



Request for Re-Zoning of land adjacent to Bridge Street, Bulls

Officers Report



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- Report To:** Hearings Committee
- Subject:** Request for change to create a new Special Commercial zone and to rezone the subject site from Industrial to Special Commercial.
- Requester:** Foodstuffs (Wellington) Cooperative Society (Foodstuffs).
- Location:** Subject site is located on the eastern side of Bridge Street in the Bulls township.
- Block Size:** 1.65 Hectares.
- Zoning:** Industrial under the Rangitikei District Plan.
- Proposal:** To enable the subject site to be developed and used for commercial purposes. To provide for a mix of large format and smaller retail activities (up to a total of 3900m²) as a permitted activity within the subject site. Indicative development plans for the land are contained in Appendix 1.4 of this report.
- Notified:** The proposal was notified on the 10th December 2009. The period for making submissions closed on 3rd February 2010. Five submissions were received, along with two late submissions. The proposal was advertised for further submissions on 13th February 2010. Three further submissions were received when submissions closed on 26 February 2010.

1 Introduction

1. My name is Brenda O'Shaughnessy and I am a consultant planner with Opus International Consultants Ltd. I have approximately 17 years experience in Resource Management Planning. I hold a Bachelor of Town Planning from Auckland University. I have been instructed by the Rangitikei District Council (the Council) to prepare a report on this Plan Change request.
2. I undertook a site visit on Wednesday 14th April 2010 and am familiar with the surrounding area.
3. The full Plan Change request and assessment report pursuant to Section 32 of the Resource Management Act, have been provided to the Hearings Committee. I have reviewed these reports as part of my assessment. Mr l'Anson, Roading Manager for the Council completed a peer review of the Transportation Impact Assessment report prepared by Tim Kelly Transportation Planning Ltd (Refer to Appendix 1.6). Mr l'Anson was generally satisfied with the report and its recommendations. I have used this report in my assessment.
4. This report assesses the Plan Change request as well as submissions received. It has been prepared under Section 42A of the Resource Management Act 1991 (The Act). This report is designed to assist the Hearings Committee to evaluate the Plan Change request and decide on submissions made to the Plan Change. This report includes

recommendations to accept or reject, where appropriate, points made in submissions as well as making recommendations on the requested amendments to the District Plan.

2 The Proposal

5. The requester, Foodstuffs (Wellington) Cooperative Society, have lodged a private Plan Change request to allow for the creation of a new commercial zone to be applied to the subject site only. The new zone incorporates provisions from the existing Commercial and Mixed Commercial zones, along with new provisions for additional permitted activities within the subject site only.
6. The following permitted activities would be provided for within the Special Commercial zone as follows:
 - (a) *Retail Activities (excluding supermarkets) up to a total gross floor area of 2100m².*
 - (b) *One Supermarket up to a total gross floor area of 1800m².*
 - (c) *Construction and alteration of buildings associated with (a) and (b).*
 - (d) *Signage associated with retail activities.*
 - (e) *Commercial activities, administrative, commercial and professional offices.*
 - (f) *Temporary activities and buildings associated with those activities.*
 - (g) *Self-Servicing fuel facility (see definitions section).*
 - (h) *Network utilities and any structures associated with network.*
 - (i) *Ancillary Activities.*
7. As part of the Plan Change request, policies, objectives and rules are proposed that relate specifically to the Special Commercial zone. The proposed changes are set out in full in the request (refer to Appendix 1.2), which has been provided to the Committee. In summary the proposed new zone would:
 - Apply the existing District Plan Objectives 9 and 10 along with related policies (excluding policy 10.1 which is not relevant);
 - Apply other policies specific to the new zone, but which largely mirror existing Commercial or Mixed Commercial zone policies 10.M.1 - 10.M.3 (excluding Policy 10.M.4 which is not relevant), and existing policies 10.C.5 – 10.C.11(excluding Policy 10.C.8 which would not apply);

- Insert a new policy 10.S.4 which states: “No servicing is to take place from a state highway in commercial centres.”
 - Apply existing Commercial zone rules relating to building height, safety and visibility at road intersections, noise, odour, storage areas, water supply, waste disposal, surface water disposal, general site development requirements, hazardous substances, network utilities, and natural hazards;
 - Insert additional clauses to existing rules relating to:
 - Vehicle access, to allow for vehicular access onto the state highway to be permitted subject to approval by NZTA;
 - Vehicle parking, to reduce the number of parking spaces required on the subject site;
 - Signs, to permit a fuel price sign on the main frontage to a maximum height of 4 metres, and to require signs for supermarkets and retail activities to be displayed on one centrally located sign adjacent to the state highway;
 - Pedestrian verandas, to require that any supermarket set back from the road frontage, incorporate and develop a pedestrian shelter and veranda where practical;
 - Insert new rules relating to:
 - masts and antenna, to restrict the height of towers, poles and masts to 13 metres and antennae or dishes to 5 metres;
 - lighting and glare, to regulate external artificial lighting;
 - contaminated land, to permit any activity on any remediated contaminated land within Special Commercial zone (excluding earthworks);
 - maximum building coverage; to limit the area of the subject site which may be covered in buildings to a maximum of 80% and allowing for up to 3 fuel bays on the subject site; and
 - landscaping, to require specific planting of the perimeter of the subject site including where it has frontage to the state highway.
 - Exclude existing commercial zone rules relating to daylight setback which are not relevant to the subject site.
8. While seeking a Plan Change, the requester has outlined their wish to use part of the subject site for a large format vehicle orientated retail activity, specifically a New World supermarket, a self service fuel facility and provision for smaller retail activities up to a

gross floor area of 1800m². Refer to Appendix 1.4 for an Indicative Site Development Plan.

3 Site Description

9. The subject site is approximately 1.65ha, currently made up of 5 allotments owned by Foodstuffs. It was formerly used by Carter Holt Harvey as a timber yard. It now contains disused buildings, on temporary drums, covering approximately 50% of the site being unsealed yards and metal roads. The remainder of the site is grassed. There is at present only informal use of the site for temporary storage of buildings by the adjacent house removal business. A coffee cart and a small seating area are located within the site, on the Bridge Street frontage.
10. The site is currently zoned Industrial, as is land adjacent to the north and south of the site. The site, to the east, is adjacent to State Highway 1. Land to the north is occupied by a retail beauty products shop, motorbike repair shop and storage facility, while land to the south is currently used by a house removal company. Land to the northwest is zoned commercial. It comprises a range of commercial activities including a drive-thru McDonalds fast food outlet and a Mobil service station opposite the site. Land to the south west is zoned residential. It is occupied by residential dwellings predominantly. Immediately adjacent to the east is a steep escarpment dropping down approximately 10 metres to an un-named stream/drainage ditch (former bed of the Rangitikei River). The escarpment and surrounding land is zoned Rural.
11. Landscaping of inconsistent quality is provided intermittently on surrounding commercial sites and minimal or non-existent on industrial zoned sites. The escarpment and rural zoned land is in a natural state. The residentially zoned sites are modestly landscaped in a fashion typical of residential areas.

SITE AREA



Location Map of the Subject Site.

4 Statutory Process

4.1 The Resource Management Act 1991

12. Section 73(2) of the Resource Management Act 1991 (the Act) enables a party to request a territorial authority to change a district plan in the manner set out in the First Schedule.
13. Part 2 of the First Schedule establishes the process for private Plan Change requests.
14. This request was first received at Council on 14th August 2009.
15. The Rangitikei District Council accepted the Plan Change request under Clause 25(2)(b) on 24th September 2009.
16. The Resource Management (Simplifying and Streamlining) Amendment Act 2009 was enacted on 1st October 2009. This Plan Change request has been assessed, in accordance with section 160 of the Amendment Act 2009, which states that for applications lodged prior to the commencement date “*The application or matter must be determined as if the amendments made by this Act had not been made.*”

4.2 Notification and Submissions

17. Public notification occurred on 12th December 2009. A total of seven submissions, including two late submissions, were received. Submissions closed on 3rd February 2010. Six of the submissions supported the Plan Change either as proposed or subject to certain changes to address specific matters. One submission sought the Plan Change be declined or modified to address certain matters. A summary of all decisions requested was notified on 13th February 2010 and further submissions were called for. Three further submissions were received. The further submission period closed on 26th February 2010. Refer to Appendix 5 –Copy of Submissions.
18. Two original submissions were received after the closing date. Both were received a day late and support the Plan Change and ask that it be approved without change. The Committee will need to determine whether it is appropriate to allow consideration of these late submissions.
19. A brief summary of the matters raised in submissions is listed below:

Positive for Community

- The Plan Change would enhance the community, business and employment for Bulls.

Contaminated site

- There are a number of issues relating to the contamination of the subject site that need to be addressed to give surety that there will be no short or long term issues with use of the site.

Relocation of Services

- Consult with submitter over any realignment of existing wastewater infrastructure.

Traffic and access

- A designated pedestrian walkway should be provided to allow access across the subject site to High Street.
- Realignment of the Funnell/Dalziel St intersection.
- The Plan Change does not recognise the adverse effects from access and parking that may extend to businesses in the immediate vicinity.
- A significant amount of retail is to be permitted on the subject site. The Plan Change should require confirmation of the final design and location of access to the site.
- The traffic assessment does not predict likely traffic movements to be generated by the activities permitted by the Plan Change. There is no detailed assessment of the ability of the main access to accommodate the likely turning movements to and from the subject site. No survey of the existing traffic environment has occurred. This information is needed to test the potential effects of the new activities on the existing environment.
- There has been no assessment of the right turn exit movement. This is normally the most difficult movement that incurs the most delay. Delays and queues within the subject site will be substantial and may lead to safety issues on Bridge St. This will conflict with any Mobil/McDonald's customers waiting to turn right. No detailed analysis of these potential conflicts has been undertaken. It is not possible to determine whether or not there will be adverse effects on the public road or beyond.
- That the requester provide a more comprehensive assessment of traffic effects that deal with the existing traffic environment and predicted traffic movements from the activities permitted by the Plan Change.

