

## FORM 5

### SUBMISSION ON NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 6 of Schedule 1, Resource Management Act 1991

**To** Kaipara District Council

Silver Fern Farms Limited ("**Silver Fern Farms**")

1. This is a submission on the proposed Kaipara District Plan ("**Proposed Plan**").
2. Silver Fern Farms could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that Silver Fern Farms' submission relates to are summarised below. The specific relief Silver Fern Farms seeks is detailed in **Appendix A**.
4. Background matters that inform Silver Fern Farms' position on the Proposed Plan are:
  - 4.1. Silver Fern Farms is a large meat processing and exporting company which operates 14 processing plants throughout New Zealand. On an annual basis, Silver Fern Farms processes 30% of New Zealand's lamb, beef and venison, sourced from 16,000 sheep, beef and deer farms.
  - 4.2. During the peak processing season, Silver Fern Farms employs over 7,000 people nationwide (permanent and seasonally). As a partially owned co-operative company, profits are returned to the community through the farmer shareholders, with a portion retained for growth and capital upgrades, including environmental improvements.

#### **Silver Fern Farms Dargaville Processing Site**

- 4.3. Silver Fern Farms owns the Dargaville Meat Processing Plant at Tuna Street, Dargaville (the "**Site**"). The Site is on the eastern side of Dargaville, south of State Highway 14. It is near the Dargaville Speedway (which is to the north), the District Council's wastewater oxidation ponds (located on a designated site to the east) and is located west of the confluence of the Awakino and Wairoa Rivers, as shown in Figures 1 and 2.



Figure 1: Site Location.



Figure 2: Site Context.

- 4.4. The site is approximately 16.43 hectares in area. It comprises Lot 1 DP 158864 (2.8 hectares) containing the meat processing plant and appurtenant buildings, parking and un/loading areas, and Lot 3 DP 421653 (7.9 hectares) and Lot 5 DP 158864 (5.7 hectares) which are used for waste management, stock holding and hay production.
- 4.5. The meat processing plant was commissioned in 1993. It operates five days per week for 11 months of the year, with a one-month maintenance closure generally occurring every September. The Site employs approximately 300 staff, most of whom live in or around Dargaville. As such, the Site is economically significant to Dargaville and it is recognised specifically at clause 14.1 of the Operative Kaipara District Plan.
- 4.6. The Site operates in accordance with discharge permits from Northland Regional Council, authorising discharges of contaminants (odour) to air and discharges of contaminants (digestate and waste activated sludge) to land until mid-2043. A Trade Waste Agreement authorises Silver Fern Farms to discharge treated wastewater to the District Council oxidation ponds on the designated site at Lot 9 DP 158864 to the east.
- 4.7. Key features of the Site include:
- a. Meat processing (slaughtering) facilities and ancillary offices and staff facilities;
  - b. Chemical storage facilities;
  - c. Boiler operations;
  - d. Waste management facilities including treatment ponds;
  - e. The discharges (including odour) mentioned at 4.6 above; and
  - f. Stock holding and hay paddocks.
- 4.8. Under the Operative Kaipara District Plan 2013 (“**Operative Plan**”) the Site is subject to the Business Industrial Zone and the Flood Hazard Overlay, as shown in Figures 3 and 4.



Figure 3: Operative Plan - Zoning.

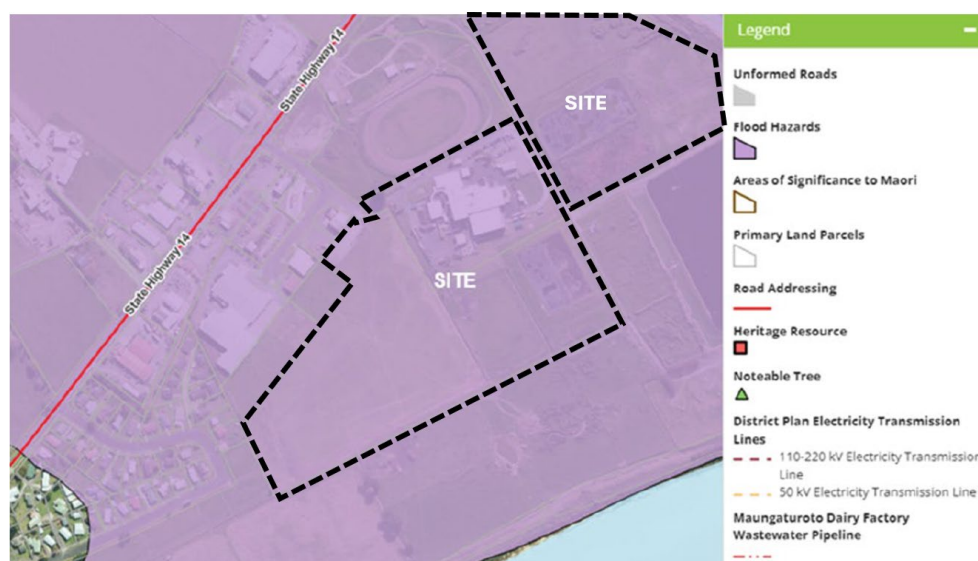


Figure 4: Operative Plan - Flooding.

#### Draft Kaipara District Plan 2022

- 4.9. The Draft Kaipara District Plan (“**Draft Plan**”) was published for feedback in late 2022. The Draft Plan applied a Heavy Industrial Zone to the extent of the meat processing plant. The balance of the Site was included in the General Rural Zone. Figure 5 shows the zoning configuration that was advanced as part of the Draft Plan process in 2022.

- 4.10. Silver Fern Farms provided feedback on the Draft Plan, noting among other things that the General Rural Zone would not appropriately provide for the kinds of industrial activities undertaken at the Site, and sought an industrial zoning for the entire Site.

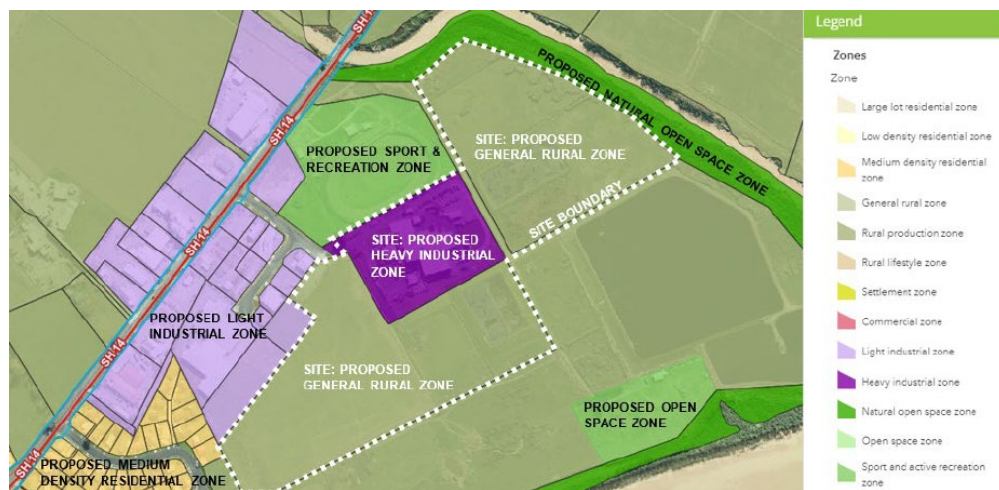


Figure 5: Draft Plan 2022 - Zoning.

#### The Proposed Plan

- 4.11. The Proposed Plan would amend the planning controls that apply to the Site as described below and in the following figures:
- > The Heavy Industry Zone (“**HIZ**”) would be applied to the meat processing plant, anaerobic and aerobic ponds, leased grazing area and some of the holding paddocks;
  - > The Light Industry Zone (“**LIZ**”) would be applied to the western holding paddocks, providing a transition from the HIZ to the General Residential Zone proposed to apply to the land adjoining the Site’s western boundary;
  - > The Coastal Flood Hazard Zone 0 (current), 1(50 years) and 2 (100 years) would apply to various parts of the Site; and
  - > The River Flood Hazard Zone 1 (1 in 10 year flood), 2 (1 in 50 year flood) and 3 (1 in 100 year flood) would apply to various parts of the Site.



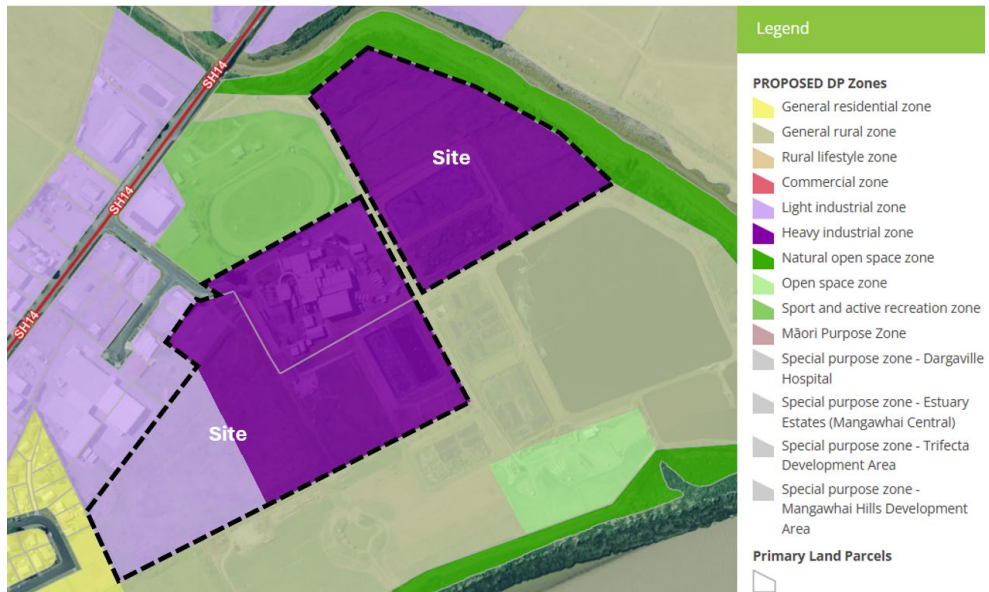


Figure 6: Proposed Plan - Zoning.

