

Amendment to Section 42A report - Section 27 Structure Plans

TO	Proposed Thames-Coromandel District Plan
FROM	Bruce Baker - Senior Policy Planner
DATE	1 April 2015
SUBJECT	Recommendation R 27.7 on Kopu to Thames Structure Plan

1 Issue

Submitters have sought to encourage small to medium scale commercial activities in certain locations at Kopu.

2 Background

The recommendation made in the Section 42A hearing report ('Section 27 Structure Plans'; 24-25 February 2015) included retaining the Kopu to Thames Structure Plan, with some amendments. These amendments were shown in an appendix to the hearing report, but did not include provision for any retail activity that was not directly related to either an industrial or marine activity.

The submission by Thames Community Board (774.1) included several amendments to the Kopu to Thames Structure Plan. One part of this submission point sought to have provision made for retail activities that do not compete directly with or draw activity out of Thames. These activities are described in the submission as "*small to medium scale commercial and industrial activity*". The location shown on a structure plan diagram for these activities is along both sides of the recent extension of Kopu Road from the new roundabout to Pakura Close, and includes Pakura Close (the small cul-de-sac leading to old Kopu Bridge). This submission was supported by Peter Schuler, a landowner in this area.

Following the direction given by the Hearing Panel, discussions have been held with the submitters to consider various options for the provision of retail activity at Kopu.

3 Discussion

Several options were considered for the provision of retail activity at Kopu. These options are listed in the table below.

A section 32AA report may be required, depending on which of the following options is confirmed by the Hearing Panel.

Options		Consequences
1.	Amendment to Section 46 Industrial Zone - Rule 8 'Retail'	Provisions in the Plan include a rule providing for retail activity to serve the travelling public limited to a specified area at Kopu. This retail activity rule does not include wider 'general commercial' activities that are provided for in the Commercial or Pedestrian Core Zones.
2.	Do nothing - no amendment is made to the Kopu to	This option makes no amendments to the Kopu to Thames Structure Plan when it was notified in the Plan. Submissions

	Thames Structure Plan	would be rejected if they sought to amend the structure plan.
3.	Recommendation R 27.7 amendments to the Kopu to Thames Structure Plan	This option retains the recommendation R 27.7 which has included some amendments sought by submitters on the structure plan. These amendments do not provide for retailing activity in the area shown in the Thames Community Board submission. It leaves retail as an activity accessory to industrial activities and marine related activities.
4.	Rely on resource consents to establish retail activities	This option would not provide for a focussed or dedicated retail precinct in Kopu. This is of benefit to the industrial activities in Kopu as reverse sensitivity issues will be managed more effectively. Applications for sites other than the area shown in the Thames Community Board submission may be made.
5.	Rezone land for retail activity	The rezoning option can include an existing zone or creating a specific zone with provision for retail shops. A 'Commercial Zone' will provide for a range of commercial activities to be carried out. This includes commercial activities that are beyond the activity of retailing. A 'Kopu Gateway Zone' is a site specific solution that can be provided for through other options. No submissions have specifically sought this option.

Preferred option - Option 1

In seeking to address the submission by the Thames Community Board, it was considered that an amendment to the Industrial Zone rule for retail activity was the preferred option. The submission sought to encourage small to medium scale commercial activities ('retail activities'), which was already provided for to a limited extent under Rule 8 in the Industrial Zone. With the retention of the Industrial Zone in this location adjacent to the state highway, an amendment to 'Rule 8 Retail' can provide for a range of retail activities.

Rule 8 in the Industrial Zone has been amended to include both retail activities accessory to an industrial activity and a sole retail activity on its own site. The standards in the rule provide for a permitted activity. If the activity is not permitted, it can still be carried out either as a restricted discretionary or discretionary activity. One rule for retail activity, whether accessory to an industrial activity or not, is more logical than having two separate rules for the same activity.

The Restricted Discretionary Activity matters in Section 46 Table 5 have consequently been amended to include matters 8-10. These matters specifically apply to an assessment of a retail activity that is not accessory to an industrial activity. The other matters remain unchanged and will be used to assess a restricted discretionary activity for an industrial activity.

If Section 46 Industrial Zone, Rule 8 is amended as shown in Appendix 1, consequential amendments to other provisions include:

- Section 21 Industrial Area - amend policy to provide for retail activity not accessory to an industrial activity; and
- Section 46 Rule 7.3 - delete "all the matters" and insert "matters 1 - 7"

Option 1 has been provided to the Thames Community Board and Peter Schuler. Peter Schuler has advised that he is happy to proceed with this recommendation to the Hearings Panel. The Thames Community Board has also agreed to the changes to Rule 8.

However the Board has requested that staff review the activities that can occur in the Kaiwhenua Area. The Board's submission sought small to medium scale commercial activities in the Kaiwhenua Area, which is in the Industrial Zone. Other submitters have sought this area to be replaced with a landscaped area. This will need further discussion with the Board on their submission before any further options are presented to the Hearing Panel at the meeting in May.

Kopu to Thames Structure Plan

The Kopu to Thames Structure Plan rules are in addition to rules in the underlying Industrial Zone. The 'Kaiwhenua' area between Kopu Road and the realigned state highway does have specific rules for development in this area that takes into account issues such as stormwater disposal. It is also acknowledged that this area is the first view of the District for many visitors.