Notification

- The Plan Change establishes a consent process which will not provide an opportunity for consultation with potentially affected parties in relation to effects of a specific proposal. Specific concern is expressed in relation to traffic effects. Insufficient information has been provided in the Plan Change to justify such an approach.
- Given the scale of activities contemplated and the potential for significant effects, it is inappropriate for the Plan Change to state that notification of any limited discretionary activity request or written approvals of affected parties will not be required. This should be done at the time of consent request.

General

- The Plan Change would require the Council to exercise discretion in respect to a number of the proposed permitted activity rules (which is ultra vires).
 - In its current form the requested Plan Change does not meet the sustainable management purpose of the RMA, as set out in section 5.
20. Outcomes sought through submissions include:
- Approving the Plan Change;
 - Approving the Plan Change, subject to Council consulting over any realignment of existing wastewater infrastructure;
 - Approving the Plan Change, subject to the requester providing information to enable HRC to have surety that there are no immediate or long term issues that may arise.
 - Rejecting the Plan Change; or
 - Modifying the Plan Change to address specific matters raised.
21. A copy of the submissions is appended to this report as Appendix 5.

5 Assessment of Effects

22. For the purposes of the assessment of effects, the requested Plan Change has been generally divided into two components:
- a) rezoning of the subject site to commercial; and
 - b) creation of a new spot zone for the subject site

5.1 Part 2 of the Act

Section 5 - Purpose:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

23. The Plan Change request would enable a range of commercial activities to occur including a supermarket to be established as a Permitted activity within the site on Bridge Street, subject to performance standards. This has the potential to enable social and economic wellbeing to be provided for. A number of submitters stated that there are benefits to the community of providing for commercial activities on this site. The requester states at page 17 of their request:

'The proposal allows for the potential commercial area to contribute to the economic development of the Bulls commercial area and allow for development for future generations. The life supporting capacity of air, water, soil, and ecosystems will be able to be sustainably managed through this development. All adverse effects of activities on the environment will be able to be avoided or mitigated. The positive effects outweigh the adverse effects and the adverse effects of the proposal will be no more than minor.'

24. I generally concur with the above statement and consider that there are likely to be a range of benefits, including social and economic, that may result from the proposal. I also consider that in regard to achieving the purpose of the Act, a spot zone could be an appropriate method to adopt, although not the only option.
25. The requester has proposed various additional rules, to avoid or mitigate the environmental effects of the requested range of permitted activities. I do not accept that these are sufficient to satisfy the requirements of sections 5. The range of permitted activities proposed for this spot zone as requested is more limited than for existing commercial zones.
26. Overall the intent of the Plan Change request is considered to be consistent with Section 5, in that a change to a commercial zoning will achieve the purpose of the Act. However, I recommend amendments to the rules that I consider necessary to ensure that adverse effects are avoided, remedied or mitigated particularly in relation to the permitted activities the request seeks to enable. These are detailed later in the report.

Section 6 - Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
 - (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
 - (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
-

- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
 - (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*
 - (g) *The protection of recognised customary activities.*
27. Immediately adjacent to the east of the subject site is a steep escarpment dropping down approximately 10 metres to an un-named stream/drainage ditch (former bed of the Rangitikei River). The escarpment and surrounding land is zoned Rural. I note that stormwater from the site will be disposed of via the Council's existing reticulated system.

I concur with the request where it states at page 18 that:

“The proposed Plan Change will not adversely affect the local Creek located below the subject site to the east. The subject site is not within an area recognised in the Horizons Regional Council or Rangitikei Regional Council planning instruments as featuring ‘outstanding natural features’ or other matters identified in the section 6 assessment.”

The landscape is not considered to be outstanding, nor to contain any significant habitats or vegetation such that would be adversely affected by the Plan Change request. Public access is not presently available and potential for public access is not compromised by the proposed Plan Change.

28. The District Plan does not identify any known sites of historic heritage or linkages to the subject site for iwi such that would be affected by the Plan Change request. As far as Council is aware there are no such linkages or historic heritage relating to this site.

Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *Kaitiakitanga:*
 - (aa) *The ethic of stewardship:*
 - (b) *The efficient use and development of natural and physical resources:*
 - (ba) *The efficiency of the end use of energy:*
 - (c) *The maintenance and enhancement of amenity values:*
 - (d) *Intrinsic values of ecosystems:*
 - (e) *Repealed.*
 - (f) *Maintenance and enhancement of the quality of the environment:*
 - (g) *Any finite characteristics of natural and physical resources:*
 - (h) *The protection of the habitat of trout and salmon:*
 - (i) *The effects of climate change:*

(j) *The benefits to be derived from the use and development of renewable energy.*

29. The matters within Section 7 that are relevant to this request specifically relate to the efficient use and development of the resource, the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment.

30. The requester has provided a Land Use Survey-Bulls report which states:

“the majority of the land uses (70%) will be positively affected by the proposed development. The only land uses that may potentially be negatively affected ... is in the retail sector.”¹

31. The report identifies that some retail activities may experience low or medium negative effects which will be either no more than minor or may cause a short term loss of trade for between 6 months – 2 years duration. The report also identifies that retail development of the subject site could have a high positive contribution for the majority of landuses:

“For example:

- *Providing a range of new local goods and services to the residential population;*
- *Improving amenity in the CBD;*
- *Reducing transportation costs for residents; and*
- *Bringing in more employment with these new jobs contributing to the existing industries and services.”²*

32. Overall the report concludes that:

“.the impact of the proposed development on the majority of the surrounding land uses in Bulls is positive. There is also capacity for further retail development, which can be well utilised by the existing Bulls residential population.

Finally, based on these observable potential effects on the surrounding land uses, it is considered that the potential for adverse effects are low from this proposed Foodstuffs development.”³

I accept and adopt the findings in relation to the Land Use Survey –Bulls prepared by SKM consultants. A number of submissions support this assessment.

¹ Land Use Survey- Bulls, prepared by SKM, March 2009, Page 19.

² Land Use Survey- Bulls, prepared by SKM, March 2009, Page 19.

³ Land Use Survey, SKM March 2009, page 25

33. Mr l'Anson reviewed the Transportation Impact Assessment undertaken by Tim Kelly Transportation Planning Limited and found the request would generally allow for the efficient use and development of the subject site from a traffic perspective, provided the rules are amended to ensure full consideration of traffic management issues, including participation by affected parties.
34. My site visit revealed that the amenity values of the area are variable as expected given the mix of land uses. It is likely that a commercial development on the subject site as provided for within the requested spot zone would likely enhance the amenity values of the site and surrounding environment, subject to recommended amendments detailed later in the report.
35. Landscaping rules have been proposed, which would contribute to enhancing amenity values. I recommend inclusion of an additional rule to facilitate ongoing maintenance of such landscaping. I have discussed this matter further in Section 5.6 below.
36. Air quality, water quality, noise, amenity values and other matters affecting the quality of the environment will all be maintained or enhanced as a result of the adoption of this requested Plan Change in my view, provided that the amendments I recommend are also adopted. Overall I consider sufficient regard has been had to Section 7 matters.

Section 8 - Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

37. There are no known matters in relation to this subject site that will compromise the principles of the Treaty of Waitangi.

5.2 Section 32 of the Act

In addition to Part 2 of the Act, Section 32 states;

Consideration of alternatives, benefits, and costs

- (1) *In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, an evaluation must be carried out by—*

....

- (c) *the local authority, for a policy statement or a plan (except for Plan Changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or*
- (d) *the person who made the request, for Plan Changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.*

- (2) *A further evaluation must also be made by—*
-

- (a) *a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1;*
- (3) *An evaluation must examine—*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
-
- (4) *For the purposes of [the examinations referred to in subsections (3) and (3A)], an evaluation must take into account—*
 - (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

38. The requested Plan Change, including the Section 32 report, was reviewed when the request was first lodged. Council considered the request was sufficient to notify the Plan Change and that it comprised an evaluation as required by Section 32 of the Act.

39. One submitter was concerned that the policies do not acknowledge that adverse effects may extend beyond the public road to businesses in the immediate vicinity. In addition it is my opinion that the requester’s Section 32 Evaluation does not adequately confirm that a spot zone applying to just one site is the most appropriate way to achieve the Plan objectives. This has the potential to negatively impact on the integrity of the Plan.

On this basis I have further reviewed the Section 32 Evaluation. Refer to Appendix 4.

40. I concur with the requesters Section 32 evaluation of the objectives. I generally also concur with the requester’s assessment of the policies with the following comments:

- a) A new policy is proposed as Policy 10.S.4 “No servicing is to take place from a state highway in commercial centres.” This policy has no discretion and in my view is a rule. I recommend that this policy be included in the Plan as Rule 23.1.2(d) as it will ensure that the state highway does not become obstructed by vehicles servicing adjacent sites.
- b) The policies for the spot zone repeat existing Commercial zone policies except that it amends existing Policy 9.2 to read: “*Contribute to achieving an integrated, safe responsive and sustainable land transport system.*”

The Plan already comprises a comprehensive series of policies. The requested Plan Change wording of Policy 9.2 provides more realistic guidance that activities should each ‘contribute to’, rather than be responsible for ‘achieving’ a safe and efficient land transport network. The existing policy sets a high threshold which no activity could reasonably be expected to achieve in isolation.