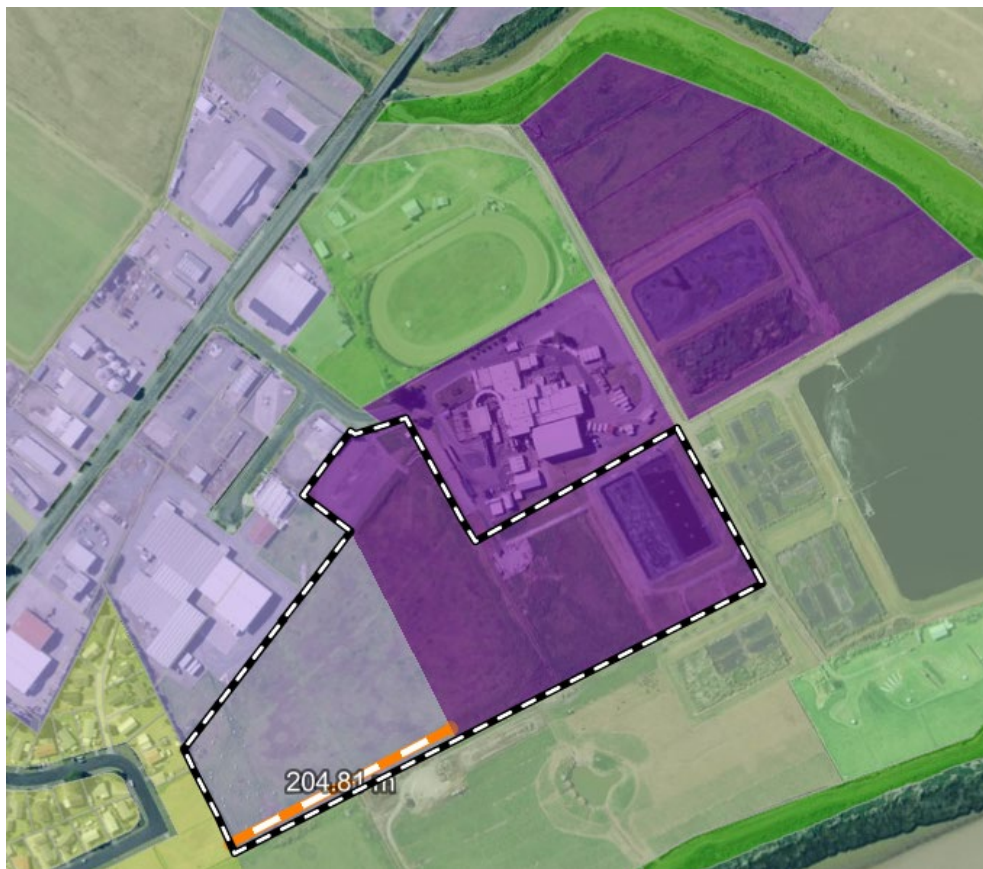


Figure 7: LIZ extent between HIZ and adjacent residential.



Figure 8: Proposed Plan - Coastal Flood Hazard Zone extents.

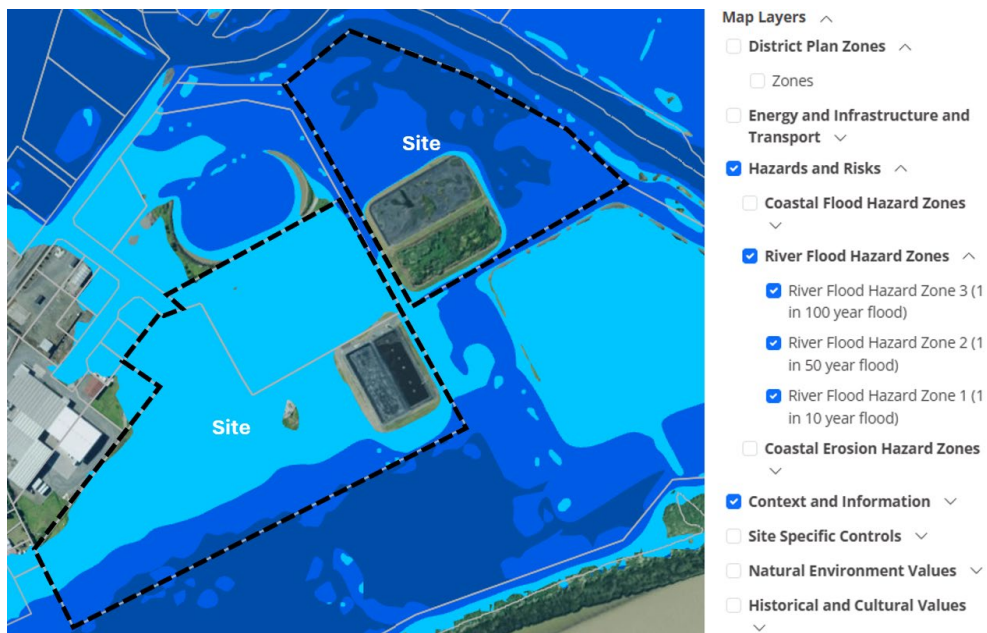


Figure 9: Proposed Plan - River Flood Hazard Zone extents.

#### Silver Fern Farms comments on the Proposed Plan

- 4.12. The Site is well located with respect to the land transport network and is clustered with generally compatible land uses. Given the significant sunk costs associated with the Site, which could not be recovered if it was required to downsize, close or relocate, Silver Fern Farms wishes to ensure that the Proposed Plan appropriately provides for the continued operation of the activities at the Site, including by avoiding the encroachment of incompatible activities into the surroundings.

- 4.13. The table provided at **Appendix A** details the relief sought by Silver Fern Farms in relation to the Proposed Plan. Key comments are below.

#### **Definitions**

- 4.14. The potential for, and management of, reverse sensitivity effects is a significant issue that confronts industrial activities. The Proposed Plan does not define reverse sensitivity. However, the term “reverse sensitivity” is referred to in several objectives and policies.
- 4.15. To avoid doubt about the direction and implementation of provisions addressing reverse sensitivity, Silver Fern Farms seeks that the term “reverse sensitivity” be defined. It proposes the drafting recommended by the section 42A report author for the Definitions chapter of the Proposed Timaru District Plan<sup>1</sup>. It notes that the section 42A report author for the Definitions chapter of the Proposed Gore District Plan recommended similar drafting<sup>2</sup>:

***Reverse sensitivity** means the potential for the operation of a lawfully established, permitted or consented activity, or activities otherwise anticipated by the Plan, to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by that activity.*

#### **Hazardous Substances and Facilities**

- 4.16. Silver Fern Farms seeks to ensure that the Proposed Plan recognises the benefits of, and provides for the operation of, hazardous facilities, while minimising the risk of reverse sensitivity effects on these facilities. The Site will meet the proposed definition of “Hazardous Facility” and may meet the thresholds to be qualify as a “Significant Hazardous Facility”.
- 4.17. There is scope for an improvement to the proposed definition of “Hazardous Facility”. The definition refers to “*activities involving sub-classes not included in the Activity Status Table*”. It is understood that the “Activity Status Table” is the table at HS-S1. Express reference to HS-S1 in the definition would help clarify this linkage.
- 4.18. The definition of “Hazardous Facility” refers to “*Storage includes vehicles for their transport located at a facility for more than short periods of time*”. Section 2.4.5 of Mr Schaffoener’s report (appended to the Hazardous Substances section 32 report) states that “*Matters such as hazardous substance transport containers, marking/labelling of containers and vehicles, or driver competency, are all part of the HSNO, workplace safety or land transport regimes, and are consequently not required to be controlled as a land use issue*”. As such, it is unclear why the “Hazardous Facility” definition needs to refer to vehicles as part of

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<sup>1</sup> See Appendix A1 to the [section 42A report authors’ recommended amendments](#) dated 5 April 2024.

<sup>2</sup> See the section 42A report authors’ [recommended definitions in Appendix 1 to the right of reply dated 27 June 2024](#).



“storage”. In addition, the subjective phrase “*short periods of time*” may cause uncertainty in Plan administration.

- 4.19. There is a discrepancy between the connect Hazardous Substances objectives and policies relating to reverse sensitivity effects. While objective HS-O2 can be read as seeking the protection of all “Hazardous Facilities” from reverse sensitivity effects, policy HS-P3 only appears to implement this protection over “*Significant Hazardous Facilities*”. The management of reverse sensitivity effects is a key role of the land use planning system. Silver Fern Farms considers that policy direction to manage reverse sensitivity effects should apply to all “Hazardous Facilities”, and not be limited to only the facilities that qualify as “*Significant Hazardous Facilities*”.
- 4.20. Rule HS-R1, which permits “Hazardous Facilities” and requires a restricted discretionary activity status for “Significant Hazardous Facilities” is supported. The paragraphs below comment on the Natural Hazards provisions relating to “Hazardous Facilities”.

