer to Figure 1).
2. Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development run-off volumes from the 10% AEP, 24-hour rainfall event (refer to Figure 3 below, Table 9 of the Napier City Council Code of Practice for Land Development and Subdivision Infrastructure*) minus the 10 mm retention volume or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required (refer to Figure 2).

Matters of discretion are:

1. Purpose of the standard;
2. Public health and safety;
3. Network efficiency and resilience;
4. Receiving environment values, and
5. Use of low impact design.

***Note:** As at August 2021, the rainfall depth for the 10% AEP 24 hour duration event is 139 mm.

3. All retention and detention to be provided within the site boundary.
4. Where stormwater management devices including stormwater detention and/or retention tanks are provided, an operation and maintenance plan is required to be

lodged with, and approved by Napier City Council that addresses:

- i. how the whole site and specific equipment/features are operated and maintained with respect to stormwater;
 - ii. personnel responsibilities, treatment method(s), treatment requirements;
 - iii. mitigation of pollutants (gross, soluble, and suspended);
 - iv. location(s) of treatment and conveyance systems;
 - v. the maintenance schedule for the specific equipment/features included on the site;
 - vi. the design parameters and limitations of the specific equipment/features, and
 - vii. the design calculations for the specific equipment/features.
5. The operation and maintenance manual will be enforced through a consent notice on the title to ensure future property owners are aware of the maintenance obligations for the stormwater management device.
 6. For the purpose of this standard, the impervious area for which hydrology mitigation is required is any new or redeveloped impervious area undertaken since the date this rule becomes operative.

Sentiment: Oppose

Submission:

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.

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).

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.

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.

Relief sought

Amend Rule SW-R5 and Standard SW-S1 to include (in both instances) the following exemption:

'This rule / standard does not apply to sites located in the PORTZ – Port Zone.'

Point 180.5

Section: TPT - Transport

Sub-section: General

Provision: General

Sentiment: Oppose

Submission:

Entire chapter

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 site are part of the larger parcel of land relating to the Port as a whole (Legal Desc Part Lot 1 DP 20975).

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).

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.

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.

Relief sought

Amend the TPT Chapter to include the following statement:

'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]'

Point 180.6

Section: CE - Coastal Environment

Sub-section: General

Provision: General

Sentiment: Oppose

Submission:

Entire Chapter

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.

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.

Relief sought

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.

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.

Point 180.7

Section: LIGHT - Light

Sub-section: LIGHT - Light - Standards Table

Provision:

LIGHT-S1: Light spill and lighting design

All Residential Zones and all Open Space, Sports Parks, and Conservation Zones (except for McLean Park Sports Stadium)

Purpose: to protect residential amenity; to support well-being and safety of people.

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:
 - a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site), and
 - b. outdoor lighting must be selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:
 - a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Matters of discretion are:

1. Effects on residential amenity and road safety and the extent to which these can be mitigated;
2. Design, location, and external appearance of the artificial lighting, including the support structure(s), and
3. Whether the lighting is necessary for operational or functional purposes.

All Commercial,

1. Light spill conditions for all land uses other

Matters of discretion are:

Industrial, and Rural
Zones and Precincts

Purpose: to protect residential amenity; to support wellbeing and safety of people.

than for the purposes of illuminating a road:

- a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 m above ground level) at any point beyond the zone boundary;
 - b. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space in a building within a residential zone), and
 - c. the outdoor lighting must be so selected, located, aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the weather conditions on illuminance:
- a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Stadium Zone

Purpose: to protect residential amenity while supporting the overall wellbeing and safety of people during temporary events at the McLean Park Sports Stadium.

1. Light spill conditions for all activities, other than for the purposes of illuminating a road shall not exceed:

- a. between the hours of 10.00 p.m and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site);
- b. the above hours may be exceeded for a maximum of three days in any

Matters of discretion are restricted to:

1. Effects on residential amenity, and
2. Design, location, and external appearance.

- calendar year, provided that between the hours of 11.00 p.m. and 7.00 a.m the following day any outdoor lighting does not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site), and
- c. the outdoor lighting must be so selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:
- a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Sentiment: Oppose

Submission:

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.