41. In relation to the assessment of rules, 3 options were reviewed by the requester:
 - Option one Status quo provisions – industrial zoning of the site and non complying resource consent requests
 - Option two Commercial/ Commercial Mixed zones
 - Option three Introduce a Spot Zone (Special Commercial zone) for the subject site
42. Table 4 of the requester’s Section 32 Evaluation (Refer to Appendix 1.3) summarises the evaluation of the options. I concur with evaluation of Option 1 - the status quo option. In both Options 2 and 3 the evaluation clearly addresses the reasons why the subject site should be rezoned from industrial to commercial and I concur with those reasons. However it is less clear from the evaluation of Options 2 and 3 why a spot zone is the most appropriate method to achieve the purpose of the Act and ensure that District Plan integrity is maintained.
43. Option 3 creates a third commercial zone for the District that relates only to the subject site. The site is not unique, and such a spot zone created in a District with relatively small urban centres such as Bulls, will have practical and cost implications for Council and other Plan users. These implications are inefficient, unnecessary and can be easily avoided, whilst ensuring the integrity of the Plan is maintained. These costs have not been identified in the Section.32 Evaluation. The requested Plan Change would result in the Plan containing repetition of policies and rules with little real distinction between the land covered by the new spot zone and existing commercial zones. This would make the document less accessible and readable for Plan users.
44. The requester’s Evaluation states that the subject site is unique. In my view this has not been established sufficiently to justify a new commercial zone. The site has no specific physical characteristics or location features that distinguish it significantly from other commercial sites within the District. The subject site is relatively large but this is not unique in the Rangitikei context. The size of the site may facilitate a comprehensive development to occur.
45. The requester seeks a spot zone to facilitate a greater degree of flexibility to develop the subject site. The activities requested to be permitted and the requested limitations on notification are to be greater than generally provided for within existing commercial zones. I consider that an option which creates a few site specific rules within the context of an existing commercial zone, subject to achieving the purpose of the Act,

would be a more efficient and effective method within the Rangitikei context than repeating existing policies and rules in a third commercial zone.

46. I consider that either a spot zone approach or a merged zone approach would essentially achieve much of what the Act seeks to achieve. However the test for the section 32 evaluation is that the rules are the most appropriate way to achieve the purpose of the Act. The spot zone approach is administratively cumbersome and does not facilitate a quality planning document which is clear and easy to follow. The Plan is currently under review and one of the Council's guiding principles includes simplifying the existing regulatory framework where practicable so that the Council is a New Zealand leader in the preparation of simple land use planning instruments.⁴ This will require removal of unnecessary repetition and tightening of the Plan structure to create a shorter and sharper document.
47. I consider that the Section 32 Evaluation is inadequate as this additional option has not been contemplated. I have revised the requester's evaluation to include this option, as an amended Option 2. Refer to Appendix 4 for the Revised S.32 Evaluation Report.
48. Overall however, I agree with the Section 32 Evaluation provided in respect to the appropriateness of rezoning the land to commercial. However I consider that the most efficient and effective method for achieving this is by incorporating the new provisions into the existing Commercial zone. This is detailed in Appendix 4 - Revised Section 32 Evaluation Report. In all other respects I consider that sufficient regard has been given to Section 32.

5.3 New Zealand Coastal Policy Statement

49. The location of the subject site is significantly removed from the coast, so this document is not considered to be directly applicable, or compromised, by the Plan Change request.

5.4 Regional Policy Statement (RPS) and Plans

50. A regional council has, under the Act, responsibility to prepare a regional policy statement and plan. The purpose of the regional policy statement is "*to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resource of the whole region*" (Section 59 of the Act). The purpose of regional plans is "*to assist a regional Council to carry out any of its functions in order to achieve the purpose of this Act*" (Section 63(1) of the Act).
51. Therefore, to enable the regional council to achieve integrated management of natural and physical resources, Section 74 of the Act requires regard to be had to regional planning documents when considering a District Plan Change. Pursuant to Section 75 (3)(c) "*a District Plan must give effect to any regional policy statement*" and pursuant

⁴ Resolution 7, RDC District Plan review

to Section 75 (4)(b) “*not be inconsistent with a regional plan for any matter specified in section 30(1)*”.

5.4.1 Operative Regional Policy Statement (Operative RPS)

52. This document contains a comprehensive discussion on issues within the region. Those provisions relevant to this request are discussed below.

Objective 5 – To achieve sustainable Land Use. This is supported by Policy 5.1 *All land in the Region shall be managed sustainably. In particular the adverse effects of land use activities resulting in a significant:*

- a) loss of soil subsidence, landslip or erosion; or*
- b) loss of soil structure;*
- c) irreversible loss of the productive capability of Class I and Class II land; or*
- d) degradation of water quality shall be avoided, remedied or mitigated.*

53. The land subject to the requested Plan Change is already zoned industrial and has been used in this manner in the past. No further loss of soil or land would occur as a result of the requested Plan Change than can occur at present with the existing zoning.
54. A possible source of water quality contamination from any commercially zoned area is stormwater. Stormwater from the subject site would be directed into the Council’s stormwater system, subject to meeting acceptance criteria. This means that stormwater contamination is unlikely to occur.
55. Horizons Regional Council (HRC) has submitted that the site is contaminated as timber treatment operations have previously occurred on the site. In 1997 and 1998 sampling found that there was contamination of the groundwater at the site. A remediation plan was enacted and a validation assessment was undertaken in March 2000 (refer to Appendix 1.7⁵ and HRC submission in Appendix 5). At this time it was confirmed that the targeted contamination had been removed from the site. The validation results indicated that Arsenic and Boron were all below the MfE/MoH (1997) guideline values for industrial paved sites. The report considered that with the significant amount of contaminated soils removed from the site that the groundwater contamination detected would reduce over time and pose no significant environmental or health risk. HRC considers that the following will be required to satisfy this and other objectives:
- an accurate site plan is required to establish that the ‘old well’ and ‘well BH2’ are located within the site or not; and
 - possibly further resampling to confirm the Tonkin and Taylor March 2000 report’s conclusions would be recommended; and
 - a site specific earthworks management plan prior to any site works taking place.

⁵ Remediation and Validation report Bulls Sawmill, Bulls, March 2000, Tonkin and Taylor

Council needs to be satisfied that the remediation works are sufficient for the site to be used for commercial purposes, given that there are various degrees of remediation. It is my recommendation that without confirmation from Horizons that this site is suitable for commercial purposes, the existing Commercial zone rule 19.2.22 should apply to this site.

56. Timber Art Holdings Ltd submits that if the wastewater main that is located on the subject site is to be moved to accommodate the new complex, the submitter requests that he is consulted as the main also runs through land the submitter owns and intends to develop. Whilst this issue is more directly relevant at the development stage Mr Anderson, Council's Water Manager, has been in discussion with the submitter. I understand that an undertaking has been given that the submitter will be included in discussion about any future relocation of the wastewater mains.

Objective 6 – To avoid, remedy or mitigate the adverse effects of urban development. This is supported by Policy 6.1 – *In providing for urban development the social, economic and environmental costs of development are to be considered by taking into account the following matters:*

- a) any increased risks to people and communities from natural hazards, resulting from development; and*
- b) the retention of options for future use of Class I and II land; and*
- c) the protection of intrinsic values, amenity values, heritage and cultural values, and the natural features and landscapes of the Region; and*
- d) the protection of areas of cultural, spiritual or historic significance to Maori; and*
- e) the efficient use of resources, including energy, transport and utility infrastructure.*

57. No increase in natural hazards would be anticipated as a result of development, the subject site does not contain Class I and II land, and no areas of cultural significance have been identified.
58. A number of submissions consider the requested use of the subject site to be an efficient use of resources, including the potential to attract business, employment and reduce transport costs to other centres. These matters are discussed further in my report below. Overall however, it can be concluded that commercial development of the site would be an efficient use of resources.
59. The existing District Plan contains a number of policies and objectives designed to give effect to maintaining amenity values. No change to these policies and objectives has been sought, and additional rules regarding landscaping have been requested. I discuss the potential effects on amenity values later in my report, and I conclude that amenity values are not compromised by the effect of the Plan Change request.

Objective 11 To maintain or enhance surface water quality. This is supported by Policy 11.3 – *To promote discharges of contaminants to land rather than water, wherever practicable:*

- a. in areas where groundwater will not be adversely affected and adverse effects from runoff to surface water can be minimised or avoided; and*
- b. where particular concerns have been expressed by tangata whenua, and to ensure discharges of human sewage to rivers and streams are stopped within 15 years unless:
 - i. it is consistent with Policy 11.1 for them to continue; and*
 - ii. discharging to water better meets the purpose of the Act than discharging to land.**

Objective 11 is also supported by Policy 11.4 - *To ensure that adverse effects from hazardous substances discharged to water are avoided, remedied or mitigated.*

60. HRC has concluded in its submission that residual contamination is not considered to pose a significant environmental and health risk for continued ongoing industrial/commercial use, which includes the proposed site development. However, the submission also states that, confirmation of the old well site is required to ascertain whether it is within the subject site or not. Further investigation may be required, at the development stage, if the well is found to be located within the site.
61. It is the intention of the requester that all issues of contamination be addressed as part of the Plan Change process rather than as a condition of the zone, to be dealt with at the development stage. Either of these options could give effect to Objective 11, however based on present information, I recommend that a resource consent is necessary for any commercial activity, to achieve certainty in regard to the issues associated with contamination of the site and the proposed future commercial and retail use. The requested Plan Change would only require resource consent for earthworks activities.

