

# **Submission on Proposed Opotiki District Plan**

## **Whakatohea Mussels (Opotiki) Ltd - 21 November 2016**

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### **1. The company would like to be heard on this submission**

### **2. Whakatohea Mussels (Opotiki) Ltd (WMO)**

This company is the main operating company on the Opotiki Mussel Farm and is likely to be the vehicle for raising funds to build a mussel processing operation in Opotiki. It will be a significant user of the redeveloped port. The company is therefore concerned to have input to the District Plan provisions

### **3. General Comments**

The parts of the Plan of most interest to WMO concern the Marine Services Zone, The Industrial Zone and the Harbour Industrial Zone. This submission therefore, is mostly in relation to those parts of the Plan.

The Plan is well laid out, clearly written and is easy to follow.

Development is encouraged by simple clear rules with few barriers to development. The approach of using permitted activity status in conjunction with a structure plan and zone standards for many activities is strongly supported. This provides an appropriate balance between development and control of activities.

## Specific comments and requested changes

### 4. Chapter 1. Introduction

The planning approach taken in the introduction is generally supported.

### **Chapter 5 - Marine Services Zone description**

The Marine Services Zone enables the development of the Ōpōtiki Harbour to provide marine services and service recreational fishing charters, tourism operators, and recreational users. The Marine Services Zone provides for marina services related to marina structures and activities together with accommodation providers, **restaurants** and shops. Aquaculture servicing and processing industries are provided for in the Harbour Industrial Zone except where these activities complement and do not conflict with marine services.

Relief sought - Amend as follows:

The Marine Services Zone enables the development of the Ōpōtiki Harbour to provide marine services and service recreational fishing charters, tourism operators, and recreational users. The Marine Services Zone provides for marina services related to marina structures and activities together with accommodation providers, **restaurants** and shops. ~~Aquaculture servicing and processing industries are provided for in the Harbour Industrial Zone except where these activities complement and do not conflict with marine services.~~

Reasons:

- The meaning of the struck out sentence is unclear.
- It is anticipated that until development of the Harbour Industrial Zone occurs, the existing wharf and environs will be important for servicing the developing aquaculture industry.

### 5. Chapter 5. Marine Services Zone

**5.1 3 Issue - Commercial activities** should be managed to avoid compromising the viability of existing centres.

Amend to: **Commercial activities** and **commercial services** should be encouraged to add to the viability of existing activities in and near the town centre.

5.2.1 OBJECTIVE – A Marine Services Zone that achieves good urban design outcomes at the interface between the town and Waioeka and Ōtara Rivers whilst providing for the infrastructure and operational needs of marine related industries and recreational boating.

This objective is supported

5.2.1.9 Policy - Provide for limited **commercial activities** within the zone to enable the marina to function.

Amend to: Provide for **commercial activities and commercial services** within the zone. ~~to enable the marina to function.~~

5.2.3.3 Policy - Ensure that any development provides for **landscaping** to enhance the visual amenity of the zone and adjacent areas.

Amend to: Ensure that *where necessary* any development provides for **landscaping** to maintain or enhance the visual amenity of the zone and adjacent areas.

### 5.3.1 Permitted Activities:

19. Loading and unloading cargo.

Amend to: Loading and unloading cargo *and associated cargo handling activities.*

Reasons: Clarifies that cargo handling such as moving cargo around a wharf or transporting cargo to and from a wharf are also permitted activities.

Add further permitted activities as follows:

21. Vessel maintenance.

22. Vessel refuelling.

23. Storage of **aquaculture related equipment and materials.**

Reasons:

- Vessel maintenance and vessel refuelling will be essential activities in this zone.

- The ability to store aquaculture related equipment and materials near the wharf will greatly increase the utility of the wharf facility to aquaculture operators.

Subject to the amendments above the activities included as permitted activities are supported.

### **Reasons for the above submissions**

The concept of a marina basin is for the future.

**In the medium term the Plan needs to provide for further use and development of the existing wharf and the surrounding area. - The existing wharf is a key piece of infrastructure that is likely to be used until additional wharf facilities are built.**

This chapter is silent on **commercial services**, however WMO believes **commercial services** such as vessels transporting tourists, loading and unloading of cargo, vessel maintenance that can be undertaken in compliance with the zone standards and the storage of aquaculture related equipment and materials, will be important to the successful development of the marine services zone.

This chapter seems to be based on the notion that commercial and recreational uses should only be mixed to a very limited extent. WMO disagrees with that notion.

WMO believes it is desirable to allow for a mix of commercial, recreational and cultural (dining, shopping etc.) activities in proximity to each other and to the town centre. This will provide for efficient integration of new marine related activities into the existing town activities.

## **6. Chapter 6. Industrial Zone**

This chapter generally balances development and control of industrial activities.

The provisions in this chapter are generally supported.

6.1.1 Issue - There is a potential for adverse effects from activities undertaken within the zone to reduce the **amenity** and productive **values** of the zone and also the adjacent rural land. These adverse effects include higher **noise levels**, generation of dust, grit, and odour effects, light spill and glare, and visitation to the **sites** from higher numbers of heavy transport vehicles.

The inclusion of this issue is supported

6.2.2 Objective - Activities undertaken within the zone do so in a manner that avoids, remedies, or mitigates their adverse effects on the receiving environment.