Relief sought

Amend Standard LIGHT-S1 to include the following statement:

'This standard does not apply to sites located in the PORTZ – Port Zone.'

Point 180.8

Section: LIGHT - Light

Sub-section: LIGHT - Light - Standards Table

Provision:

LIGHT-S3 Table 1: Maximum height of light support structures in a zone

All Residential Zones and Precincts	Must not exceed 15 m in height
All Industrial Zones and Precincts	Must not exceed 25 m in height
All Commercial Zones and Precincts	Must not exceed 20 m in height
All Rural Zones	Must not exceed 20 m in height
All Special Purpose Zones	Must not exceed 20 m in height
All Open Space Zones	Must not exceed 10 m in height
Sport and Active Recreation Zone	Must not exceed 25 m in height
Boat Harbour Zone	Must not exceed 10 m in height
Stadium Zone	No height limit
Port Zone	No height limit
Airport Zone	No height limit

Sentiment: Oppose

Submission:

Notes that the 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.

Relief sought

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).

Point 180.9

Section: NOISE - Noise

Sub-section: Objectives

Provision:

NOISE-O5: Napier Port and Hawke's Bay Airport

The ongoing use, operation, maintenance and development of the port and Hawke's Bay Airport are enabled while ensuring that amenity values and people's health and wellbeing are protected from unreasonable noise levels.

Relates to NOISE-I6

Sentiment: Support

Submission:

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.

Relief sought

Retain provisions as notified.

Point 180.10

Section: NOISE - Noise

Sub-section: Policies

Provision:

NOISE-P6: Port noise

The adverse effects of port noise are managed by a combination of controls, including:

- a. District Plan rules on noise generation within the relevant zone;
- b. noise management plans, and
- c. acoustic treatment of noise-sensitive activities within the Port Noise Overlays.

Relates to NOISE-O5

Sentiment: Support

Submission:

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.

Relief sought

Retain provisions as notified.

Point 180.11

Section: SIGN - Signs

Sub-section: SIGN - Signs - Rules Table

Provision: General

Sentiment: Oppose

Submission:

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.

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.

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.

Relief sought

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.

Point 180.12

Section: SIGN - Signs

Sub-section: SIGN - Signs - Standards Table

Provision: General

Sentiment: Oppose

Submission:

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-R22 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.

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.

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.

Relief sought

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.

Point 180.13

Section: PORTZ - Port Zone

Sub-section: Objectives

Provision:

PORTZ-O1: Provide for Napier Port

The ongoing operation, maintenance, and development of the port is enabled, while managing off-site adverse effects on the environment.

Relates to PORTZ-I1 and PORTZ-I2

Sentiment: Support

Submission:

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.

Relief sought

Retain provisions as notified.

Point 180.14

Section: PORTZ - Port Zone

Sub-section: Objectives

Provision:

PORTZ-O2: The efficient and effective use and development of Napier Port

The safe, efficient, and effective use of the Napier port activities ensuring the functional needs and operational needs are not constrained or compromised by non-port activities, reverse sensitivity, incompatible built form, or subdivision.

Relates to PORTZ-I1 and PORTZ-I2

Sentiment: Support

Submission:

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.

Relief sought

Retain provisions as notified.

Point 180.15

Section: PORTZ - Port Zone

Sub-section: Policies

Provision:

PORTZ-P1: Regional significance of Napier Port

To recognise the port's importance to the social, economic, and cultural wellbeing of the region.

Relates to PORTZ-O1 and PORTZ-O2

Sentiment: Support

Submission:

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.

Relief sought

Retain provisions as notified.

Point 180.16

Section: PORTZ - Port Zone

Sub-section: Policies

Provision:

PORTZ-P2: Characteristics of port activities

To recognise and provide for the operation, maintenance, and development of Napier Port as a regional physical resource that is primarily industrial in its nature and character.

Relates to PORTZ-O1 and PORTZ-O2

Sentiment: Support

Submission:

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.

Relief sought

Retain provisions as notified.

Point 180.17

Section: PORTZ - Port Zone

Sub-section: Policies

Provision:

PORTZ-P4: Port-related activities

To enable operational port activities and associated buildings and structures of an appropriate scale.

Relates to PORTZ-01, PORTZ-02 and PORTZ-03

Sentiment: Support

Submission:

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.