Objective 26 – Avoid, remedy or mitigate the adverse effects associated with landfills, industrial waste disposal and contaminated sites. This is supported by policy 26.1. – *To ensure that all necessary site remediation or mitigation of adverse effects is undertaken on existing landfills, industrial waste disposal sites and contaminated sites.* Policy 26.5 is also relevant – *To ensure contaminated sites are treated as appropriate to remedy or mitigate their adverse effects on the environment, in particular, on human health.*

62. The contaminated nature of the site is discussed in paragraph 55 above. HRC has not to date confirmed that the site is suitable for the requested activities. I recommend that until such time as the regional council is satisfied that the site can be used for commercial and retail activities that the existing contaminated site rule pertaining to commercial and industrial zones be retained in respect of the subject site. Should the wording of the requested Plan Change be adopted, I recommend that to avoid any doubt about what is meant by ‘remediated contaminated land’ a new definition be included.

Objective 30 – To have land transport systems and public utility networks which meet the needs of the Region, while avoiding, remedying or mitigating adverse environmental effects. This is supported through Policy 30.2 – *To minimise the adverse effects of land use and development on the safe and efficient operation of the existing transport system.*

63. The ability of the existing roading infrastructure to accommodate further vehicle oriented retail development has been assessed by Mr Kelly and reviewed by Mr l'Anson. The efficient operation of the transport system is discussed further in my report at section 5.7. The conclusions reached by Mr Kelly and supported by Mr l'Anson are such that I am satisfied that, subject to this report's recommendations, the adverse effects on the safe and efficient operation of the existing transport system will be no more than minor.
64. Overall, I believe the requested Plan Change is able to give effect to the operative RPS.

5.4.2 Operative Land and Water Plan 2003

65. I concur with the requester's statement in section 7.3.2 of the request:

"The quality of surface water and discharges onto land will be maintained and enhanced through techniques such as an interceptor system. Earthworks will be managed through a sediment and control plan and would be developed at the design stage of development. The use of such techniques will assist Foodstuffs in meeting the requirements of the 'Land and Water Plan' should any regional consents be required."

The requested Plan Change identifies earthworks as a controlled activity. However given that the site is contaminated, I recommend retention of the existing commercial zone rule for contaminated land which would make all earthworks Limited Discretionary on this site. Refer to paragraphs 55, 60-62 for detailed discussion of the contaminated site issues.

5.4.3 Proposed One Plan (Proposed RPS)

66. The Proposed One Plan was notified on 31 May 2007, and includes a combined Regional Policy Statement, Regional Coastal Plan and Regional Plan. A number of submissions were lodged at the close of submissions on 31 August 2007. Further submissions closed on 19 December 2007. Hearings for the Proposed One Plan are ongoing in 2010. The weighting placed on the Proposed One Plan is therefore limited. The provisions relevant to this Plan Change request are identified and discussed below.
67. In relation to contaminated discharges, as discussed above, it is the intention of the requester that all issues of contamination be addressed as part of the Plan Change process rather than through a resource consent process at the development stage. Either of these options could give effect to Objective 3-2. At this point Policies 3-12 and 3-13 do not apply to the subject site as the site is not listed with the regional council as a contaminated site. My recommendation at paragraph 55 is necessary given the lack of information presently available regarding contamination of this site, given the propose changed in use, and would better give effect to Objective 3-2 and Policies 3-12 and 3-13 than the requested Plan Change. (Refer to Appendix 7 for a copy of these One Plan provisions).

68. Chapter 5 relates to Land, however predominantly covers accelerated erosion. No accelerated erosion is considered to arise from any change in land use given the land has already been developed and is predominantly occupied by a mix of grassed, concreted or compacted gravel areas.
69. Chapter 6 relates to Water, and contains objectives and policies relating to surface water and ground water. There are also provisions for quality and quantity of water.
70. As discussed in relation to the operative RPS, Rangitikei District Council maintains stormwater systems that are required to meet certain water quality rules at the discharge point. Mr Anderson confirms that an interceptor system will be required to be installed by the developer at the building consent stage, as the subject site is contaminated, to ensure no contamination occurs to the receiving environment.
71. Overall the proposed Plan Change is not considered to be inconsistent with the proposed One Plan.

5.5 Rangitikei District Plan (the Plan)

72. The Plan identifies that the settlements within the District are small scale and their sustainability cannot be viewed in isolation. The Plan needs to be sufficiently flexible to enable everyday activities to operate whilst ensuring minimum environmental rules are met.⁶
73. In its efforts to address “community issues”, the Plan states that Council will:
 - *Enable the consolidation and redevelopment of land and buildings within the settlements to optimise the efficiency and effectiveness of use of natural and physical resources⁷; and*
 - *Enable the establishment and operation of a wide range of activities within each settlement appropriate to the character and amenity of each locality.⁸*
74. The Plan goes on to explain that the Council seeks to be permissive in enabling the establishment of activities that are sought by communities and that there will be rules imposed for the control and management of potentially adverse effects.⁹

5.5.1 Objectives

75. The requested Plan Change essentially applies the existing urban environment objectives to the spot zone called Special Commercial zone, without any request to insert any District Plan explanation of what the Special Commercial zone is and why it is necessary.

⁶ Discussion under section 3.2 of the Plan

⁷ Policy 9.4

⁸ Policy 9.5

⁹ Explanation to Objective 9 and supporting policies

76. I consider that the existing objectives are the most effective way to achieve the purpose of the Act, given that the Plan Change does not identify any specific or new issues in the urban context.
77. There is no explanation of the character of the Special Commercial zone included in the Plan Change, to assist Plan users to distinguish it from the two existing and distinct commercial zones. I consider that the indicative development or a similar commercial development could be accommodated easily within either of the existing Commercial and Mixed Commercial zones, but I note that the character of the subject site and the rules proposed are most closely aligned with those of the Commercial zone. I consider that the intent of the Plan Change, to achieve a commercial zoning of the subject site and to facilitate a specific development, is most effectively and efficiently achieved by incorporating the Plan Change within the existing Commercial zone. Refer to Appendices 2 and 3 for Recommended Plan Provisions which demonstrate this option.
78. The objectives and policies of the Plan that are most applicable to this proposal are those contained in Section 3.2 of the Plan, being Significant Resource Management Issues for the Urban Environment:

OBJECTIVE 9: *Sustainable management of the use and development of the natural and physical resources of the settlements of the District; and an appropriate mix of infrastructure, facilities, and activities to enable the settlements to function as vibrant and attractive communities.*

79. As the requested Plan Change is to allow for a supermarket and up to 2100m² of other retail activities as permitted activities, the effect on the roading environment, as part of the physical environment, has been considered. Mr l'Anson is satisfied that suitable traffic management solutions exist to enable the accommodation of higher traffic flows on the state highway. This is discussed in more detail later in my report. Mr l'Anson came to the same conclusion as Mr Kelly that

“overall the Plan Change and the pattern of retail development which this would enable would not give rise to any significant adverse effects upon the transportation network”¹⁰.

80. A number of submissions consider the Plan Change appropriate to encourage new growth and employment. NZTA did not submit as it believes traffic issues can be resolved at the development stage, refer to Appendix 6 for a letter from NZTA.
81. The Plan Change will enable a level of growth and mix of activities in a way, or at a rate, commensurate with the needs and expectations as well as the growth opportunities of the Bulls community. The current industrial zoning enables a range of uses on the subject site whereas the requested Plan Change significantly limits this range to primarily retail activities. However my recommended use of the existing Commercial zone, with minor changes would enable a wider range of potentially

¹⁰ Bulls Transportation Impact Assessment, section 6.1

higher amenity activities to establish. The uptake and success of any use of the site will reflect the community's needs and growth.

OBJECTIVE 10: Maintenance and enhancement of the individual character and amenities of the different parts of each of the settlements of the District.

82. The subject site is currently zoned Industrial. The requested Plan Change includes rules to enhance the existing amenity values, including landscaping rules, as discussed in section 5.6 of my report. I support these provisions, but recommend a further rule be included to ensure the ongoing survival and maintenance of required landscaping. I consider this to be appropriate to maintain and enhance the amenity values of the subject site and surrounding environment and ensures compliance with Objective 10.
83. Traffic and pedestrian safety have been assessed by Mr Kelly and reviewed by Mr l'Anson. The report includes an assessment of an indicative development of the subject site. It identifies how issues such as increased pedestrian demand to cross the state highway might be addressed, with provision of a pedestrian refuge. The amenity values of the area for pedestrians would likely be maintained by commercial development of the site and the overall impact of traffic generated will likely be no more than minor, provided that changes recommended to activity status, notification, traffic and access are adopted.
84. In relation to parking availability, Mr l'Anson concurs with Mr Kelly's assessment that the inclusion of a lower parking requirement for the other retail tenancies on the subject site sensibly recognises the lower parking demands associated with such activities and the pooled nature of the parking provided, whilst ensuring that the site as a whole would remain self sufficient with regard to parking provision¹¹.

5.5.2 Policies

85. The Plan already comprises a comprehensive series of policies for commercial zoned activities. The requested Plan change repeats the existing policies for the spot zone, except for two variations:
 1. A new policy is proposed as Policy 10.S.4 – which I consider is better identified as a rule. This is detailed in paragraph 40; and Appendix 2.
 2. The requested Plan Change wording of Policy 9.2 provides more realistic guidance that activities should each 'contribute to', rather than be responsible for 'achieving' a safe and efficient land transport network. The existing policy sets a high threshold which no activity could reasonably be expected to achieve in isolation.
86. In summary the existing policies will adequately provide for commercial activities to be established on the subject site, whilst maintaining the integrity of the Plan and ensuring that the objectives of the Plan are achieved. However I consider that

¹¹ Bulls Transportation Impact Assessment page 12

repeating these policies in a new Special Commercial zone, related only to this site, will be an unnecessary cost to the community which will also compromise the integrity of the Plan.