#### **Natural Hazards**

- 4.21. The Proposed Plan applies several river flooding and coastal flooding hazard layers to the Site, as shown in figures above. Silver Fern Farms seeks a flexible management approach towards the management of natural hazard risks.
- 4.22. Of note, policy NH-P4(6) directs that “...*natural hazard risk is not increased, and is minimised and mitigated, having regard to... Activities that involve the use and storage of hazardous substances*”. Policies NH-P6(3) and NH-P7(3) then specifically address river flood hazard and coastal flood hazards in relation to hazardous substances, by directing that these substances be stored in a way that mitigates risk in 1-in-100-year flood events.
- 4.23. Natural Hazard rules NH-R1 to NH-R8 all include a matter of discretion requiring consideration of “*The storage and use of hazardous substances and any management/ mitigation requirement*” in applications for development in areas of flood hazard.
- 4.24. The policy and rule framework signals that risks associated with hazardous substance use and storage on flood-prone land can be mitigated through standard measures.
- 4.25. However, rule NH-R12 species that “Significant Hazardous Facilities” in areas of coastal erosion, coastal flood or river flood hazards are a non-complying activity, irrespective of zoning and of any potential measures to mitigate natural hazard risks.
- 4.26. Silver Fern Farms considers that rule NH-R12 requires amending to more appropriately recognise:

- 4.26.1. the fixed nature of existing “Significant Hazardous Facilities”, which cannot practicably relocate in response to additional planning controls;
  - 4.26.2. measures available to mitigate risk at the interface of hazardous substance storage and natural hazards; and,
  - 4.26.3. the outcomes anticipated by the Heavy Industrial Zone, which is designed to accommodate robust activities such as “Significant Hazardous Facilities” that are inappropriate to locate in other zones.
- 4.27. Silver Fern Farms Kaipara site is in the proposed Heavy Industrial Zone and the site is subject to river and coastal flood hazards, as shown in Figures 7 to 9. Silver Fern Farms considers that the upgrade and/or expansion of existing “Significant Hazardous Facilities” should be anticipated in the Heavy Industrial Zone, notwithstanding natural hazard risks (which can be mitigated). This zone is the most appropriate to host such facilities and if they are not contemplated in this zone, it is unclear where else they could be directed.
- 4.28. On this basis, Silver Fern Farms considers that Rule NH-R12 should be amended to differentiate between “Significant Hazardous Facilities” located in the Heavy Industrial Zone, and those located in other zones, to maintain the overarching zone framework that directs “heavy” industry such as “Significant Hazardous Facilities” to the Heavy Industry Zone and discourages “heavy” industry in other zones.
- 4.29. It is recommended that NH-R12 can appropriately be amended such that “Significant Hazardous Facilities” that are both (a) in the Heavy Industrial Zone and (b) subject to coastal erosion or flood hazards are a restricted discretionary activity, while “Significant Hazardous Facilities” in another zone and subject to natural hazards are a non-complying activity.
- 4.30. The matters over which discretion is restricted for the former scenario could consolidate those specified in rules NH-R4 and NH-R8 for new buildings in river or coastal flood hazard areas, and in rules NH-R2 and NH-R6 for additions and alterations to existing buildings in these areas.

#### **Industrial Zones**

- 4.31. Silver Fern Farms broadly supports the proposed HIZ and LIZ provisions. In the Table of Recommendations (Appendix A to this submission) it recommends amendments to improve policy settings and rules relating to reverse sensitivity effects and to retain the Operative Plan’s recognition of the site.
- 5. Silver Fern Farms seeks the following decision from the local authority:**
- 5.1. Where specific wording is proposed in **Appendix A**, words or provisions to similar effect.

- 5.2. All necessary and consequential amendments, including any amendments to the Proposed Plan provisions themselves or to other provisions linked to those provisions submitted on, and including any cross-references in other chapters.
- 5.3. All further relief necessary to give effect to the concerns described above and detailed in **Appendix A**.
- 5.4. Silver Fern Farms **does** wish to be heard in support of its submission. If others make a similar submission, Silver Fern Farms will **not** consider presenting a joint case with them at any hearing.

Signature:



Steve Tuck, duly authorised on behalf of Silver Fern Farms Limited

Date: 30 June 2025

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Contact person: Steve Tuck (Associate)

## APPENDIX A: TABLE OF RECOMMENDATIONS

Provision	Position	Reason	Relief Sought
<b>Interpretation - Definitions</b>			
<p>COASTAL FLOOD HAZARD AREA means land indicated on the Planning Maps that has been assessed to be at relatively high or extreme risk from the effects of coastal flood hazards over a planning horizon of 100 years. This land is identified in the Planning Maps as: Coastal Flood Hazard Areas 1, 2 and 3.</p> <p>COASTAL HAZARD AREA means land indicated on the Planning Maps that has been assessed to be at relatively high or extreme risk from the effects of coastal flood hazards over a planning horizon of 100 years. This land is identified in the Planning Maps as: Coastal Flood Hazard Areas 1, 2 and 3.</p>	Amend	<p>This definition is repeated under slightly different headings and the duplication should be rationalised.</p> <p>It may be appropriate to delete the “Coastal Hazard Area” definition and retain the more specific “Coastal Flood Hazard Area” definition, to avoid potential overlap with the separate definitions pertaining to coastal erosion hazards.</p>	<p>Retain the definition for “Coastal Flood Hazard Area”.</p> <p>Delete the definition of “Coastal Hazard Area” or amend to clarify that this definition addresses both coastal flood and coastal erosion hazards, with consequential amendments to provisions that use this term.</p>
<p>EDUCATION FACILITIES means land or buildings used for teaching or training by childcare services, schools, and tertiary education services, including any ancillary activities.</p> <p>EDUCATIONAL FACILITY means land or buildings used for teaching or training by childcare services, schools, and tertiary education services, including any ancillary activities.</p>	Amend	<p>The duplication of these definitions should be rationalised consistent with the National Planning Standards.</p>	<p>1. Retain the definition of “Educational Facility” as per the National Planning standards; and</p> <p>2. Delete the term “Education Facilities”.</p>
HAZARDOUS FACILITY means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage	Oppose	<p>The inclusion of vehicles in the definition is problematic. It captures vehicles used for</p>	Amend this definition to:



Provision	Position	Reason	Relief Sought
<p>includes vehicles for their transport located at a facility for more than short periods of time and excludes:</p> <ul style="list-style-type: none"> <li>&gt; Fuel stored in mobile plants,</li> <li>&gt; Motor vehicles, boats and small engines;</li> <li>&gt; The incidental use and storage of hazardous substances in domestic scale quantities;</li> </ul> <p>Activities involving sub-classes not included in the Activity Status Table.</p>		<p>transporting hazardous substances, in any quantity, and irrespective of whether the vehicle is loaded or not, although presumably the intent is that the latter must be assumed.</p> <p>There is also a contradiction between the direction that “<i>storage includes vehicles</i>” and the second dot point which excludes “<i>Motor vehicles</i>” from this consideration.</p> <p>The inclusion of reference to vehicles appears to be at odds with section 2.4.5 of Mr Schaffoener’s report (appended to the Hazardous Substances Section 32 Report) which states “<b><i>Matters such as hazardous substance transport containers, marking/labelling of containers and vehicles, or driver competency, are all part of the HSNO, workplace safety or land transport regimes, and are consequently not required to be controlled as a land use issue</i></b>” (emphasis added).</p> <p>The reference to the “Activity Status Table” should be amended to refer to “HS-S1” and this clause should be rationalised in light of</p>	<ol style="list-style-type: none"> <li>1. Delete elements of this definition associated with the transport of hazardous substances (which are covered by the HSNO), the contradictory approach towards vehicles, which appear to be included and then excluded from the definition and the ambiguous reference to “short periods of time”;</li> <li>2. Replace the reference to the “Activity Status Table” with reference to “HS-S1” and,</li> <li>3. Rationalise the definition accordingly.</li> </ol>

Provision	Position	Reason	Relief Sought
		the amendments recommended for the transport elements of this definition.	
HAZARDOUS SUBSTANCE [Entire definition not shown here]  HAZARDOUS SUBSTANCES Has the same meaning as in section 2 of the RMA.	Amend	This term is defined twice. The duplication should be rationalised in a manner consistent with the National Planning Standards.	
HIGH RISK COASTAL HAZARD AREA means land that has been assessed to be at relatively high or extreme risk from the effects of coastal hazards over a planning horizon of 50 years. This land is identified in the Planning Maps as: Coastal Erosion Hazard Area 1 and Coastal Flood Hazard Area 1.	Support	This definition appropriately captures both high risk coastal erosion and coastal flooding hazards.	Retain as notified
HIGH RISK FLOOD AREA means land where there is at least a 10 percent chance of river flooding occurring annually. This land is currently identified in regional mapping undertaken by Northland Regional Council as: River Flood Hazard Zone – Regionwide Models (10 year extent).  HIGH RISK RIVER FLOOD AREA means land indicated on the Planning Maps that has been assessed as having at least a 10 percent chance of river flooding occurring annually (10% AEP). This land is identified in the Planning Maps as: River Flood Hazard Area 1.	Amend	Inefficient duplication. A single definition should be applied.	Amend to retain one definition for this term.
INDUSTRIAL ACTIVITY means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials	Support	Consistency with the National Planning Standards.	Retain as notified

Provision	Position	Reason	Relief Sought
(including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.			
<p>NATURAL HAZARD has the same meaning as in section 2 of the RMA as set out below:</p> <p>means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.</p> <p>NAUTRAL HAZARD [<i>sic</i>] [Entire definition not shown here].</p>	Amend	<p>This term is defined twice, with the second iteration misspelled.</p> <p>The duplication should be rationalised in a manner consistent with the National Planning Standards.</p>	Retain one definition for this term.
NOISE SENSITIVE ACTIVITIES includes residential use, hospitals, homes for the aged, places of assembly for cultural, entertainment, recreation, or leisure, education facilities, conference centres, public halls, child care facility, theatres, motels, hotels, cinemas, display galleries and museums, and other similar uses and activities.	Support	The definition is appropriately focussed on activities sensitive to noise.	Retain as notified
<p>OFFENSIVE TRADE means activities listed as offensive trades in Schedule 3 of the Health Act 1956 (as set out below)</p> <p>a. Blood or offal treating;</p> <p>b. Bone boiling or crushing;</p> <p>c. Collection and storage of used bottles for sale;</p> <p>d. Dag crushing;</p>	Support	Adequately encompasses the range of potential offensive activities.	Retain as notified