Relief sought

Retain provisions as notified.

Point 180.18

Section: PORTZ - Port Zone

Sub-section: PORTZ - Port Zone - Rules Table

Provision:

PORTZ-R4: Port-related industrial activity, transport, storage, and goods handling

PORTZ-R4A

PORTZ-R4B

Activity Status: Permitted

Activity Status where activity conditions are not met: Discretionary

Where:

1. The activity complies with all of the standards in the Port Zone.

Sentiment: Oppose

Submission:

'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 '*Whether the activity has an operational requirement to be located in the Port Zone*') as notified brought to bear in instances where relevant PORTZ standards are infringed.

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).

Relief sought

Amend Rule PORTZ-R4 to read:

'PORTZ-R4: ~~Port-related industrial~~ Industrial activity, transport, storage and goods handling'

Point 180.19

Section: PORTZ - Port Zone

Sub-section: Assessment criteria

Provision:

PORTZ-AC3: Port-related industrial, transport, storage, and goods handling

- a. Whether the activity has an operational requirement to be located in the Port Zone.
- b. Whether cleaner production equipment and waste minimisation practices are proposed.
- c. Whether the size, bulk, placement on the site, external design, and appearance of the building is compatible with other buildings in the vicinity.
- d. Whether the activity could give rise to reverse sensitivity effects.
- e. Whether there is adequate infrastructure (access, wastewater, stormwater connections).

Sentiment: Oppose

Submission:

'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 '*Whether the activity has an operational requirement to be located in the Port Zone*') as notified brought to bear in instances where relevant PORTZ standards are infringed.

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).

Relief sought

Amend Assessment criteria PORTZ-AC3 to read:

'PORTZ-AC3: ~~Port-related industrial~~ Industrial activity, transport, storage and goods handling'

Delete Assessment criteria PORTZ-AC3a. relating to: ~~'Whether the activity has an operational requirement to be located in the Port Zone.'~~

Point 180.20**Section:** PORTZ - Port Zone**Sub-section:** Assessment criteria**Provision:**

PORTZ-AC5: Activities that are not directly related to the port activities

- a. Whether the nature, scale and intensity of the activity is compatible with port activities and the surrounding environment.
- b. The extent to which the activity is compatible with port-related activities and services.
- c. The risk that a new activity could generate reverse sensitivity effects on existing port-related activities leading to the port having to limit operations, or undertake mitigation measures.
- d. Whether the land use will contribute to the efficient use and/or development of natural and physical resources within the city and whether any alternative locations have been considered.
- e. Whether the impact of the scale and intensity of the land use is compatible with port-related activities and surrounding land uses.
- f. Whether the land use will alter the nature or character of the services provided at the port.
- g. Whether there are any effects from natural hazards that are of a low probability but high potential impact.
- h. Whether the establishment of the land use would have adverse effects on the efficient use and/or development of natural and physical resources of the port or industrial zone or any other zone, including commercial zones, or result in significant social or economic impacts.
- i. Whether the volume of traffic likely to be attracted to the site is likely to cause an effect on the neighbouring people and environment including the road network and traffic safety and efficiency.
- j. Whether the activity provides a commercial or hospitality service, such as a convenience store or café, to the area rather than traditional retailing and the extent to which the activity will provide goods or services, the majority of which are consumed or used within the zone.

Sentiment: Oppose

Submission:

'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 '*Whether the activity has an operational requirement to be located in the Port Zone*') as notified brought to bear in instances where relevant PORTZ standards are infringed.

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).

Relief sought

Amend Assessment criteria PORTZ-AC5 to read:

'PORTZ-AC5: Activities ~~that are not directly related to the port activities~~ subject to PORTZ-R5'

Point 180.21

Section: PORTZ - Port Zone

Sub-section: PORTZ - Port Zone - Standards Table

Provision:

PORTZ-S2: Height in relation to boundary

Purpose: *to provide for the character, function and amenity of areas adjacent to the port; to manage the effects of bulk and building height on outlook, dominance, access to sunlight and daylight, and privacy on residential amenity and use of the coastal marine area and open spaces.*

1. No part of a building, structure, outdoor storage, refuse storage area, or stockpile, must exceed the Airport Height Control Designation in APP1, except that in a surface penetration area the maximum height must be 8 m.
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.
3. This standard does not apply to lighting poles, quayside cranes, and container cranes.