5.5.3 New and Amended Rules

5.5.3.1 Zoning

87. Zoning has been adopted as a planning technique throughout the Rangitikei District Plan. For reasons of consistency and to provide clarity for Plan users whilst still achieving the purpose of the Act, the technique of zoning in conjunction with the new policy and other rules, is in my view the most appropriate way to achieve the objectives of the Plan.
88. The Plan comprises two existing commercial zones and the requested Plan Change seeks to introduce a third commercial zone specifically for the subject site, essentially a spot zone.
89. The Plan Change request identifies that the current industrial zoning of the subject site is not the most appropriate zoning for the area and in particular for the activities intended to be established on the site. The request identifies that there is a lack of commercial space in the Bulls community, particularly for large retail activities.
90. The request goes on to identify that industrial use of this site does not complement nor support the nature of the surrounding activities (namely fast food/ retail outlets, petrol stations and vehicle servicing).¹² The requester considers that it would be more suitable to zone the subject site commercial due to the site's proximity to the town centre and surrounding residential community.
91. I concur with the above observations. I would add that the highly visible nature of the subject site, being adjacent to the state highway, also acts to make it less suited to typical industrial activities and more suited to commercial activities. Commercial activities could be expected to enhance the amenity values of the area, subject to mitigation of any adverse effects on the safe and efficient movement of traffic along the highway.
92. It is noted that the majority of submitters support use of the subject site for commercial activities.

5.5.3.2 Permitted Activities

93. The Plan Change request would enable one supermarket (1800m² gross floor area) and other retail activities (total gross floor area 2100m²) to establish on the subject site. The affects of activities of this scale, cannot be readily assessed and there are numerous options for addressing such affects, as the indicative development plan demonstrates (Refer to Appendix 1.4). I do not accept that it is possible to deal with the potential adverse effects within a Permitted activity status. I recommend that the

¹² Section 3.2 of request

activities be identified as Limited Discretionary activities whether in a spot zone or merged into the existing Commercial zone. The adverse effects of such large scale activities can best be sustainably managed on the subject site, by obtaining resource consents which adhere to existing, requested and recommended rules, as detailed in Appendix 2.

94. I note that retail activities are presently identified as Permitted activities in the Commercial zone. The resource management effects of different scaled retail activities are managed by thresholds identified within the current (conditions) rules that Permitted activities must satisfy. This means in effect that any retail activity adjacent to a state highway in the District, which generates 100 or more car movements or equivalent per day, is deemed to be a Limited Discretionary activity. I recommend that this approach be retained to apply to this subject site and that requested Rules 19A.1(a), (b) and 19A.3(a) be rejected.
95. I accept that the other activities identified as Permitted activities in the requested Plan Change, being Fuel Facilities for up to 3 fuel bays, Signage associated with retail activities, and Construction and alteration associated with retail activities can be provided as permitted activities as they will also be subject to the permitted rules (conditions).
96. The existing Commercial zone rules ensure that the Plan is effective and efficient in achieving the purpose of the Act. The Plan Change requests, other than activity classes, new or amended rules for the subject site relating to building coverage, lighting and glare, signage, provision of pedestrian verandas, contaminated sites, vehicle accessways, landscaping, masts and antenna and notification. With the exception of building coverage, contaminated sites, vehicle accessways and notification, I consider that the requested new and amended rules together with existing rules in the Commercial zone, will act to maintain or enhance the amenity values of the subject site and surrounding area and facilitate commercial development in a sustainable manner.
97. I do not consider the rule restricting building coverage of the subject site is necessary. Following the requested Plan Change being adopted subject to modifications recommended, the Plan would contain rules relating to on-site parking, access, landscaping, building scale and location. I consider that compliance with all of these rules would ensure that the site is not fully covered by buildings. This is assumed to be the purpose of requested rule 19A2.20. Neither of the existing commercial zones contain rules relating to building coverage. I recommend that this requested rule not be adopted into the Plan as it is not necessary and would diminish the integrity of the Plan.

5.5.3.3 Vehicle Access and Parking

98. Mr l'Anson has reviewed the traffic report and is satisfied that suitable traffic management solutions exist to enable the accommodation of higher traffic flows on the state highway and that ultimately the potential traffic effects on the roading environment, of most of the requested Plan Change would be no more than minor.

NZTA has confirmed in a letter to Council that they are roughly of the same opinion, refer to Appendix 6.

99. However neither Mr l'Anson nor I accept the reports recommendation that requested rules be included relating to vehicle accessways, which delegate approval to NZTA, (refer to requested rules 19A.2.12.1 and 19A.2.12.1 in Appendix 1.2). Neither do we accept the requested Plan Changes removal of the opportunity for affected parties to participate in the process, as provided for by requested rule 19A.7.1 relating to notification. I recommend these requested Plan Change rules not be adopted. This would ensure that Council continues to determine whether there are affected parties on a case by case basis and whether the design of vehicle accessways achieves the objectives of the Plan.
100. McDonald's Restaurants (NZ) Ltd raises specific concerns around the traffic impacts of development, of the subject site, on surrounding properties and businesses. The Plan Change process does not normally necessitate the approval of the detailed vehicle access design and location. However, this Plan Change identifies activities with potentially adverse effects on the operation of the transport network as Permitted activities. The Plan Change, as stated above, also seeks to remove opportunities for potentially affected parties to participate in the determination of suitable traffic management solutions for the site.
101. I consider that the submission by McDonald's Restaurants (NZ) Ltd raises valid concerns in relation to vehicle access and affected party participation. The issues raised, highlight the inherent difficulty with seeking to retain flexibility for the design of the subject site whilst seeking to obtain certainty around the Permitted status of the activity. It is my opinion that accessway design and location cannot be determined by a third party (NZTA), instead of a consent process and where the rights of potentially affected parties to be notified are removed. The submitter considers requested rule 19A.2.12.2 to be ultra vires. I agree with this submission as the rule transfers discretion to NZTA to determine whether the activity is Permitted or not.
102. I recommend that the decision over vehicle access design and location be retained by Council, through a resource consent process where Permitted rules are not met. In addition, the potential adverse effects are sufficiently major to warrant the retention of opportunities for potentially affected parties to participate.
103. In relation to vehicle access crossings, I do not consider there are resource management reasons or that the site is so unique to warrant it being treated differently to any other site adjacent to the state highway in the vicinity. Existing Plan rules in Section 23.1 should continue to apply to the subject site. I accept that it may well be possible to design the site entrances to provide alternative access and traffic management solutions that achieve the Plan objectives. However I cannot support such considerations being determined as requested, on a Permitted activity basis. Such activities should continue to be considered as Limited Discretionary activities, with the existing notification provisions retained to enable notification of requests if Council considers it necessary.

104. McDonalds Restaurants (NZ) Ltd does not accept that the proposed entrances to the subject site will not impair either the safety or efficiency of traffic movements, as there is no clear measure of traffic volumes. The Transportation Impact Assessment report proposed that the existing rule restricting the number of vehicle crossing places be replaced to clarify that the limit of two access crossings is not per site but per frontage. Mr l'Anson concurs with this requested rule change. I recommend that the existing rule be amended to insert 'on each frontage' and the new rule not be adopted into the Plan.
105. The Transportation Impact Assessment report also seeks to replace an existing rule relating to minimum distance between vehicle crossings and intersections so that it does not apply in 50km/hr posted speed zones. However the original rule, as I read it, only applies to properties located adjacent to a road with a posted speed limit of 100km/hr. In this case the existing rule would not apply to the subject site as it is within the 50km/hr posted speed zone. No change to the rule is required. I recommend that the rule not be adopted into the Plan.
106. The Plan Change provides for a discount in the provision of parking on the subject site, for smaller retail activities locating alongside the proposed larger supermarket. This takes account of the wide variance in parking demand between activities, and the ability of parking facilities to be shared by activities within the site. This seems an efficient and effective use of the limited land resource with no more than minor adverse effects likely. Mr Kelly identifies that the site can still remain self sufficient with regard to parking provision, in relation to the indicative development.¹³.

5.5.3.4 Controlled Activities

107. The Plan Change request provides for supermarkets greater than 1800m² and earthworks associated with Permitted or Controlled activities on the subject site as Controlled activities.
108. The instances where provision for a supermarket greater than 1800m² as a Controlled activity, are likely to be applied are very limited. The activity must comply with all the Permitted activity rules to fall into the Controlled activity category. Any proposal which meets the Permitted activity rules is likely to involve only a slightly greater gross floor area than is the requested limit for permitted supermarket activities. Anything more is likely to contravene at least one of the Permitted activity rules, thus giving the proposal Limited Discretionary status.
109. Given that my recommendation is that retail activities should remain as Permitted activities with larger activities such as the supermarket scale caught by the limit of no more than 100 car movements or equivalents per day. The effect is to make larger retail whether supermarket or not a Limited Discretionary activity in the Commercial zone.

¹³ Bulls Transportation Impact Assessment, page 12

110. It is appropriate to retain control over earthwork activities and especially consideration of the management of contaminated materials on the subject site. I consider that such control should have included consideration of the appropriateness of the remediation work in relation to a specific proposal for the site. This would be an efficient and effective way to minimise risks to the environment, whilst maintaining opportunities to provide for community health and wellbeing.

111. My recommendation in relation to the contaminated site issue as detailed, in paragraph 55 above, is that effectively activities on contaminated sites will have Limited Discretionary status on the subject site. Therefore, it is not necessary to carry through the matters for which control was requested as Council will have discretion retained over all matters to do with the contamination of the site.