4 Recommendations

That the District Plan Hearings Panel:

1. Receives the report.
2. Endorse the amendments to Section 21 Industrial Area; and Section 46 Industrial Zone Rules 7 and 8, where provision is made for retail activities in the Industrial Zone.

APPENDIX 1

PLANNER CAUCUS AMENDMENTS TO PLAN SHOWN AS **RED FONT** (no amendment to the notified Plan shown as black font)

SECTION 21 INDUSTRIAL AREA

Objective 1

Industrial land is provided and serviced in appropriate locations to accommodate the wide range of industrial activities that occur within the District.

Policy 1a

Industrial land shall be protected for industrial purposes and its availability shall not be reduced by the establishment of non-industrial activities, other than:

- specified activities provided for in the Marine Service Zone; and
- activities accessory to an industrial activity on the site; **and**
- **retail activity for servicing the travelling public in specific locations at Kopu;**

SECTION 46 INDUSTRIAL ZONE

46.4 PERMITTED ACTIVITIES

RULE 7 Industrial on Lot 1 DPS 67313, Pt Lot 3 DPS 60395, Lot 2 DPS 60395 and Lot 1 DP339369

1. An industrial activity on Lot 1 DPS 67313, Pt Lot 3 DPS 60395, Lot 2 DPS 60395 and Lot 1 DP339369 is a **permitted activity** provided it meets the standards in Table 2.
Table 2 - there are no changes to this table.
2. An industrial activity on Lot 1 DPS 67313, Pt Lot 3 DPS 60395, Lot 2 DPS 60395 and Lot 1 DP339369 that is not permitted under Rule 7.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to ~~all the matters~~ **matters 1 - 7** in Table 5 at the end of Section 46.

46.5 RESTRICTED DISCRETIONARY ACTIVITIES

RULE 8 Retail

1. Retail is a **permitted activity** provided:
 - a) it meets the standards in Table 4 at the end of Section 46; and
 - b) it is accessory to an industrial activity.
2. Retail that is not permitted under Rule 8.1 a) is a **restricted discretionary activity**.
3. The Council restricts its discretion to **matters 1 - 3, 6 and 7** in Table 5 at the end of Section 46.
4. Retail that is not permitted under Rule 8.1 b) is a **restricted discretionary activity** provided:
 - a) the maximum building height is 10 m; and
 - b) the activity is located on:
 - i) Lot 2 DPS 18577; or
 - ii) Lot 1 or Lot 2 DP 471436; or
 - iii) Lot 1 or Lot 2 DPS 23241.
5. The Council restricts its discretion to **matters 1 - 5, 7 - 10** in Table 5 at the end of Section 46.
6. Retail that is not permitted under Rule 8.1 b) and is not a restricted discretionary activity under Rules 8.2 or 8.4 is a **discretionary activity**.

Table 5 – Restricted Discretionary Activity Matters			
Matter		Assessment Criteria	
1.	Effects of not meeting the standard(s)	a)	Whether actions taken (if any) to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) are effective.
2	The suitability of the site for the scale of the activity	a)	The extent to which the site can accommodate all aspects of the activity without causing adverse effects that are more than minor.
3.	Positive and adverse effects on adjacent sites	a)	The extent to which shading, electromagnetic interference or other effects from the activity do not affect adjacent sites.
		b)	Whether the frequency and duration of any effects in 3 a) above are tolerable.
		c)	Whether these effects are appropriate to occur in the Industrial Zone, and whether any spill-over of effects into adjacent zones is appropriate.
4.	Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications	a)	Whether the infrastructure is appropriate for the activity.
		b)	Whether the activity avoids or remedies adverse effects on any water, stormwater or wastewater supply and reticulation.
		c)	Whether the activity should be connected to existing reticulation networks.
		d)	Where hydraulic neutrality is not able to be achieved, the extent to which the development incorporates low impact urban design and development principles to minimize the increase of stormwater flows and the extent to which the receiving environment can sustain the increased flows.
		e)	Whether easements are appropriate.
		f)	Whether there is technical and practical potential for co-location of infrastructure on a site.
		g)	The extent to which the activity will contribute to central and regional government energy policy objectives and renewable energy targets.
5.	Consistency with a Council-approved concept plan, or other plan that outlines staging of an activity	a)	The extent to which the activity is consistent with this plan.
		b)	Whether proposed staging can mitigate an existing lack of infrastructure provision or capacity.
6.	Reverse sensitivity	a)	The extent to which the activity meets the primary purpose of the Zone.
		b)	The extent to which an accessory activity or building is vital to the operation of the Industrial Zone.

Table 5 – Restricted Discretionary Activity Matters			
7.	Off-site effects from earthworks	a)	Whether existing infrastructure and utilities are protected.
		b)	The extent to which changes in water drainage to and from adjacent sites because of the earthworks causing adverse effects, such as ponding, erosion, drainage or flooding, are avoided or remedied.
		c)	Whether mitigation measures are implemented to avoid earthwork debris being carried into adjacent properties, waterways, estuaries and harbours, also taking into account cumulative effects.
8.	Effects on the viability and vitality of Commercial Areas in the District	a)	Whether the activity primarily serves the needs or requirements of the travelling public.
9.	Building and site layout	a)	The extent to which the building is designed to reflect the built form of adjacent buildings and to take into account its wider surroundings, particularly any development in the Kaiwhenua area.
10.	Vehicle parking	a)	The extent to which convenient vehicle parking is provided on-site.