Activity Status where standards are not met: Restricted Discretionary

Matters of discretion are:

1. General assessment matters;
2. Effects on the efficient and effective operation of the port;
3. Landscaping and screening;
4. Stormwater management;
5. Storage of any products or materials, and
6. Cumulative effects.

Notification status: Any application under this rule is precluded from being notified on a public or limited basis.



Figure 1 - Height in relation to boundary

Sentiment: Oppose

Submission:

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.

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.

GB submits that the application of the standard to sites within 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.

GB requests that the rationale for Standard PORTZ-S2 is reviewed and that amendments are made to clarify and rationalise its application.

Relief sought

Amend Standard PORTZ-S2 as follows:

'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.

3. This standard does not apply to lighting poles, quayside cranes, and container cranes or to sites located in the PORTZ – Port Zone that do not have direct access to a legal road.

Point 180.22

Section: PORTZ - Port Zone

Sub-section: Assessment criteria

Provision:

PORTZ-AC1: All infringements

General assessment matters

- a. The implementation of the relevant objectives and policies of the district plan, including the district-wide chapters that are relevant to the matters of discretion for the activity and the purpose of the rules, including whether an infringement will more effectively achieve the relevant objectives and policies, having regard to the effects on the efficient and effective operation of Napier Port.
- b. Where more than one standard will be infringed, the cumulative effects of all infringements considered together.
- c. The assessment criteria in PORTZ-AC3 apply in addition to those below.

Site layout and building design

- d. The extent to which the layout of the site and design of the buildings:
 - i. reflect the area's maritime character and any natural, heritage and cultural values, including through building form and materials, and
 - ii. take into account the amenity of adjacent properties, roads, and public open spaces.
- e. The extent to which monitoring would assist with management of potential adverse environmental (including amenity) effects, and the extent to which this can be done remotely and provide readily accessible information for residents in the surrounding area.
- f. Whether the activity is located well within the port boundaries and is substantially separated from residential or recreational activities.

- g. The extent to which there is separation provided between buildings to allow for view shafts to the harbour from publicly accessible areas.
- h. Whether the development recognises the cultural values of mana whenua.
- i. Location of any impervious surfaces, buildings, structures, earthworks, or access in relation to any drain or the coastal marine area.
- j. Whether buildings and structures, including parking and storage areas are sited in a way or adequately screened to minimise any adverse effects on the visual and aural privacy of adjacent land uses, public open spaces, and roads.

Landscaping and screening

- k. Whether landscaping uses species that are locally or cultural appropriate.
- l. The extent to which landscaping improves habitat of species in the coastal margins or the coastal marine area.
- m. Whether the quality and scale of any landscaping, or the location of buildings within the site improve the degree of natural character of the coastal environment.
- n. Whether a landscaped setback or separation distance will mitigate any effects from port activities on residents or people using the coast.

Trade waste and wastewater infrastructure

- o. The extent to which the nature or scale of the activity will place additional demand on public services.
- p. The extent to which the development complies with the Napier City Trade Waste Bylaw.
- q. Whether the activity discharges wastewater and has the ability to connect to the municipal trade waste/wastewater treatment network.
- r. The volume and composition of any discharge and the effects on the council utilities and receiving environment.
- s. Whether the activity makes use of cleaner production equipment and waste minimisation practices.

Stormwater management

- t. Whether buildings and hard surfaces are laid out and designed to avoid the run-off of untreated stormwater to the coastal marine area.
- u. Whether impervious surfaces have potential to exacerbate flood risk or are designed to have beneficial effects for the coastal marine area.
- v. The reliability of stormwater pretreatment methods and mitigation measures in avoiding contaminated run-off.
- w. Whether the volume of water, or rate and composition of discharges may have adverse effects on:
 - i. coastal water quality;
 - ii. the health of any habitats of indigenous species, and
 - iii. the council's reticulated services.
- x. Whether there is a risk that accidental spills or wash-down areas may contain hazardous substances or contamination that may enter stormwater or the council's networks.