5.5.3.5 Limited Discretionary Activities

112. The Plan Change provides for retail activities greater than 2100m² gross floor area on the subject site to be assessed as Limited Discretionary activities. Discretion is limited to effects on the town centre, extent that buildings, driveways and car parking complement the character of the site as a whole, and the effects of additional traffic generated.
113. I recommend that the extent to which signage complements the subject site as a whole should also be a consideration. Signage can have significant impact depending on the scale, design and location on the site. The requested rule 19A.2.15 states that where possible only one sign shall be erected for all retail activities. This does not preclude other signs. An increased scale of retail activity is likely to have a similar impact on demand for signage.
114. All supermarket and combined retail activities on the subject site as requested, should fall into the Limited Discretionary activity category. This is particularly true if the discretion for NZTA to determine vehicle access, as requested in Rule 19A.2.12, is rejected as ultra vires and the existing Commercial zone rules are applied. The impact of that decision, would mean that any activity of the scale requested in the Plan Change would not comply with the vehicle access rules. In addition as the contamination issues have not been resolved this matter would also require a Limited Discretionary consent.

5.5.3.6 Notification

115. The Plan Change introduces additional provisions relating to notification of Controlled and Limited Discretionary resource consents. The existing rules for notification are contained in Section 14.2 of the Plan. However the requested Plan Change goes much further to say that written approvals will not be required for Controlled or Limited Discretionary activities, in relation to limited notification under the Act, adversely affected persons need not be served and consents need not be notified. The Plan presently provides the discretion for Council to determine these matters based on a case by case assessment. McDonalds Restaurants (NZ) Ltd submits that a determination on such matters should be made at the time, having regard to the specific nature of the proposal and the provisions of the RMA.
116. I recommend that the requested rule 19A7.1 not be adopted into the Plan and the existing Plan provisions continue to apply to the subject site. Existing rules in Section 14.2 of the Plan presently apply to every site in the District and have previously been determined to minimise risks to the environment, whilst maintaining opportunities to provide for community health and wellbeing. I can identify no exceptional reasons or site uniqueness which warrant treating this site differently in respect to notification.

5.6 Amenity and Landscaping

117. The Plan does not presently require landscaping provision in either the industrial or commercial zones, except to screen activities from residential boundaries. The sites to

the north and south are zoned Industrial and the request does not impose any landscaping requirement in that circumstance.

118. The Industrial zone rules for amenity and landscaping essentially provide for the achievement of lower amenity values on the subject site, as is consistent with enabling the establishment and operation of industrial activities. A submitter, Bronwyn Meads, notes that the site is presently unsightly.
119. The Plan Change requests new landscaping rules. The rules would require the state highway frontage of the subject site to be landscaped with trees or equivalent suitable landscape works. The site would also be planted to a minimum width of 2 metres, along the eastern boundary where it adjoins the Rural zone. These new provisions are likely to significantly enhance the amenity values both on the state highway frontage but also the view from the rural zoned escarpment and surrounding land to the east. I recommend that a further rule be inserted to ensure that planting is maintained to facilitate the survival of trees and shrubs in the short term and the quality of landscaping generally in the longer term.
120. The Plan Change will facilitate the achievement of relatively higher amenity values than presently exists on the subject site. This is appropriate given the surrounding land uses and the highly visible nature of the site to significant volumes of passing traffic and pedestrians.

5.7 Traffic

121. As the intent of the Plan Change is to encourage a range of retail activities on the subject site, and as these types of activities are likely to be vehicle orientated, traffic effects must be considered carefully. The Transportation Impact Assessment report, submitted with the request, acknowledges that *“the use of this land for primarily retail purposes would give rise to additional traffic movements and parking demands in the immediate area. These would have the potential to affect the efficiency and safety of the adjoining road network¹⁴.”* This report and submissions have been reviewed by Mr l’Anson.
122. The report includes an assessment of an indicative development of the subject site. It identifies how issues such as increased pedestrian demand to cross the state highway might be addressed, with provision of a pedestrian refuge. The provision of a full crossing is not, according to Mr Kelly, supported by NZTA as it would result in unacceptable disruption to the movement of through traffic. Mr Kelly identifies that within the subject site, pedestrians will have priority over vehicle movements and vehicle speeds will be controlled.
123. Timber Arts Holdings Ltd raised concerns about the safe movement of pedestrians. Given the volume of traffic likely to be attracted to the subject site, some form of pedestrian safe route to and through the site may be warranted. The submitter also raises concerns about the safety of the alignment of the Dalziel Street intersection for

¹⁴ Bulls Transportation Impact Assessment, page 7.

truck turning movements. These issues will be addressed at the detailed development stage. It is sufficient for Council to appreciate the issues and that there are suitable solutions that could be implemented by a developer of the site.

124. In relation to parking availability, the indicative development would result in the loss of existing roadside parking adjacent to the subject site and a total of 175 parking spaces on site. This is roughly 20 spaces less than would presently be required for similar activities on other commercially zoned sites. Mr l'Anson concurs that the Plan Change would result in sufficient provision of parking spaces. He concurs with Mr Kelly's assessment that the inclusion of a lower requirement for the other retail tenancies on the site sensibly recognises the lower parking demands associated with such activities and the pooled nature of the parking provided, whilst ensuring that the site as a whole would remain self sufficient with regard to parking provision¹⁵.
125. This is consistent with my observation that the existing commercial parking provision requirements are more onerous than in some other similar settlements¹⁶.
126. NZTA have been consulted and in a letter to Council advised that they did not wish to submit to the Plan Change process. They have met with the requester on two occasions in relation to the specific details of a proposed development of the subject site. *"NZTA would like to be consulted prior to final design of development for the site being notified by way of a resource consent, if required or to it being approved by Council."* NZTA has identified a small number of issues of concern, but considers these can be easily resolved and are more appropriately addressed at the development stage. Refer to Appendix 6 - Letter from NZTA.
127. Timber Arts Holdings Ltd also raises the potential for the commercial development of the subject site, following the Plan Change, to better provide pedestrian linkages between existing retail areas and the site. This matter is outside the scope of the Plan change, but could be considered at the development stage. I consider it likely also that the requested Plan Change would lead to development that may reduce transport costs and trips for locals, travelling to other centres, as a greater variety of goods and services is made available.
128. McDonalds Restaurants (NZ) Ltd raises a number of concerns in relation to traffic impacts of development of the subject site, under a Commercial zoning. I deal with each in turn below:
129. The submitter believes that the policies only deal with effects on the public road from access and parking, and do not acknowledge that these effects may extend to businesses in the immediate vicinity. I have reviewed all policies relating to the Commercial zone and consider that existing Policy 9.2, as amended by the Plan Change, policies 10.2, 10.3, 10.C.3 and 10.C.4 together enable proper consideration of traffic effects on adjacent public roads and the surrounding environment. It follows in my opinion that if a specific development causes adverse traffic effects on other

¹⁵ Bulls Transportation Impact Assessment page 12

¹⁶ Gisborne District Combined Regional Land and Plan.

activities in the vicinity then neither Policies 9.2 nor 10.2 would be satisfied. It is Council's role to satisfy itself prior to permitting an activity that adverse effects will not occur. Council must be satisfied now that the requested Plan Change includes sufficient mechanisms to achieve a sustainable outcome. I consider that the policies as amended by the Plan Change are adequate. However this report recommends significant amendments to the requested rules, in order to achieve the Plan policies and objectives.

130. The submitter is concerned that the requested Plan Change does not adequately address adverse effects. As stated above the requested Plan Change, as amended in this report, provides adequate mechanisms for specific proposals to be reviewed and managed to ensure that the purpose of the Act are achieved. Specific adverse effects will be addressed at the development stage. In my opinion, based on assessments by both Mr Kelly and Mr l'Anson, there are potentially appropriate solutions to the potential range of adverse effects that may be generated by development of this subject site for commercial activities as provided for by the Plan Change. A Limited Discretionary consent process, as recommended in this report, will ensure that suitable solutions are implemented to address adverse effects associated with the state highway.
131. The submitter is concerned also that given the significant amount of retail permitted as of right on the subject site, that the Plan Change does not provide certainty around the location or design of the proposed access as part of the rezoning. Mr l'Anson has expressed similar concerns and I concur with his view that Council should maintain a degree of control via a resource consent process. Firstly this will ensure that the final site design does not have any adverse effects and secondly, that affected parties are able to participate given the potential scale of developments on the site. I have made recommendations that will ensure that the site is bound by the same vehicular accessway rules as other sites zoned Commercial. There are no exceptional reasons to treat this site differently, as the Plan Change requests.
132. McDonalds Restaurants (NZ) Ltd submits that they consider that more detailed information in relation to likely traffic movements to be generated is required. Mr Kelly identifies that *"At this stage, the proposals are in a preliminary form only and some uncertainty exists with respect to the number of traffic movements likely to be associated with the site. As a result, these assessments, whilst necessarily coarse, are considered to be sufficiently robust to determine the general scale of any impacts associated with retail activity on this site."* This is not a resource consent process. It is a privately requested Plan Change and the requester does not need to identify any indicative proposal other than to demonstrate the general scale of any potential adverse effects, and to demonstrate options for addressing these effects. Mr l'Anson has reviewed the traffic assessment and is satisfied that subject to amendments to require a resource consent process, adverse effects can be addressed.
133. While concerns have been raised about a lack of detailed assessment in relation to the indicative development of the subject site, in terms of traffic effects on the roading network and the surrounding area, the expert evidence concludes that *"overall the*

plan change and the pattern of retail development which this would enable would not give rise to any significant adverse effects upon the transportation network.” However, as detailed at section 5.5.3.3 of my report, I do not support Mr Kelly’s recommended inclusion of a rule which is ultra vires, as such I recommend that a resource consent process is required, along with retention of options for notification, as detailed in Section 5.5.3 of this report.

5.8 Effects on Existing Activities and Businesses

134. The Plan Change request notes that the resource management issue being addressed is the lack of commercially zoned land in Bulls. More specifically there is a lack of large commercial zoned sites available for a mixed retail development.