Provision	Position	Reason	Relief Sought
<ul style="list-style-type: none"> <li>e. Fellmongering;</li> <li>f. Fish cleaning;</li> <li>g. Fish curing;</li> <li>h. Flax pulping;</li> <li>i. Flock manufacturing, or teasing of textile materials for any purpose;</li> <li>j. Gut scraping and treating;</li> <li>k. Nightsoil collection and disposal;</li> <li>l. Refuse collection and disposal;</li> <li>m. Septic tank desludging and disposal of sludge;</li> <li>n. Slaughtering of animals for any purpose other than human consumption;</li> <li>o. Storage, drying, or preserving of bones, hides, hoofs, or skins</li> <li>p. Tallow melting;</li> <li>q. Tanning;</li> <li>r. Wood pulping; or</li> <li>s. Wool scouring.</li> </ul>			
<p><u>REVERSE SENSITIVITY means the potential for the operation of a lawfully established, permitted or consented activity, or activities otherwise anticipated by the Plan, to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by that activity.</u></p>	Amend	This term requires definition in the Proposed Plan to operationalise objectives and policies including SD-VK-06, INF-P11 to INF-P13, HS-P3, SUB-O3, SUB-P8, NOISE-O2, HIZ-O4, HIZ-P1 and LIZ-P1, and associated rules and assessment matters providing direction about reverse sensitivity effects.	<p>Define “reverse sensitivity” as:</p> <p><u>REVERSE SENSITIVITY means the potential for the operation of a lawfully established, permitted or consented activity, or activities otherwise anticipated by the Plan, to be compromised, constrained, or curtailed by the more recent</u></p>



Provision	Position	Reason	Relief Sought
			<u>establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by that activity.</u>
<p>SENSITIVE ACTIVITY means all or any of the following:</p> <ul style="list-style-type: none"> <li>a. An educational facility, including a childcare facility, wananga and kohanga reo,</li> <li>b. a residential activity, including papakainga building, rest home, retirement village, visitor accommodation, home stay;</li> <li>c. a healthcare activity; and</li> <li>d. a hospital.</li> </ul>	Amend.	<p>The activities nominated are typically defined as “sensitive” and are supported.</p> <p>However, the term “Community Facility” includes a variety of uses that may be sensitive to noise, odour, hazardous substances, natural hazards or other effects.</p> <p>As such, it is recommended that “Community Facility” be referenced in this definition.</p> <p>See also Silver Fern Farms’ submission point on the term “Vulnerable Activities”.</p>	Amend to include reference to “community facility”.
SIGNIFICANT HAZARDOUS FACILITY means a site where the aggregate quantity of any hazardous substance of any hazard classification on the site exceeds the quantity specified for the applicable zone in Standard HS-S1 in the Hazardous Substances chapter of this plan.	Support	It is appropriate to define “Significant Hazardous Facilities” to ensure these important sites receive particular attention in the planning framework particularly their recognition in zone provisions and the management of reverse sensitivity effects.	Retain as notified

Provision	Position	Reason	Relief Sought
VULNERABLE ACTIVITIES means residential activities, care facilities (including day care centres), retirement villages, visitor accommodation, marae and medical facilities with overnight stay facilities.	Delete	This term overlaps with the definition of “sensitive activities” but it appears to serve no purpose. For example, it does not appear in the Hazardous Substances or Natural Hazards chapters, the term “sensitive activities” appears instead.	Delete this definition.
<b>Strategic Direction</b>			
SD-VK-O6 Reverse sensitivity  Reverse sensitivity effects between incompatible activities and zones are avoided where practicable or otherwise mitigated.	Support	It is appropriate for the Proposed Plan to provide direction on reverse sensitivity effects at the strategic objectives level, given the significance of this issue for industrial and rural activities.	Retain as notified
SD-NH-O1 Natural hazards and resilience  1. Areas subject to predictable natural hazard risks are identified; 2. The risks from natural hazards are taken into account for all new subdivision, use and development; 3. The maintenance and upgrading of infrastructure assets that protect communities from natural hazard risks is provided for; and 4. Kaipara communities have reduced vulnerability, strengthened resilience, and enhanced capacity to adapt to the impacts of natural hazard events.	Support	It is appropriate to anticipate the mitigation of natural hazard risks.	Retain as notified

Provision	Position	Reason	Relief Sought
<p>SD-UFD-O2 Economic and business development</p> <p>Economic and business development opportunities are enabled in Commercial and Industrial zones, and in other zones where the activity is compatible with the local environment, amenity, and the anticipated outcomes of the zone.</p>	Support	It is appropriate to enable development in commercial and industrial zones.	Retain as notified
<p>SD-UFD-P5 Heavy industrial zone</p> <p>Use the Heavy industrial zone predominantly for large-scale industrial activities that may generate adverse effects on the environment.</p>	Amend	<p>It is appropriate to specifically provide for heavy industry in this zone.</p> <p>It is recommended that significant hazardous facilities be directed to this zone, as they are unlikely to be appropriate in most other zones.</p>	<p>Amend as follows:</p> <p>SD-UFD-P5 Heavy industrial zone</p> <p>Use the Heavy industrial zone predominantly for large-scale industrial activities <u>and significant hazardous facilities</u> that may generate adverse effects on the environment.</p>
<p>SD-UFD-P6 Light industrial zone</p> <p>Use the Light industrial zone to provide areas to accommodate a range of industrial activities and associated activities while ensuring adverse effects on the surrounding environment are appropriately managed.</p>	Support	It is appropriate to specifically provide for industrial activities that do not generate the level of effects associated with heavy industry.	Retain as notified
<b>Contaminated Land</b>			

Provision	Position	Reason	Relief Sought
Rules (i.e., the absence of rules from this chapter).	Support	It is appropriate for the Contaminated Land chapter to defer to the <i>National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011</i> , rather than presenting rules that duplicate or conflict with the National Environmental Standard.	Retain as notified
<b>Hazardous Substances</b>			
<p>HS-O1 Risks associated with hazardous substances</p> <p>Hazardous substance use, storage, transport and disposal activities are located, designed and managed, so that the risk to people, property and the environment is acceptable, while recognising the benefits of those activities.</p>	Support	It is appropriate to provide flexibility to manage hazardous substance-related risks to an acceptable level.	Retain as notified
<p>HS-O2 New sensitive activities</p> <p>Established activities using, storing or disposing of hazardous substances are not compromised by new sensitive activities.</p>	Support	It is critical to protect established activities from new sensitive activities.	Retain as notified
<p>HS-P2 Assessment of risk</p> <p>Ensure facilities for the use, storage or disposal of hazardous substances in significant quantities identify and assess potential adverse effects (including cumulative risk and potential effects of identified natural hazards) to prevent</p>	Amend	<p>This policy appears to be targeted at prompting risk assessments (i.e., the assessment matters at HS-MAT2) for new “Significant Hazardous Facilities”.</p> <p>However, it does not expressly say so. It therefore is unclear if it applies to</p>	Replace the reference to “facilities for the use, storage or disposal of hazardous substances in significant quantities” with reference to “Significant Hazardous Facilities”.



Provision	Position	Reason	Relief Sought
unacceptable levels of risk to human health, safety, property and the natural environment.		“Significant Hazardous Facilities” only; or if it applies to both “Significant Hazardous Facilities” and to the activity separately defined as “Hazardous Facilities”.	This amendment will align with the definition of “Significant Hazardous Facilities” and rule HS-R1(2).
<p>HS-P3 Reverse sensitivity effects</p> <p>Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully established significant hazardous facilities.</p>	Amend	<p>It is critical to protect established “Significant Hazardous Facilities” from encroachment by sensitive activities and this element of the policy is supported.</p> <p>However, this policy should also encompass the activity separately defined as “Hazardous facilities”. “Hazardous facilities” may include sites that are important to the District but that do not meet the threshold of a “<i>Significant</i> Hazardous Facility”.</p> <p>Protecting all “Hazardous facilities” from reverse sensitivity effects appears to be the intent of HS-O2, as it does not single out “Significant hazardous facilities”.</p>	<p>Amend as follows:</p> <p>Avoid as far as practicable reverse sensitivity effects from sensitive land use activities on lawfully established <u>hazardous facilities</u> <u>and</u> significant hazardous facilities.</p>
<p>HS-R1 The use, storage or disposal of any hazardous substances</p> <p>1. Activity status: Permitted</p> <p>Where:</p>	Support	<p>It is appropriate to provide a permitted allowance for the use, storage or disposal of hazardous substances.</p> <p>It is also appropriate to provide for activities that exceed the specified thresholds as a restricted discretionary activity. The effects</p>	Retain as notified

Provision	Position	Reason	Relief Sought
<p>a. The aggregate quantity of any hazardous substance of any hazard classification on a site does not exceed the quantity specified for the applicable zone in HS-S1.</p> <p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <p>HS-MAT1; and</p> <p>HS-MAT2.</p>		<p>of an exceedance of the permitted volumes can be subject to a confined assessment of risk. As such, the wider ambit of a discretionary activity status is unnecessary.</p>	
<b>Natural Hazards</b>			
<p>NH-O1 The risks from natural hazards are minimised</p> <p>The risks from natural hazards to people, property, infrastructure and natural systems, including the likely effects of climate change on natural hazard risk, are minimised to provide for the health, safety and resilience of communities and the environment.</p>	Support	It is appropriate to promote the minimisation of natural hazard risks, rather than requiring outright avoidance of such risks.	Retain as notified
<p>NH-P4 Manage and mitigate natural hazard risks</p> <p>Manage subdivision, land use and development so that natural hazard risk is not increased, and is minimised and mitigated, having regard to:</p> <p>1. The nature, frequency and scale of the natural hazard and the sensitivity of the land use or development to the natural hazard;</p> <p>2. The effects of climate change;</p>	Support	The policy provides appropriate direction to applicants and decision-makers.	Retain as notified