Risk to public health, safety, wellbeing, and the environment

- y. The extent to which health and safety measures are needed to manage the possibility that unscheduled, unexpected, or accidental events pose a risk to humans, the stormwater and wastewater utilities, or the environment.
- z. Whether the transport, use, storage, or method of disposal of any hazardous substances, wastewater, trade waste, solid material, and/or liquid leachate reliably manages the risk to public health and safety and the environment.
- aa. The area of impervious surface and whether the methods to avoid accidental discharges to ground or water are reliable.
- ab. The degree of risk that hazardous substances or contamination may enter the coastal marine area, stormwater, or the council's reticulated networks.
- ac. Whether the land use involves the storage or use of materials that could have an adverse environmental effect in the event of inundation or flooding.
- ad. Whether industry best practice has been applied and the degree to which a risk assessment has been undertaken in accordance with the Guidelines for Port and Harbour Risk Assessment and Safety Management Systems in New Zealand.

Vulnerability to natural hazards

- ae. Whether the activity reduces risk to the port from natural hazards or increases recovery capacity for the city following a natural hazard event.
- af. The extent to which hazard mitigation measures will reliably avoid risks to people and property from rockfall or landslide hazards for development within the Port Zone Rockfall Hazard Specific Control Area.

Fire and pest control

- ag. The extent to which the activity implements an approved fire or pest management plan.

Cumulative effects

- ah. Whether the proposed land use will have an adverse cumulative effect on the surrounding area.
- ai. The nature and scale of the effects on the surrounding environment.
- aj. The extent to which locating an activity at the port may generate additional traffic, noise, and other cumulative adverse effects on surrounding land uses.
- ak. Whether an increase in the operating hours, scale, and intensity of port-related activities will result in cumulative effects on a residential zone.
- al. Whether there is an aggregation of facilities containing hazardous substances in the area and the cumulative risk that may pose to people and the environment.

Sentiment: Oppose

Submission:

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.

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.

GB submits that the application of the standard to sites within 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.

GB requests that the rationale for Standard PORTZ-S2 is reviewed and that amendments are made to clarify and rationalise its application.

Relief sought

Amend related matters of discretion and Assessment criteria PORTZ-AC1 to reflect a 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.

Point 180.23

Section: PORTZ - Port Zone

Sub-section: PORTZ - Port Zone - Standards Table

Provision:

PORTZ-S3: Site coverage

Purpose: *to provide for buildings that are functional and of a sufficient size to provide for a range of port-related activities; to manage the effects of buildings and structures on residential amenity and use of the coastal marine area and open spaces.*

1. Site coverage must not exceed 75% of the site.

Note: For the purposes of this rule the areas of the zone occupied by roads or designated rail corridors are not included within the zone area.

Activity Status where standards are not met: Restricted Discretionary

Matters of discretion are:

1. General assessment matters;
2. Effects on the efficient and effective operation of the port;
3. Site layout and building design
4. Amenity values in residential zones;
5. Landscaping and screening;
6. Tradewaste and wastewater infrastructure;
7. Stormwater management on impervious surfaces;
8. Risk to public health, safety, wellbeing, and the environment;
9. Vulnerability to natural hazards;
10. Storage of any products or materials;
11. Fire and pest control, and
12. Cumulative effects.

Sentiment: Oppose

Submission:

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 'to provide for buildings that are functional and of a sufficient size to provide for a range of port-related activities; to manage the effects of buildings and structures on residential amenity and use of the coastal marine area and open spaces.'

GB submits that the application of the standard to sites within 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.

GB notes that no equivalent limitation on site coverage applies in the GIZ – General Industrial Zone, which exhibits a similar character to the Port.

GB submits that 100% coverage should be permissible in the circumstances and seeks the deletion of this standard.

Relief sought

Delete Standard PORTZ-S3.

Delete associated Assessment criteria in PORTZ- AC1.

Point 180.24

Section: PORTZ - Port Zone

Sub-section: Assessment criteria

Provision:

PORTZ-AC1: All infringements

General assessment matters

- a. The implementation of the relevant objectives and policies of the district plan, including the district-wide chapters that are relevant to the matters of discretion for the activity and the purpose of the rules, including whether an infringement will more effectively achieve the relevant objectives and policies, having regard to the effects on the efficient and effective operation of Napier Port.
- b. Where more than one standard will be infringed, the cumulative effects of all infringements considered together.
- c. The assessment criteria in PORTZ-AC3 apply in addition to those below.