135. The request includes a report entitled Land Use Survey Bulls, that assesses the suitability of 5 blocks covering the majority of commercial, mixed commercial and industrial holdings and any residential on the fringe that could be used as a logical extension to existing industrial or commercial zones.

136. A number of submissions support the Plan Change and identify that the community had actively encouraged the use of this site for a mix of retail activities and specifically a supermarket. Support for the Plan Change implies support for the subject site as suitable for retail activities.

137. The Land Use Survey-Bulls report states:

“the majority of the land uses (70%) will be positively affected by the proposed development. The only land uses that may potentially be negatively affected ... is in the retail sector.”¹⁷

138. The report identifies that some retail activities may experience low or medium negative effects which will be either no more than minor or may cause a short term loss of trade for between 6 months – 2 years duration. The report identifies that retail development of the subject site could have a high positive contribution for the majority of landuses and that the potential for adverse effects is low for the indicative development. This is detailed further in paragraphs 31 and 32 of this report.

139. I accept and adopt the findings in relation to the Land Use Survey –Bulls prepared by SKM consultants. A number of submissions support this assessment.

5.9 Evaluation of the Requester’s Assessment of Environmental Effects

140. The request includes a detailed assessment of environmental effects (AEE) at Section 5 of the request report. I generally concur with the information and assessment of effects, in so far as it relates to the zoning of the site from industrial to commercial. In relation to contamination, I note the concerns raised in the submission from HRC still need to be addressed, and I have discussed these issues in section 5.4 of this report.

¹⁷ Land Use Survey- Bulls, prepared by SKM, March 2009, Page 19.

141. In relation to traffic effects, I have made recommendations discussed above at Section 5.5.3.3 that do not support the inclusion of the requested rules relating to vehicle access. In relation to amenity values, I concur that a commercial zoning will assist to enhance amenity values of the area, but I do not agree that a spot zone is required to achieve this outcome. Refer to Section 5.2 for a detailed discussion of this issue.
142. I also note the comments in Section 6, of the Plan Change request report, relating to consultation undertaken by the requester. The summary of discussions with Council is noted. In regard to use of spot zoning, the comments may more accurately reflect the individual Council officer's views at the time rather than those of Council. My assessment of the requested Plan Change and my report provide rationale and recommendations for adopting a different approach to achieve a commercial zoning of the subject site.

6 Conclusions

143. Benefits that arise with this requested Plan Change include:

- The change will result in the efficient use of land.
- There are a number of economic and social benefits from allowing a mix of retail activities to establish on the subject site near the commercial centre of Bulls.
- Commercial activities will have a positive impact on amenity values relative to the existing industrial zoning.
- Landscaping, as requested and with the recommended additional rule, will have a positive impact on amenity values.

144. Concerns that exist in relation to this requested Plan Change include:

- The spot zone method creates unnecessary repetition and complexity in the Plan.
- Provision for large scale retail activities as Permitted activities removes the ability for affected parties to participate in a resource consent process to ensure adverse effects are avoided remedied or mitigating when determining vehicle access to the subject site.
- Removal of notification and/ or written approval requirements in regard to Controlled and Limited Discretionary activity resource consent applications for the subject site.
- Maintaining traffic safety and the impact on the existing roading environment and businesses in the vicinity.
- Recognising the need to protect existing infrastructure on the subject site especially where it services other properties.

145. I conclude that the intent of the requested Plan Change to achieve a commercial zoning of the subject site is supportable as it satisfies the requirements of the Act, is consistent with the existing District Plan objectives and policies and is appropriate given the physical character and activities of the site and surrounding environment.
146. However, I conclude that the rules required to ensure that this zone change achieves the purpose of the Act and the objectives and policies of the Plan, differ significantly from those of the requested Plan Change. The most significant differences are my recommendations that large retail activities should require a Limited Discretionary activity status, and that the requested Plan Change rules relating to contaminated sites, vehicle access and notification be rejected. Refer to Section 7 for details of all recommendations.
147. It is my view that the only way that the property owner could achieve Permitted status for the requested activities, would have been to request a Plan Change that included a structure plan for the site that was to be included in the District Plan. The structure plan could have provided certainty about what was to be included on the site and addressed all the adverse effects. This approach would have enabled activities in accordance with the adopted structure plan to be Permitted activities. However, Council has been asked to approve or reject Plan Change 25 and it must deal with the request as submitted.

7 Planner's Recommendations

7.1 It is Recommended to Council that:

1. The Revised Section 32 Evaluation report, attached as Appendix 4 to this report, be adopted in accordance with S.32(2)(a) of the Resource Management Act 1991.
2. Late submissions from Hew Dalrymple and Josephine Rangooni, both received on the 4th February 2010, be accepted as submissions to Plan Change 25.
3. Delete reference to Transit New Zealand in Rule 19.2.18(d) and replace with reference to the New Zealand Transport Authority as a minor amendment in accordance with Clause 20A First Schedule of the Resource Management Act 1991.
4. Privately requested Plan Change 25 lodged by Foodstuffs (Wellington) Cooperative Society, relating to land located adjacent to Bridge Street, Bulls be approved with modifications as set out below:¹⁸:
 - a) Zone the subject site Commercial and identify the subject site as a Comprehensive Development Area on Planning Maps 28 and 29. Refer to Appendix 3.

¹⁸ All recommended changes are made as a result of the McDonalds Restaurant NZ Ltd submission or HRC submission.

- b) The spot zone approach be abandoned and the requested Plan Change 25 provisions be merged within the existing Commercial zone, with specific amendments to be made, as detailed in Appendices 2 and 3 of this report, and set out below:

Note: The operative Plan text is black, requested text is red and amendments by submission are blue.

- c) Insert a new definition in the Glossary for 'Comprehensive Development Area (CDA):

“Comprehensive Development Area or CDA identifies a site legally described as Lot 1 DP 303377, Lot 2 DP 303377, Lot 4 DP 12164, Lot 1 DP 306896, and Lot 7 DP 12164 contained in Certificate of Titles 13562, 13563, 26913, WN487/87, WN728/36 and located on Bridge Street, Bulls. The lot is identified as “CDA” on Bulls Urban Planning Maps 28 and 29.”

- d) Reject the adoption of requested Plan Change Rules 19A.1(a), 19A.1(b), 19A.3(a) and 19A.4.1 relating to the status of specific retail activities and instead rely on existing Plan Rule 19.1(a).
- e) Reject the adoption of requested Plan Change Rule 19A.2.20 relating to building coverage.
- f) Amend Rule 19.2.20 by inserting a new section to read:

Within any Comprehensive Development Area (CDA) as defined on the planning maps, all permanent buildings shall incorporate a veranda above any pedestrian footpath. Such verandas shall extend the full width of the footpath along the frontage of the building. In the specific case of any supermarket development or other retail activity which will usually may be set back from the road frontage, a pedestrian shelter and veranda shall, where practical, be incorporated and developed.

- g) Retain existing Plan Rule 19.2.22 Contaminated Land without change to read:

No activity shall take place and no structure or building shall be constructed on any land that is known by the Council to be a contaminated site, or is potentially a contaminated site due to the nature of the activities known by Council to have previously been carried out on that site.

- h) Reject the requested Plan Change Rules 19A.3(b) and 19A.4.2 relating to Earthworks as a Controlled activity.
- i) Amend the wording to the requested Plan Change Landscaping Rule 19A.2.21 relating to perimeter planting and process to read:

(b) Perimeter Planting

- *An amenity strip of not less than 2 metres in width shall be provided along the CDA boundary where it adjoins any visible activity which is part of a differing zone (particularly more sensitive zoning of residential, recreational or protected landscape/activities) site zoned residential or rural.*

- Planting of this strip shall include specimen trees capable of attaining a height of 5 metres or more, planted at a minimum frequency of one tree every 7 metres along the length of the amenity strip.

Process

- a) All planting within a CDA shall be completed before any buildings on the site are occupied or, where this is not seasonally practicable, within the first planting season after completion of the buildings.*
- b) A 2 year maintenance programme of mulching, watering and weeding is required to ensure the survival or replacement of all trees and at least 80% of shrubs.*
- j) Amend existing Plan Rules 19.3(a) – (c) to exclude them from applying to the CDA as intended by the requested Plan Change:
- (a) Any subdivision of land (excluding land within a Comprehensive Development Area (CDA)).
- (b) The placement of any second-hand re-located or re-cycled building on any site (excluding land within any CDA)¹⁹.
- (c) Any temporary military training activity that fails to comply with the conditions for that activity (excluding land within any CDA)
- k) Insert a new section 19.6, as set out below, and renumber as necessary:
- 19.6 Conditions for Limited Discretionary Activities**
- (a) *Within any CDA any proposed retail activities with a combined gross floor area greater than 2100m² Council shall limit its discretion to:*
- 1. The effect of that retail on the Bulls Town Centre*
 - 2. The extent to which buildings, signage driveways, car parking and other developments size, location, scale and design complements the character of the site as a whole; and*
 - 3. The extent to which additional traffic generation avoid adverse effects on roads giving access to the site.*
- (b) *For all other activities the matters over which the Council will exercise its discretion shall be limited to the effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.*
- l) Reject the adoption of requested Plan Change Rule 19A7.1 relating to Notification/Non Notification.
- m) Amend Rule 23.1.1 at bullet point 5 to read:
- *For sites in urban areas or rural settlements, which have frontage of more than 30 metres to a public road, no more than two vehicle crossing places shall be permitted on each frontage provided there is a minimum distance of 7.5 metres between those crossing places.*
- n) Reject the adoption of requested Plan Change Rule 19A.2.12 relating to Vehicle Access.
- o) Reject the adoption of requested Plan Change Policy 10.S.4 and insert new Rule 23.1.2(d) to read:
- (d) *In relation to any Comprehensive Development Area (CDA) no servicing is to take place from a state highway.*

¹⁹ PC25 Rules 19A.3

- p) Insert a new definition for Fuel Service Facilities and amend the definition for Petrol Service Station to read:

Fuel Service Facilities means any land or premises used principally for the retail sale of motor vehicle fuels and for the re-fuelling and servicing of vehicles; incorporating activities which are incidental to the principal re-fuelling activity including the retail sale of motor vehicle accessories, oils, spare parts, and the retail sale of convenience goods; and ancillary services including mechanical repairs, warrant of fitness testing, tyre servicing, and the hire of vehicles. This includes self service refuelling facilities being facilities that are automated and unmanned.