Provision	Position	Reason	Relief Sought
<p>3. Not increasing or transferring natural hazard risk to other people, property, infrastructure and the environment beyond the site, including through earthworks such as excavation and filling;</p> <p>4. The location of building platforms and access, types of buildings including relocatable buildings) and structures and their design;</p> <p>5. Location and design of infrastructure and services, including on-site wastewater disposal;</p> <p>6. Activities that involve the use and storage of hazardous substances;</p> <p>7. The long-term functionality and integrity of natural systems and structural mitigation assets; and</p> <p>8. Opportunities to reduce risks from natural hazards relating to existing activities.</p>			
<p>NH-P6 Manage subdivision and development in that may be affected by flood hazards and overland flow.</p> <p>Manage new subdivision, land use and development to avoid or mitigate the risks of flood hazards by requiring:</p> <p>1. New subdivision to identify building platforms that:</p> <p>a. Are located outside the spatial extent of a High-Risk River Flood Hazard Area;</p> <p>b. Will not be subject to flooding in a 1 in 100-year flood event; and</p> <p>c. Are designed and engineered to be resilient to flood hazards;</p>	Support	<p>The policy provides appropriate guidance for the consideration of proposals that intersect areas of identified river flood hazards.</p> <p>To differentiate the policy from NH-P7 (which addresses coastal flood hazards) it may be appropriate to amend the title of this policy to expressly refer to “river” flood hazards.</p>	<p>Amend as follows:</p> <p>NH-P6 Manage subdivision and development in that may be affected by <u>river</u> flood hazards and overland flow.</p> <p>[Entire text not shown here].</p>

Provision	Position	Reason	Relief Sought
2. New buildings that will accommodate sensitive activities to be located outside of a High-Risk River Flood Hazard Area;			
3. Within a River Flood Hazard Area:			
a. All new buildings designed to accommodate sensitive activities to have a minimum freeboard of at least 500mm above the 1 in 100-year flood height;			
b. New commercial and industrial buildings to have a minimum freeboard of at least 300mm above the 1 in 100-year flood event or alternatively are designed and constructed so they will be resilient to flood hazards having regard to matters including the frequency, depth and velocity of flood waters;			
c. Areas for storage and containment of hazardous substances to be designed so that they are not inundated in a 1 in 100-year flood event;			
d. Earthworks (other than earthworks associated with flood control works) are assessed as not diverting flood flow onto surrounding properties and not reducing flood plain storage capacity within the 1 in 10-year flood hazard area;			
e. Buildings, building platforms, access and services to be located and designed to minimise the need for hazard protection structures;			
f. The provision of safe vehicle access within the site during a flood event; and			
4. The capacity and function of overland flow paths to convey stormwater flows safely to be retained without causing damage to property or the environment.			

Provision	Position	Reason	Relief Sought
<p>NH-P7 Manage subdivision and development in coastal erosion hazard areas and coastal flood hazard areas</p> <p>Manage new subdivision, land use and development in Coastal Erosion Hazard Areas and Coastal Flood Hazard Areas by requiring:</p> <ol style="list-style-type: none"> <li>1. New buildings and building platforms to be located outside the spatial extent of a High-Risk Coastal Hazard Area, unless there is a functional need or operational need for a building to be located in this area;</li> <li>2. New buildings and building platforms located within the spatial extent of a Coastal Erosion Hazard Area and Coastal Flood Hazard Area are designed and constructed so that: <ol style="list-style-type: none"> <li>a. The building platform height is set above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise);</li> <li>b. The building platform is located and engineered to protect against erosion;</li> <li>c. The finished floor level of any building accommodating a sensitive activity is at least 500mm above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise); and</li> <li>d. The finished floor level of any building for commercial or community use is at least 300mm above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise).</li> </ol> </li> <li>3. Provision is made, where relevant, for the safe storage and containment of hazardous substances so that they are not inundated in a 1 in 100-year flood event;</li> </ol>	Support	The policy provides appropriate guidance for the consideration of proposals that intersect areas of identified coastal hazards.	Retain as notified

Provision	Position	Reason	Relief Sought
<p>4. Buildings, building platforms, access and services to be located and designed to minimise the need for hazard protection structures; and</p> <p>5. The provision of vehicle access within the subject site that is resilient to coastal flooding and erosion.</p>			
<p>NH-P9 Earthworks</p> <p>Manage earthworks activities within Coastal Erosion Hazard Areas and Coastal Flood Hazard Areas, and River Flood Hazard Areas by:</p> <p>1. Controlling the volume and area of earthworks, including excavation and fill; and</p> <p>2. Ensuring that earthworks in Coastal Hazard Areas and High-Risk Flood Hazard Areas are undertaken so that hazard risks are not increased or transferred to other properties.</p>	Support	The policy provides appropriate guidance for the consideration of earthworks proposals that intersect areas of identified coastal and river flood/erosion hazards.	Retain as notified
<p>NH-P12 Limit new constructed natural hazard protection structures</p> <p>Consider new hazard protection structures to protect existing development and existing and new infrastructure where:</p> <p>1. Natural systems and features will not provide adequate protection from the natural hazard;</p> <p>2. They are the only practical means to protect:</p> <p>a. Existing infrastructure or new infrastructure that has a functional or operational need to be in the location; or</p>	Support	It is appropriate to provide direction to guide applications for natural hazard protection structures.	Retain as notified

Provision	Position	Reason	Relief Sought
<p>b. Existing settlements and development.</p> <p>3. The structure is suitable for the location and does not transfer the risk and effects of natural hazards to other locations;</p> <p>4. Any hazard protection structures considered necessary to protect private assets are not located on public land unless there is significant public or environmental benefit in doing so; and</p> <p>5. Alternative responses to the hazard (including soft protection measures, restoration or enhancement of natural defences against coastal hazards and abandonment of assets) are demonstrated to be impractical or have significantly greater adverse effects on the environment.</p>			
NH-R1 New structures (not including buildings or infrastructure) and additions and alterations to existing structures (not including buildings or infrastructure) in a river flood hazard	Support	The activity status framework specified in rules NH-R1 to NH-R4 inclusive is appropriate to assess proposals intersecting areas of river flood hazard.	Retain as notified
NH-R2 Additions and alterations to an existing building within a river flood hazard area			
NH-R3 New accessory buildings in a river flood hazard area			
NH-R4 New buildings (other than accessory buildings) in a river flood hazard area			
[Entire rules not shown here].			



Provision	Position	Reason	Relief Sought
<p>NH-R5 New structures (not including buildings or infrastructure) and additions and alterations to existing structures (not including buildings or infrastructure) in a coastal erosion hazard area or coastal flood hazard area</p> <p>NH-R6 Additions and alterations to an existing building within a coastal erosion hazard area or coastal flood hazard area</p> <p>NH-R7 New accessory buildings in a coastal erosion hazard area or coastal flood hazard area</p> <p>NH-R8 New buildings (other than accessory buildings) in a coastal erosion hazard area or coastal flood hazard area</p> <p>[Entire rules not shown here].</p>	Support	The activity status framework specified in rules NH-R5 to NH-R8 inclusive is appropriate to assess proposals intersecting areas of coastal erosion and/or coastal flood hazard.	Retain as notified
<p>NH-R9 Maintenance and repair of an existing hazard protection structure</p> <p>NH-R10 New hazard protection structures and upgrading and extensions of existing hazard protection structures</p> <p>[Entire rules not shown here].</p>	Support	The framework provided for hazard protection structures under rules NH-R9 (existing structures – permitted) and NH-R10 (new structures – discretionary) is considered appropriate.	Retain as notified
<p>NH-R11 Earthworks within a coastal erosion hazard area, coastal flood hazard area or river flood hazard area</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>a. The area of earthworks does not exceed:</p>	Support	The rule framework provided for earthworks in areas subject to these hazard overlays sets appropriate thresholds.	Retain as notified

Provision	Position	Reason	Relief Sought
<ul style="list-style-type: none"> <li>i. 50m<sup>2</sup> or volume of 50m<sup>3</sup> in a High-Risk Hazard Area; or</li> <li>ii. 100m<sup>2</sup> in the Coastal Flood or River Flood Hazard Area in any 12 month period;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>b. The earthworks do not: <ul style="list-style-type: none"> <li>i. raise the level of the land in a High-Risk Hazard Area in a way that results in the loss of any flood storage volume; and</li> <li>ii. divert flood flow, coastal inundation or overland flow path onto another property.</li> </ul> </li> </ul>			
<p>NH-R12 Significant hazardous facility in a coastal erosion hazard area, coastal flood hazard area, or river flood hazard area</p> <p>All zones</p> <ul style="list-style-type: none"> <li>1. Activity status: Non-Complying</li> <li>2. Activity status when compliance not achieved: Not Applicable</li> </ul>	Amend	<p>The rule framework requires amending to recognise and provide for “Significant hazardous facilities” located in the Heavy Industrial Zone. Such activities are most appropriately located in that zone and are constrained from locating in other zones.</p> <p>As such, differentiation through the rules is an appropriate way to direct orderly planning outcomes.</p>	<p>Amend as follows:</p> <p>NH-R12 Significant hazardous facility in a coastal erosion hazard area, coastal flood hazard area, or river flood hazard area</p> <p><u>Heavy Industrial Zone</u></p> <p><u>1. Restricted discretionary</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p><u>a. The effects of coastal or flood hazards on the building:</u></p>

Provision	Position	Reason	Relief Sought
			<p><u>b. The purpose of the building and its vulnerability or resilience to coastal or flood hazards;</u></p> <p><u>c. Hazard risks to people or property;</u></p> <p><u>d. Cumulative effects and the potential to create, transfer or intensify hazard risks onto adjoining sites including on overland flow paths and flood depths, velocity or frequency within the site or on surrounding sites;</u></p> <p><u>e. The effectiveness of any mitigation proposed;</u></p> <p><u>f. The storage and use of hazardous substances and any management/ mitigation requirements; and</u></p> <p><u>g. Methods to manage activities and uses within the site, including safe egress from buildings and structures on the site and the management of people and property during a flood event.</u></p>