Site layout and building design

- d. The extent to which the layout of the site and design of the buildings:
 - i. reflect the area's maritime character and any natural, heritage and cultural values, including through building form and materials, and
 - ii. take into account the amenity of adjacent properties, roads, and public open spaces.
- e. The extent to which monitoring would assist with management of potential adverse environmental (including amenity) effects, and the extent to which this can be done remotely and provide readily accessible information for residents in the surrounding area.
- f. Whether the activity is located well within the port boundaries and is substantially separated from residential or recreational activities.
- g. The extent to which there is separation provided between buildings to allow for view shafts to the harbour from publicly

accessible areas.

- h. Whether the development recognises the cultural values of mana whenua.
- i. Location of any impervious surfaces, buildings, structures, earthworks, or access in relation to any drain or the coastal marine area.
- j. Whether buildings and structures, including parking and storage areas are sited in a way or adequately screened to minimise any adverse effects on the visual and aural privacy of adjacent land uses, public open spaces, and roads.

Landscaping and screening

- k. Whether landscaping uses species that are locally or cultural appropriate.
 - l. The extent to which landscaping improves habitat of species in the coastal margins or the coastal marine area.
- m. Whether the quality and scale of any landscaping, or the location of buildings within the site improve the degree of natural character of the coastal environment.
- n. Whether a landscaped setback or separation distance will mitigate any effects from port activities on residents or people using the coast.

Trade waste and wastewater infrastructure

- o. The extent to which the nature or scale of the activity will place additional demand on public services.
- p. The extent to which the development complies with the Napier City Trade Waste Bylaw.
- q. Whether the activity discharges wastewater and has the ability to connect to the municipal trade waste/wastewater treatment network.
- r. The volume and composition of any discharge and the effects on the council utilities and receiving environment.
- s. Whether the activity makes use of cleaner production equipment and waste minimisation practices.

Stormwater management

- t. Whether buildings and hard surfaces are laid out and designed to avoid the run-off of untreated stormwater to the coastal marine area.
- u. Whether impervious surfaces have potential to exacerbate flood risk or are designed to have beneficial effects for the coastal marine area.
- v. The reliability of stormwater pretreatment methods and mitigation measures in avoiding contaminated run-off.
- w. Whether the volume of water, or rate and composition of discharges may have adverse effects on:
 - i. coastal water quality;
 - ii. the health of any habitats of indigenous species, and
 - iii. the council's reticulated services.
- x. Whether there is a risk that accidental spills or wash-down areas may contain hazardous substances or contamination that may enter stormwater or the council's networks.

Risk to public health, safety, wellbeing, and the environment

- y. The extent to which health and safety measures are needed to manage the possibility that unscheduled, unexpected, or accidental events pose a risk to humans, the stormwater and wastewater utilities, or the environment.
- z. Whether the transport, use, storage, or method of disposal of any hazardous substances, wastewater, trade waste, solid material, and/or liquid leachate reliably manages the risk to public health and safety and the environment.
- aa. The area of impervious surface and whether the methods to avoid accidental discharges to ground or water are reliable.
- ab. The degree of risk that hazardous substances or contamination may enter the coastal marine area, stormwater, or the council's reticulated networks.
- ac. Whether the land use involves the storage or use of materials that could have an adverse environmental effect in the event of inundation or flooding.
- ad. Whether industry best practice has been applied and the degree to which a risk assessment has been undertaken in accordance with the Guidelines for Port and Harbour Risk Assessment and Safety Management Systems in New Zealand.

Vulnerability to natural hazards

- ae. Whether the activity reduces risk to the port from natural hazards or increases recovery capacity for the city following a natural hazard event.
- af. The extent to which hazard mitigation measures will reliably avoid risks to people and property from rockfall or landslide hazards for development within the Port Zone Rockfall Hazard Specific Control Area.

Fire and pest control

- ag. The extent to which the activity implements an approved fire or pest management plan.