Petrol Service Station means the same as Fuel Service Facilities

7.2 Reason for Recommendations

- a) Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.

8 Recommendations on Submissions

Submission No.1	Bronwyn Meads
Decision Requested	Supports this Plan Change 100 percent. A much needed development in Bulls. A real positive for the town, to enable the process of bringing a supermarket to the town to continue. This will be positive for everybody.
Recommendation Reasons	Accept the submission in part. Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.
Further Sub No.1	Bulls and District Community Trust
Support or oppose Summary	Supports Submission No.1 A real positive for the town, to enable the process of bringing a supermarket to the town to continue. This will be positive for everybody.
Recommendation Reasons	Accept the further submission in part. Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.

Submission No.2	Bulls and District Enterprises (Inc)
Decision Requested	The submitter supports the proposed Plan Change.
Recommendation Reasons	Accept the submission in part. Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.
Further Sub No.1	Bulls and District Community Trust
Support or oppose Summary	Supports Submission No.2 Supports the entire submission.
Recommendation Reasons	Accept the further submission in part. Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.
Submission No.3	Timber Arts Holdings Ltd
Decision Requested	Supports the request. Suggests a designated pedestrian walkway be provided from the car park across Dalziel Street (on the west side of the proposed retail shops) to allow pedestrian access from the new complex to the rest of the High Street. Also suggests that the 'T' intersection corner where Dalziel Street turns right into Funnel Street should be realigned to make it easier for turning trucks. If the wastewater main that is located on the proposed site is to be moved to accommodate the new complex, the submitter is consulted as the main also runs through land the submitter owns and intends to develop.
Recommendation Reasons	Accept the submission in part. Amendments have been recommended to the Plan Change which I believe give effect to the relevant concerns raised in the submission. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.
Further Sub No.1	Bulls and District Community Trust
Support or oppose Summary	Opposes Submission No.3. Foodstuffs indicated that detail would be dealt with after zone change.
Recommendation Reasons	Accept the further submission in part. Recommendations have been made amending the Plan

Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.

Submission No.4	Horizons Regional Council
Decision Requested	<p>Not fundamentally opposed to the Plan Change, but have issues in regards to contamination of the site that need to be addressed to give surety that there are no immediate or long term issues that may arise on the site. HRC requires:</p> <ol style="list-style-type: none"> 1) an accurate site plan showing boundaries and proposed building locations; Further re-sampling may be required. 2) a detailed Earthworks Management Plan prior to any site works taking place. This plan should include, but not be limited to: <ol style="list-style-type: none"> a) setting out methods to mitigate effects of working with potentially contaminated soils; b) plans of stormwater control during excavation; c) details of cut and fill operations; d) provide information to assist in the identification of contaminated areas that may be unexpectedly encountered during earthworks and have contingency plans to deal with such situations; e) soils removed from the site would need to be properly disposed off and not used for agricultural or residential use. 3) Although not directly an issue under the RMA, HRC recommends that measures to protect workers that will be coming into contact with potentially contaminated soils during earthworks and any subsequent foundation and paving works be provided and a site management plan for aftercare be prepared to protect future users especially maintenance workers such as underground service contractors.
Recommendation Reasons	<p>Accept the submission in part.</p> <p>Amendments have been recommended to the Plan Change which I believe give effect to the relevant concerns raised in the submission. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.</p>
Further Sub No.1	Bulls and District Community Trust
Support or oppose Summary	<p>Opposes Submission No.4.</p> <p>Contamination covered in request. Detail does not apply to the zone stage.</p>
Recommendation	Reject the further submission.

Reasons	Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.
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Submission No.5	McDonalds Restaurants (NZ) Ltd
Decision Requested	<p>Seeks that the Council decline the Plan Change or alternatively that the Plan Change be modified to address the matters identified in the submission. Points raised are:</p> <ol style="list-style-type: none"> 1) Proposed policies recognise the potential adverse effect on public roads from access and parking but don't acknowledge these effects may extend to businesses in the immediate vicinity. 2) Significant amount of retail permitted to occur on the site, but there is no mechanism proposed that finalises the location or design of the proposed access as part of the rezoning. 3) The consent process will not provide an opportunity for consultation with potentially affected parties in relation to the effects of a specific proposal. Submitter has particular concerns about traffic effects. For controlled activities, Council can only impose conditions, but not refuse consent. Insufficient information has been provided in the Plan Change to justify such an approach. 4) The Plan Change would require the Council to exercise discretion in respect to a number of the proposed permitted activity rules (which is ultra vires). 5) Due to the scale of activities contemplated by the Plan Change and its potential for significant effects, it is inappropriate for the Plan Change to state that notification of any limited discretionary activity request or written approvals of affected parties will not be required. This should be done at the time of consent request. 6) The traffic assessment does not predict likely traffic movements to be generated by the activities permitted by the Plan Change, there is no detailed assessment of the ability of the main access to accommodate the likely turning movements to and from the site. No survey of the existing traffic environment has occurred. This information is needed to test the potential effects of the new activities on the existing environment. 7) There has been no assessment of the right turn exit movement. This is normally the most difficult movement that incurs the most delay. Delays and queues within the Plan

<p>Recommendation Reasons</p>	<p>Change site will be substantial and may lead to safety issues on Bridge St. This will conflict with any Mobil/McDonald's customers waiting to turn right. No detailed analysis of these potential conflicts has been undertaken. It is not possible to determine whether or not there will be adverse effects on the public road or beyond.</p> <p>8) In its current form the proposed Plan Change does not meet the sustainable management purpose of the RMA, as set out in section 5.</p> <p>9) The submitter requests that:</p> <ul style="list-style-type: none"> a) the requester provide a more comprehensive assessment of traffic effects that deal with the existing traffic environment and predicted traffic movements from the activities permitted by the Plan Change. b) any other relief that will give effect to the submission and any consequential amendment be made. <p>Accept the submission in part.</p> <p>Amendments have been recommended to the Plan Change which I believe give effect to the concerns raised in the submission. It is not considered necessary to decline the request. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.</p>
<p>Further Sub No.1</p>	<p>Bulls and District Community Trust</p>
<p>Support or oppose Summary Recommendation Reasons</p>	<p>Opposes Submission No.5.</p> <p>Dealt with issues in request- matters don't affect zone change.</p> <p>Reject the further submission.</p> <p>Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.</p>
<p>Further Sub No.3</p>	<p>Bronwyn Mead</p>
<p>Support or oppose Summary Recommendation Reasons</p>	<p>Opposes Submission No.5.</p> <p>Plan change is for change of use- traffic flow not relevant.</p> <p>Reject the further submission.</p> <p>Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.</p>

Submission No.6	Hew JT Dalrymple
Decision Requested Recommendation Reasons	Supports the Plan Change proposal to enable Foodstuffs development to proceed, as this will bring more jobs. Accept the submission in part. Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.
Further Sub No.1	Bulls and District Community Trust
Support or oppose Summary Recommendation Reasons	Supports Submission No.6. Gives opportunity for more business and employment for approx 100 people. Accept the further submission in part. Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.
Further Sub No.2	Annabel Whisker
Support or oppose Summary Recommendation Reasons	Supports Submission No.6 Gives opportunity for more business and employment. Accept the further submission in part Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.
Submission No.7	Josephine A Rangooni
Decision Requested Recommendation Reasons	Supports the Plan Change proposal. New business will provide training and employment, and encourage through traffic and visitors to spend money at this and other businesses. Older people will be able to walk to the facility. Accept the submission in part. Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.

Further Sub No.1	Bulls and District Community Trust
Support or oppose Summary	Supports Submission No.7. Positive for long term development. Land is well suited to commercial. Opportunities for youth training and employment and older people to walk to shops.
Recommendation Reasons	Accept the submission in part. Recommendations have been made amending the Plan Change to give better effect to the desired outcome, rather than approving as notified. The Plan Change request as amended by the recommendations in Section 7 is a more effective and efficient way to satisfy the purpose and principles of the Resource Management Act 1991.

9 List of Appendices

- Appendix 1 Privately Requested Plan Change 25
 - Appendix 1.1 Planner’s Assessment Report
 - Appendix 1.2 Requested Plan Provisions- Spot Zone
 - Appendix 1.3 Section 32 Evaluation Report - Spot Zone
 - Appendix 1.4 Site Development Plan- (Indicative only)
 - Appendix 1.5 Land Use Survey
 - Appendix 1.6 Bulls: Transportation Impact Assessment
 - Appendix 1.7 Report of Contaminated Site Status
- Appendix 2 Recommended Plan Provisions- Merged into Commercial Zone
- Appendix 3 Recommended Plan Map- Merged into Commercial Zone
- Appendix 4 Revised Section 32 Evaluation Report - Merged into Commercial Zone
- Appendix 5 Copies of Submissions
- Appendix 6 Letter from NZTA
- Appendix 7 Copy of HRC One Plan Objectives 3-2 and Policies 3-12 and 3-13.