Provision	Position	Reason	Relief Sought
			All <u>other</u> zones
			2. Activity status: Non-Complying
			3. Activity status when compliance not achieved: Not Applicable
<b>Subdivision</b>			
SUB-O1 All subdivision  Subdivision enables efficient use of land and achieves patterns of development that are consistent with the anticipated land use outcomes for the zone.	Amend	Objective SUB-O3 refers to reverse sensitivity in the context of rural subdivision, however there is no similar reference for non-rural subdivisions.	Amend as follows:  SUB-O1 All subdivision  Subdivision enables efficient use of land and achieves patterns of development that are consistent with the anticipated land use outcomes for the zone <u>while avoiding adverse effects on existing activities in adjoining zones</u> .
SUB-P1 Subdivision design and location  Enable subdivision that is designed and located to:  1. Incorporate and respond to existing site features and characteristics, including landforms, vegetation, buildings and cultural and amenity values;	Amend	To give effect to the amendment to SUB-O1 recommended above, it is appropriate to reference cross-zone effects in this policy.	Amend as follows:  SUB-P1 Subdivision design and location  Enable subdivision that is designed and located to:

Provision	Position	Reason	Relief Sought
<ul style="list-style-type: none"> <li>2. Ensure the size and shape of allotments can accommodate anticipated land uses;</li> <li>3. Avoid or appropriately mitigate the risks of natural hazards;</li> <li>4. Provide efficient multi-modal transport connections in urban areas; and</li> <li>5. Promote the efficient use of infrastructure.</li> </ul>			<ul style="list-style-type: none"> <li>1. Incorporate and respond to existing site features and characteristics, including landforms, vegetation, buildings and cultural and amenity values;</li> <li>2. Ensure the size and shape of allotments can accommodate anticipated land uses;</li> <li>3. Avoid or appropriately mitigate the risks of natural hazards <u>or reverse sensitivity effects</u>;</li> <li>4. Provide efficient multi-modal transport connections in urban areas; and</li> <li>5. Promote the efficient use of infrastructure.</li> </ul>
<p>SUB-R3 Subdivision to create new allotments</p> <p>General residential zone, Commerical zone, Light industrial zone, Heavy industrial zone, General rural zone, Rural lifestyle zone</p> <p>1. Activity status: Controlled</p> <p>Where:</p> <p>a. All subdivision complies with SUB-S1 to SUB-S15;</p>	Amend	<p>Matter of control 3(g) provides for the consideration of “no-complaints” covenants.</p> <p>Such covenants may have limited utility in the management of reverse sensitivity effects. They are not enforceable by the Council (unless the Council is a party, which is unlikely to be the case). The burden of</p>	Amend this rule to delete the reference in clause 3(g) to “no-complaints” covenants.

Provision	Position	Reason	Relief Sought
<p>b. Subdivision in the General rural zone does not contain land defined as highly productive land (as determined by either the New Zealand Land Resource Inventory maps or a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person and accepted by Council); and</p> <p>c. Subdivision in the General rural zone must create no more than one additional allotment from the Record of Title being subdivided.</p> <p>2. This rule does not apply to the Special purpose zones.</p> <p>3. Control is reserved over the following matters:</p> <p>a. The ability of the allotments to accommodate the anticipated land use as a permitted activity;</p> <p>b. The provision of suitable physical and legal access to each allotment and the extent to which the access complies with the Kaipara District Council Engineering Standards 2011;</p> <p>c. The extent to which services for water supply, wastewater, stormwater and electricity comply with the Kaipara District Council Engineering Standards 2011;</p> <p>d. Design and provision of and access to local purpose reserves, esplanade reserves or strips;</p> <p>e. The provision of easements;</p> <p>f. The location of building platforms in relation to a river flood or coastal hazard area or an area subject to land instability;</p>		<p>enforcement lies with the parties. In cases of reverse sensitivity, the burden will likely be borne by the party affected by reverse sensitivity issues, rather than by the source of the effect. The presence of a “no-complaints” covenant does not exempt a local authority from its duties to investigate nuisance complaints under the RMA.</p> <p>Silver Fern Farms is concerned that clause 3(g) may result in “no-complaints” covenants being mistakenly applied as a solution for reverse sensitivity effects, when they are no substitute for more robust measures, such as the maintenance of appropriate separation between incompatible zones and activities.</p>	

Provision	Position	Reason	Relief Sought
<p>g. Measures to mitigate potential reverse sensitivity effects on existing land uses, such as the use of no-complaints covenants or siting of building platforms; and</p> <p>h. Where allotments are created around proposed multi-unit residential units in the General residential zone or Commercial zone, the provision of a legal mechanism to prevent vacant undersized lots from being created.</p>			
<b>Earthworks</b>			
<p>EW-R1 Earthworks</p> <p>[Entire rule not shown here]</p>	Support	The proposed permitted and restricted discretionary activity status framework, and the proposed matters of discretion, are considered appropriate to manage the limited range of effects associated with earthworks.	Retain as notified
<p>EW-R2 Land disturbance</p> <p>[Entire rule not shown here]</p>	Support	The proposed permitted activity status for land disturbance is appropriate given the negligible effects of this activity.	Retain as notified
<p>EW-S1 Maximum earthworks thresholds</p> <p>1. Earthworks must not exceed the following total volume and area thresholds in any 12-month period per site as per the table below.</p> <p>2. This standard does not apply to:</p>	Support	The permitted earthworks allowances are compatible with the range of activities provided for in the industrial zones.	Retain as notified



Provision	Position	Reason	Relief Sought
<ul style="list-style-type: none"> <li>a. Earthworks for septic tanks and associated drainage fields;</li> <li>b. Earthworks for the operation, maintenance and repair of existing walking tracks, farm tracks, driveways, roads and accessways;</li> <li>c. Earthworks for the operation, maintenance and repair of existing infrastructure; and</li> <li>d. Earthworks for the maintenance of drains.</li> </ul> <p>Light industrial zone, Heavy industrial zone.</p> <p>Volume = 1,000m<sup>3</sup>; Area = 2,500m<sup>2</sup></p>			
<b>Noise</b>			
<p>NOISE-O2 Reverse sensitivity effects</p> <p>Existing and authorised activities that generate higher levels of noise are protected from reverse sensitivity effects.</p>	Support	<p>It is appropriate to protect established activities from reverse sensitivity effects associated with noise.</p> <p>It is understood that “authorised” relates to consented activities and to permitted activities. This is considered appropriate.</p>	Retain as notified
<p>NOISE-P1 Managing noise in the zones</p> <p>Enable activities to generate noise that is compatible with the anticipated amenity, function and purpose of the zone and any receiving zone.</p>	Support	It is appropriate to enable noise emissions that are compatible with the zone.	Retain as notified

Provision	Position	Reason	Relief Sought
<p>NOISE-P2 Manage ongoing land use compatibility</p> <p>Manage the potential for land use incompatibility and conflict by:</p> <ol style="list-style-type: none"> <li>1. Restricting noise sensitive activities within zones that enable high noise levels; and</li> <li>2. Requiring the acoustic treatment of buildings containing a noise sensitive activity in high noise locations.</li> </ol>	Support	This policy is appropriate to provide guidance for the resolution of land use conflicts relating to noise.	Retain as notified
<p>NOISE-P3 Manage noise levels between zoning interfaces</p> <p>Enable higher noise levels within the Commercial zone and Industrial zones, while requiring industrial and commercial activities to comply with lower noise limits at the interface with any adjacent General residential zone, Rural lifestyle zone, Open space zone, and Natural open space zone.</p>	Support	This approach is typical and is supported.	Retain as notified
<p>NOISE-R1 Emission of noise (not otherwise provided in this chapter)</p> <p>[Entire rule not shown here]</p>	Support	A permitted status for noise that complies with relevant performance standards, with a back-up restricted discretionary consenting pathway where the standards are exceeded, is appropriate.	Retain as notified
<p>NOISE-S5 Noise levels in Industrial zones</p> <ol style="list-style-type: none"> <li>1. The noise rating level from any activity in an Industrial zone must not exceed the following noise limits, when measured at or within the boundary of any other site in the zone:</li> </ol>	Support	The proposed noise limits are appropriate as is the restricted discretionary activity consenting pathway for noise that does not meet the standards.	Retain as notified

Provision	Position	Reason	Relief Sought
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2. Activity status where compliance not achieved: Restricted Discretionary.

Zone	Time	Noise Level
Light Industrial	All times	65 dB L <sub>Aeq</sub> (15 min)
Heavy Industrial	All times	75 dB L <sub>Aeq</sub> (15 min)

3. Matters over which discretion is restricted: The matters in NOISE-MAT1.

NOISE-S7 Noise levels from the Commercial zone, Estuary Estates special purpose business and service sub-zones, Light industrial zone and Heavy industrial zone

Support

The proposed noise limits within receiving zones are appropriate as is the restricted discretionary activity consenting pathway for noise that does not meet the standards.

Retain as notified

1. The noise rating level from any activity in the Commercial zone, Estuary Estates special purpose business and service sub-zones, Light industrial zone and Heavy industrial zone must not exceed the following noise limits when measured at or within:
  - a. The boundary of any site in the Residential zones and Rural lifestyle zone;
  - b. Any notional boundary in the Rural zones; and
  - c. The boundary of any site in the Open space zone, Natural open space zone, and Sport and active recreation zone.