Cumulative effects

- ah. Whether the proposed land use will have an adverse cumulative effect on the surrounding area.
- ai. The nature and scale of the effects on the surrounding environment.
- aj. The extent to which locating an activity at the port may generate additional traffic, noise, and other cumulative adverse effects on surrounding land uses.
- ak. Whether an increase in the operating hours, scale, and intensity of port-related activities will result in cumulative effects on a residential zone.
- al. Whether there is an aggregation of facilities containing hazardous substances in the area and the cumulative risk that may pose to people and the environment.

Sentiment: Oppose

Submission:

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 'to provide for buildings that are functional and of a sufficient size to provide for a range of port-related activities; to manage the effects of buildings and structures on residential amenity and use of the coastal marine area and open spaces.'

GB submits that the application of the standard to sites within 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.

GB notes that no equivalent limitation on site coverage applies in the GIZ – General Industrial Zone, which exhibits a similar character to the Port.

GB submits that 100% coverage should be permissible in the circumstances and seeks the deletion of this standard.

Relief sought

Delete Standard PORTZ-S3.

Delete associated Assessment criteria in PORTZ- AC1.

Point 180.25

Section: CE - Coastal Environment

Sub-section: Objectives

Provision: General

Sentiment: Oppose

Submission:

Entire Chapter

While there are 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.

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.

Relief sought

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.

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.

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.
- 5 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.
- 6 GB wishes to be heard in support of the submission.
- 7 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

Address for service of submitter:

Golden Bay, a division of Fletcher Concrete & Infrastructure Ltd

c/- Mark Leggett

Resource Management Group

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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	<p>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 Roading Hierarchy. The</p>	<p>Review the application of the TPT Chapter provisions to the PORTZ Zone and make consequential amendments.</p>

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
			<p>vehicle routes about the 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
			<p>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.</p>	
<p>Part 2 – LIGHT – Light Chapter</p>	<p>LIGHT – Light – Standards Table</p>	<p>Oppose</p>	<p>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.</p>	<p>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></p>
<p>Part 2 – LIGHT – Light Chapter</p>	<p>LIGHT-S3 Table 1</p>	<p>Oppose</p>	<p>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.</p>	<p>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).</p>
<p>Part 2 – NOISE – Noise Chapter</p>	<p>Objective NOISE-O5 Policy NOISE-P6</p>	<p>Support</p>	<p>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.</p>	<p>Retain provisions as notified.</p>

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	<p>Objectives PORTZ-O1 and PORTZ-O2</p> <p>Policies PORTZ-P1, PORTZ-P2 and PORTZ-P4</p>	Support	<p>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.</p> <p>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.</p>	Retain provisions as notified.
Part 3 - PORTZ – Port Zone Chapter	<p>Provision for ‘Port-related industrial activity, transport, storage and goods handling’</p> <p>Assessment criteria PORTZ-AC3</p> <p>Assessment criteria PORTZ-AC5</p>	Oppose	<p>‘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.</p> <p>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.</p>	<p>Amend Rule PORTZ-R4 to read:</p> <p><i>‘PORTZ-R4: Port-related industrial Industrial activity, transport, storage and goods handling’</i></p> <p>Amend Assessment criteria PORTZ-AC3 to read:</p> <p><i>‘PORTZ-AC3: Port-related industrial Industrial activity, transport, storage and goods handling’</i></p> <p>Delete Assessment criteria PORTZ-AC3a. relating to: <i>‘Whether the activity has an operational requirement to be located in the Port Zone.’</i></p> <p>Amend Assessment criteria PORTZ-AC5 to read:</p> <p><i>‘PORTZ-AC5: Activities that are not directly related to the port activities subject to PORTZ-R5’</i></p>

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>	
<p>Part 3 - PORTZ – Port Zone Chapter</p>	<p>Standard PORTZ-S2</p> <p>Assessment criteria PORTZ-AC1</p>	<p>Oppose</p>	<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>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 refocusing of the standard on the management of</p>

Plan Change Chapter	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
			GB requests that the rationale for Standard PORTZ-S2 is reviewed and that amendments are made to clarify and rationalise its application.	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 buildings that are functional and of a sufficient size to provide for a range of port-related activities; to manage the effects of buildings and structures on residential amenity and use of the coastal marine area 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>