This objective is supported

6.2.2.2 Policy - The mitigation or avoidance of potential adverse effects such as noise, litter, glare, and traffic movements, on the **site**, on adjoining **sites**, with the Industrial Zone, and in adjoining zones.

This policy is supported

## **6.6 Zone Standards**

The standards don't appear to give sufficient effect to policy 6.2.2.2

Relief sought:

Include a section in the zone standards requiring a reasonable standard of "house keeping" on sites to mitigate effects spilling over to neighbouring sites. Examples include:

- Keeping sites in a tidy condition
  - Control of weeds
  - No accumulations of rubbish
  - Control of litter
  - Control of dust
- Keeping sites in a condition that minimised the likelihood of vermin infestation.

Reasons: There needs to be some method of controlling spill-over effects.

## **6.3.2.1 Permitted activities**

2. Industries

Amend as follows

Industries *including food and seafood processing, packing and storage*

Reasons: To clarify that food related industries are envisaged in this zone - Fruit packing is currently a major industry in the zone.

## **6.8 Environmental Results Expected**

6.8 B. Conscientious management of activities within the Industrial Zone where adverse effects on neighbouring residences are minimised.

Amend as follows: Conscientious management of activities within the Industrial Zone where adverse effects on *nearby sites and* neighbouring residences are minimised.

Reasons: Management of effects of activities on nearby sites (not just residences) is also important.

Subject to the amendment above section 6.8 is strongly supported.

## **7. Chapter 7. Harbour Industrial Zone**

The introduction of a Harbour Industrial Zone is supported.

This chapter seems to suitably balance development and control of industrial activities.

The provisions in this chapter are, in general, strongly supported

**7.1 Issue-** There is a potential for adverse effects from activities undertaken within the zone to reduce the **amenity values** of the zone and also adjacent rural land. These adverse effects include higher **noise levels**, generation of dust, grit, and odour effects, light spill and glare, and higher numbers of heavy transport vehicles.

Amend as follows:

There is a potential for adverse effects from activities undertaken within the Zone to reduce the **amenity values** and *productive* values of the zone and also adjacent rural land. These adverse effects include higher **noise levels**, generation of dust, grit, and odour effects, light spill and glare, and higher numbers of heavy transport vehicles.

Reasons: Spillover effects between properties can make activities more difficult to operate and therefore affect the productive value of a site. For example an activity that harbours vermin and produces excessive dust could create difficulties for a nearby food processing operation.

### **7.2 OBJECTIVES AND POLICIES**

7.2.1 Objective - The infrastructure and operational needs of the aquaculture, fishing and marine industries are provided for as a matter of priority, while limiting the effects of those activities on landscape values, natural character and the environment.

This objective is supported.

#### **7.3.2 PERMITTED ACTIVITIES**

7.3.2.1 Amend by adding vessel refuelling to the list of permitted activities

Reasons: Vessel refuelling is an essential activity associated with the operation of vessels.

#### **7.5 Zone standards**

Policy 7.2.3.2 states: Ensure that potential adverse effects such as noise, litter, glare, and traffic movements are mitigated or avoided.

It is unclear how this policy will be given effect to.

Relief sought:

Include a section in the zone standards requiring a reasonable standard of “house keeping” on sites to mitigate effects spilling over to neighbouring sites. Examples include:

- Keeping sites in a tidy condition
  - Control of weeds
  - No accumulations of rubbish
  - Control of litter
  - Control of dust
- Keeping sites in a condition that minimised the likelihood of vermin infestation.

Reasons: There needs to be some method of controlling spill-over effects.

## 7.7 Environmental Results Expected

These are strongly supported

## 8. Chapter 16 Financial Contributions

### 16.3.9 NON-RESIDENTIAL ACTIVITIES

16.3.9.1 The financial contribution for infrastructural services shall be determined in the following manner: Contribution = N x Uc

Where:

N Capacity of the upgrade that will be used by the activity

Uc Upgrade cost of the system as determined by Council

Relief sought: Amend the last line as follows:

Uc Upgrade cost of the system as determined by **Council** *in a transparent and fair manner*

Reasons: There are a number of ways to determine the cost of most projects. Requiring Council to be both transparent and fair in determining the cost of any upgrade will help to give better effect to policy 16.2.1.2. “To ensure that a financial contribution is fair and equitable.”

## 9. Chapter 20 Definitions

### Add new defined terms:

#### **Aquaculture related equipment and materials**

Includes but is not limited to: Vessel machinery, ropes, floats, buoys, anchors, navigation lights, spare parts.

#### **Commercial services**

Means, marine related activities or services carried out for financial reward.

Reasons: To distinguish commercial services from the defined terms “**Commercial activities**” and “**Commercial operations**”.

Commercial services such as tourist charter vessels, loading and unloading of cargo, and vessel maintenance that complies with the zone standards will be important to the success of the marine services zone.

#### **Port activities**

Includes:

1. Handling, storage, processing, consignment and transportation of cargo;
2. Construction, maintenance or repair of Port operational facilities;
3. Port offices and personnel facilities;
4. Navigational aids and equipment.

Amend to include the following activity:

5. Vessel refuelling

Reasons: Refuelling is implied in the current definition but it is clearer to state it explicitly. Vessel refuelling is obviously integral to the operation of any port.

Submission Ends