Time	Noise Level
7.00am to 10.00pm	55 dB L <sub>Aeq</sub> (15 min)
10.00pm to 7.00am	45 dB L <sub>Aeq</sub> (15 min) and 70 dB L <sub>AF</sub> (max)

Provision	Position	Reason	Relief Sought
2. Activity status where compliance not achieved: Restricted Discretionary			
3. Matters over which discretion is restricted: The matters in NOISE-MAT1.			
NOISE-MAT1 General  [Entire rule not shown here].	Support	The assessment matters are appropriate to facilitate assessments of applications to exceed the permitted noise levels.	Retain as notified
<b>Heavy Industrial Zone</b>			
<p><b>Overview</b></p> <p>The Industrial zones provide for a range of industrial activities, including manufacturing, fabrication, processing, distribution, repairs, storage and disposal of materials or goods. In the Kaipara District, there is a need for two industrial zones to cater for the wide range of anticipated effects.</p> <p>The Heavy industrial zone is used predominantly for industrial activities that generate potentially significant adverse effects. The zone may also be used for light industrial activities and industry-associated activities that are compatible with the potentially significant adverse effects generated from heavy industrial activities.</p> <p>Heavy industrial zones are generally separated from sensitive receiver environments and sensitive activities (i.e. Residential zones and schools). The zone will typically feature utilitarian buildings on large sites, and external storage in large yards. Activities may generate significant adverse effects and operate 24 hours per day. There will be high traffic volumes of heavy and light vehicles, needing good vehicle access from major transport routes and centres.</p>	Amend	<p>The introduction appropriately describes the role of the HIZ and the anticipated character and effects of activities that will locate in the HIZ.</p> <p>Given the significance of Silver Fern Farms' Dargaville site to the district (noted at paragraph 42 of the section 32 report on the industrial zones), express recognition in the part of the zone overview relating to "heavy" industry is sought. This is similar to clause 14.1 of the Operative Plan.</p>	<p>Amend as follows:</p> <p><b>Overview</b></p> <p>The Industrial zones provide for a range of industrial activities, including manufacturing, fabrication, processing, distribution, repairs, storage and disposal of materials or goods. In the Kaipara District, there is a need for two industrial zones to cater for the wide range of anticipated effects.</p> <p>The Heavy industrial zone is used predominantly for industrial activities that generate potentially significant adverse effects, <u>with key</u></p>

Provision	Position	Reason	Relief Sought
There will be some effects outside the zone, although attention is given to mitigation at sensitive zone boundaries.			heavy industrial sites including <u>Silver Fern Farms' meat processing plant at Dargaville</u> . The zone may also be used for light industrial activities and industry-associated activities that are compatible with the potentially significant adverse effects generated from heavy industrial activities.
<p>HIZ-O1 Purpose of zone</p> <p>The Heavy industrial zone is developed and used primarily for heavy industrial activities, and to meet the District's short and long term needs for land for heavy industrial activities.</p>	Support	It is appropriate to specify that heavy industry will be the primary use in this zone.	Retain as notified
<p>HIZ-O2 Non-industrial activities</p> <p>The Heavy industrial zone is not developed or used for non-industrial activities, unless they are associated with industrial activities and compatible with the potentially significant adverse effects generated from heavy industrial activities.</p>	Support	It is appropriate to direct incompatible activities to another zone.	Retain as notified
<p>HIZ-O3 Managing effects at the zone boundaries</p> <p>The adverse effects of activities are contained within the zone boundary to avoid significant adverse effects on amenity within other zones, recognising:</p> <p>1. The economic and employment benefits of industrial activities; and</p>	Support	It is appropriate to recognise that amenity levels immediately adjacent to the HIZ will not be the same as elsewhere in the surrounding zone.	Delete duplication of the words "Managing effects at the zone boundaries" in the text.

Provision	Position	Reason	Relief Sought
2. That amenity levels immediately adjacent to the Heavy industrial zone will not be the same as in the balance of the adjacent zone.		The objective heading is repeated at the start of the text; this should be resolved.	
<p>HIZ-O4 Reverse sensitivity effects</p> <p>Industrial activities are protected from potential reverse sensitivity effects arising from incompatible subdivision, land use and development within the zone.</p>	Support	<p>It is appropriate to specifically seek to avoid reverse sensitivity effects from incompatible development within the HIZ.</p> <p>The objective heading is repeated at the start of the text; this should be resolved.</p>	Delete duplication of the words “Reverse sensitivity effects” in the text.
<p>HIZ-O5 Provision of infrastructure</p> <p>Provision of infrastructure Subdivision, land use and development in the Heavy industrial zone is appropriately serviced by public reticulated infrastructure or serviced by onsite facilities.</p>	Support	<p>It is appropriate to ensure industrial activities are appropriately serviced by infrastructure.</p> <p>The objective heading is repeated at the start of the text; this should be resolved.</p>	Delete duplication of the words “Provision of infrastructure” in the text.
<p>HIZ-P1 Enabling heavy industrial activities</p> <p>Enable heavy industrial activities to establish and function efficiently, and maintain land available for heavy industrial activities in the zone by:</p> <ol style="list-style-type: none"> <li>1. Avoiding non-industrial uses establishing in the zone except activities that are ancillary to or support industrial activities and are compatible with the adverse effects of heavy industrial activities;</li> <li>2. Avoiding excessive fragmentation of the land by subdivision and development; and</li> </ol>	Amend	<p>A clear policy directive to avoid incompatible activities and subdivision establishing in the HIZ is essential.</p> <p>The second part of clause (3) infers that operational need may justify the establishment of an activity “likely to result in reverse sensitivity effects”. This is at odds with the broader scheme of the HIZ, and should be deleted. Applications for incompatible activities will be discretionary or non-complying and can navigate the</p>	Delete the words “except where there is an identified operational need” from clause (3).

Provision	Position	Reason	Relief Sought
3. Avoiding establishment of sensitive activities that are likely to result in reverse sensitivity effects, except where there is an identified operational need.		“avoidance” policy setting accordingly (i.e., whether temporary or minor adverse effects are acceptable in the context).	
<p>HIZ-P2 Existing heavy industrial activities</p> <p>Recognise the importance of existing heavy industrial activities and manage adverse effects of these operations on the surrounding environment to ensure acceptable amenity.</p>	Support	It is appropriate to recognise the benefits of existing heavy industrial activities and provide for the management of associated effects.	Retain as notified
<p>HIZ-P3 New development</p> <p>Manage the location, scale and form of buildings and outdoor areas in the Heavy industrial zone to provide an appropriate level of amenity along road frontages and at the zone boundaries, whilst recognising the functional requirements of heavy industrial activities.</p>	Support	It is appropriate to focus amenity considerations on the zone boundaries and road frontages and to recognise that the location, scale and form of development in the zone is substantially led by the functional requirements of industrial activities.	Retain as notified
<p>HIZ-P6 Managing effects of activities at zone boundaries</p> <p>Manage adverse effects including noise, dust, smoke, odours, fumes, light spill, glare, or waste at the Heavy industrial zone boundary to maintain reasonable amenity values in other zones.</p>	Support	It is appropriate to anticipate transitional/modified amenity values at the interfaces between the HIZ and other zones.	Retain as notified
<p>HIZ-R1 Buildings and structures</p> <p>1. Activity status: Permitted</p> <p>Where:</p>	Support	This framework is typical of industrial zones and is supported.	Retain as notified



Provision	Position	Reason	Relief Sought
<p>Construction, addition or alteration of buildings or structures complies with:</p> <ol style="list-style-type: none"> <li>HIZ-S1 Height in relation to boundary;</li> <li>HIZ-S2 Building setbacks from side or rear boundaries;</li> <li>HIZ-S3 Building setbacks from road boundaries;</li> <li>HIZ-S4 Building setbacks from a coastal marine area;</li> <li>HIZ-S5 Building setbacks from rail corridors;</li> <li>HIZ-S6 Outdoor storage; and</li> <li>HIZ-S7 Landscaping.</li> </ol> <ol style="list-style-type: none"> <li>Activity status when compliance not achieved: Restricted Discretionary.</li> <li>Matters over which discretion is restricted: (a) The matters of discretion of any infringed standard.</li> </ol>			
<p>HIZ-R3 Industrial activities</p> <ol style="list-style-type: none"> <li>Activity status: Permitted</li> </ol> <p>Where:</p> <ol style="list-style-type: none"> <li>The activity complies with:</li> <li>HIZ-S6 Outdoor storage; and</li> <li>HIZ-S7 Landscaping.</li> </ol> <ol style="list-style-type: none"> <li>Activity status when compliance not achieved: Restricted Discretionary.</li> </ol>	Support	It is critical to enable industrial activities in this zone.	Retain as notified

Provision	Position	Reason	Relief Sought
3. Matters over which discretion is restricted: (a) The matters of discretion of any infringed standard.			
<p>HIZ-R6 Community corrections activities</p> <p>1. Activity status: Permitted</p> <p>2. 2. Activity status when compliance not achieved: Not Applicable</p>	Amend	It is not clear if the definition of “Community corrections activities” precludes overnight accommodation.	Amend this rule to preclude overnight accommodation as a permitted activity.
<p>HIZ-R9 Employee residential unit</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. At least one of the occupants is employed by an industrial activity occurring on the same site; and</p> <p>b. No more than one employee residential unit is provided per site.</p> <p>2. Activity status when compliance not achieved: Discretionary</p>	Support	The limited allowance provided is acceptable, and the discretionary consenting pathway provided for exceedances of the permitted activity performance standards is supported.	Retain as notified
<p>HIZ-R13 Activities not otherwise listed as permitted, restricted discretionary, discretionary or non-complying</p> <p>Activity status: Discretionary</p>	Support	A discretionary activity status is appropriate to apply to innominate activities.	Retain as notified
<p>HIZ-R14 Retail or office activity that is not otherwise provided for</p> <p>HIZ-R15 Residential activity except Employee Residential Unit</p> <p>HIZ-R16 Community facilities and education facilities</p>	Support	It is appropriate to restrict incompatible activities to the HIZ by way of the proposed non-complying activity status.	Retain as notified

Provision	Position	Reason	Relief Sought
HIZ-R17 Visitor accommodation			
[Entire rules not shown here].			
<u>Noise sensitive activities (proposed new rule)</u>	Proposed	<p>Given their potential to cause reverse sensitivity effects it would be appropriate to specify that “Noise sensitive activities” (a defined term) are non-complying in the HIZ.</p> <p>Otherwise, such activities will (if not captured by another specific rule), be discretionary pursuant to rule HIZ-R13. This is at odds with the non-complying activity status accorded to various noise sensitive activities in rules HIZ-R14 to HIZ-R17.</p> <p>Adding this rule will require rationalisation of the other non-complying activity rules.</p>	<p>Add the following rule and rationalise the other non-complying rules as appropriate:</p> <p><u>HIZ-R18 Noise sensitive activities</u></p> <ol style="list-style-type: none"> <li>1. <u>Activity status: Non-complying</u></li> <li>2. <u>Activity status when compliance not achieved: Not Applicable</u></li> </ol>
<p>HIZ-S2 Building setbacks from side or rear boundaries</p> <ol style="list-style-type: none"> <li>1. Buildings and structures shall be setback a minimum of 10m from a side or rear boundary that adjoins the General residential zone, Rural lifestyle zone, Open space zone, or Sport and active recreation zone; and</li> <li>2. Buildings and structures shall be setback a minimum of 3m from the site boundary where it adjoins a General rural zone.</li> <li>3. Standards HIZ-S2.1 and HIZ-S2.2 do not apply to:</li> </ol>	Support	<p>The setback standard appropriately balances the functional needs of industrial development with responsiveness to non-industrial zone interfaces.</p>	Retain as notified

Provision	Position	Reason	Relief Sought
<ul style="list-style-type: none"> <li>a. Fences or standalone walls no more than 2m in height; or</li> <li>b. Free-standing signs that comply with the permitted standards in the Signs chapter.</li> </ul>			
<b>Light Industrial Zone</b>			
<p>Overview</p> <p>The Industrial zones provide for a range of industrial activities, including manufacturing, fabrication, processing, distribution, repairs, storage and disposal of materials or goods. In the Kaipara District, there is a need for two industrial zones to cater for the wide range of anticipated effects.</p> <p>The Light industrial zone provides for a wide range of activities. Growing industries include manufacturing and fabrication in Dargaville, Maungatūroto and Kaiwaka, along with trade and yard-based retailing. In Mangawhai, boutique primary production operations like chocolates, olives, and wines support the surrounding residential and rural communities.</p> <p>Light industrial zones are generally located close by or adjacent to commercial and residential zones, and therefore activities in the Light industrial zone are expected to generate a level of effects that are compatible with these surrounding zones, including sensitive receiver environments. Heavy industry is generally excluded from the Light industrial zone.</p>	Support	The overview provides appropriate context for the operational provisions of the zone.	Retain as notified
LIZ-O1 Purpose of the zone	Support	It is appropriate to reiterate that the zone will be predominantly occupied by industry.	Retain as notified

Provision	Position	Reason	Relief Sought
<p>The Light industrial zone is developed and used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.</p>			
<p>LIZ-O2 Non-industrial activities</p> <p>The Light industrial zone is not developed or used for non-industrial activities, unless they are associated with industrial activities and compatible with the potential adverse effects generated from light industrial activities.</p>	Amend	<p>It is appropriate to restrict non-industrial activities in this zone.</p> <p>An amendment is sought because (as per the “Overview” and LIZ-P1(1)) this zone will not solely host “light” industry. This is especially relevant given the Proposed Plan does not include a General Industrial Zone.</p>	<p>Amend as follows:</p> <p>The Light industrial zone is not developed or used for non-industrial activities, unless they are associated with industrial activities and compatible with the potential adverse effects generated from light industrial activities.</p>
<p>LIZ-O3 Managing effects at the zone boundaries</p> <p>The adverse effects of activities are contained within the zone boundary to avoid significant adverse effects on amenity within other zones, recognising the economic and employment benefits of industrial activities.</p>	Support	<p>It is appropriate to manage activities to avoid significant adverse effects on amenity within other zones</p>	<p>Retain as notified</p>
<p>LIZ-P1 Sufficient land supply</p> <p>Enable light industrial activities to establish and function efficiently, and maintain land available for light industrial activities in the zone by:</p>	Amend	<p>For the same reasons as stated in relation to HIZ-P1, clause (3) of this policy requires amending.</p>	<p>Delete the words “except where there is an identified operational need” from clause (3).</p>

Provision	Position	Reason	Relief Sought
<ol style="list-style-type: none"> <li>1. Avoiding non-industrial uses establishing in the zone except activities that are ancillary to or support industrial activities and are compatible with the adverse effects of industrial activities;</li> <li>2. Avoiding excessive fragmentation of the land by subdivision and development; and</li> <li>3. Avoiding establishment of sensitive activities that are likely to result in reverse sensitivity effects, except where there is an identified operational need.</li> </ol>			
<p>LIZ-P2 Commercial activities and heavy industrial activities</p> <ol style="list-style-type: none"> <li>1. Avoid heavy industrial activities establishing in the Light industrial zone, unless adverse effects on other activities and zones are adequately managed; and</li> <li>2. Avoid commercial activities, except for: <ol style="list-style-type: none"> <li>a. Office, retail, and other commercial activities that are ancillary to industrial activities;</li> <li>b. Trade supply and yard-based retail; and</li> <li>c. Service stations and convenience food outlets.</li> </ol> </li> </ol>	Support	It is appropriate to provide for heavy industry in the LIZ subject to the management of adverse effects on other activities and zones.	Retain as notified
<p>LIZ-P3 Maintaining the interface of adjoining or adjacent zones</p> <p>Maintain amenity values within the General residential zone, Rural lifestyle zone, Open space zone, and Sport and active recreation zone, and at sensitive activities within the receiving environment.</p>	Support	It is appropriate to use the LIZ as a transitional interface between incompatible zones.	Retain as notified

Provision	Position	Reason	Relief Sought
<p>LIZ-P4 Design of new buildings in the Light industrial zone</p> <p>Encourage the design of new built development within the Light industrial zone to consider the local context and amenity of the surrounding urban environment, whilst recognising the functional and operational needs of activities.</p>	Support	It is appropriate to recognise the functional and operational needs of activities when considering the appearance of development in the LIZ.	Retain as notified
<p>LIZ-R1 Buildings and structures</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>2. Construction, additions or alterations of buildings or structures complies with:</p> <ul style="list-style-type: none"> <li>a. LIZ-S1 Height;</li> <li>b. LIZ-S2 Height in relation to boundary;</li> <li>c. LIZ-S3 Building setbacks from side or rear boundaries;</li> <li>d. LIZ-S4 Building setbacks from road boundaries;</li> <li>e. LIZ-S5 Building setbacks from a coastal marine area;</li> <li>f. LIZ-S6 Building setbacks from rail corridors;</li> <li>g. LIZ-S7 Outdoor storage; and</li> <li>h. LIZ-S8 Landscaping.</li> </ul> <p>3. Activity status when compliance not achieved: Restricted Discretionary</p>	Support	The proposed permitted and restricted discretionary rule framework is an efficient approach.	Retain as notified



Provision	Position	Reason	Relief Sought
<p>LIZ-R3 Industrial activity</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity is not a heavy industrial activity; and</p> <p>b. The activity complies with:</p> <p>i. LIZ-S7 Outdoor storage; and</p> <p>ii. LIZ-S8 Landscaping.</p> <p>2. Activity status when compliance not achieved with LIZ-R3.1.a: Discretionary</p> <p>3. Activity status when compliance not achieved LIZ-R3.1.b: Restricted Discretionary</p>	Support	A permitted activity status for general industry, and a discretionary consenting pathway for “heavy” industry is supported in this zone.	Retain as notified
<p>LIZ-R14 Community facility and education facility (excluding childcare facilities)</p> <p>1. Activity status: Restricted Discretionary</p>	Support	A restricted discretionary activity status for community and education facilities (specifically excluding childcare) is supported in the LIZ.	Retain as notified
<p>LIZ-R15 Activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying</p> <p>Activity status: Discretionary</p>	Support	Support the discretionary activity status for all other activities not otherwise provided for within the LIZ rules.	Retain as notified
LIZ-R16 Residential activity	Support	A non-complying activity status for residential activity, visitor accommodation	Retain as notified

Provision	Position	Reason	Relief Sought
LIZ-R17 Visitor accommodation		and unspecified retail and office activities is supported, to maintain the viability of the LIZ.	
LIZ-R18 Retail or office activity that is not otherwise provided for			
[Entire rules not shown here]			
LIZ-S1 Height	Support	The 15 m maximum height limit appropriately provides for industrial development.	Retain as notified
1. The maximum height of buildings and structures is 15m measured from existing ground level, except:		A restricted discretionary consenting pathway for exceedances is appropriate in the context of anticipated industrial development.	
a. Fences and standalone walls located on a boundary adjoining the General residential zone, Rural lifestyle zone, Open space zone, or Sport and active recreation zone, shall not exceed 2m in height.			
2. Activity status when compliance not achieved: Restricted Discretionary			
LIZ-S3 Building setbacks from side or rear boundaries	Support	The minimum building setback of 5 m is an appropriate response to interfaces with non-industrial zones.	Retain as notified
1. Buildings and structures shall be setback at least 5m from the boundary adjoining any site that is not in a Light Industrial, Heavy Industrial, or Commercial zone.			
2. This Standard does not apply to:			
a. Fences or standalone walls no more than 2m in height; or			
b. Free-standing signs that comply with the permitted standards in the Signs chapter.			
Activity status when compliance not achieved: Restricted Discretionary			