

APPENDIX J

Responses to Panel question 63

Confirm whether any of the relief sought by submitters in relation to the Industrial Zone, such as additional landscaping requirements, fall within section 80E as being consequential on intensification in adjoining zones

Mr Lightbody has considered the submissions received that sought amendments to the industrial zone provisions.

There is one submitter – Christan Jordan (737) who seeks “that where any industrial building is located within 10m of a residential boundary a landscaping strip with trees and planting at least 3m wide should be included on the industrial site.’ Other industrial zone submitters seek changes to height, height in relation to boundary or solar panel requirements.

The Council did not propose any such changes in the notified version of PC14. The Council did not identify changes of that nature as being appropriate in 'support' or 'consequential' on the MDRS as per section 80E.

Given that the Council did not propose the changes sought by the submitters, the submissions are considered by the Council to be beyond the scope of PC14. This is generally based on the *Clearwater* and *Motor Machinists* principles.

Irrespective of questions of scope, as detailed in his section 42A report Mr Lightbody assessed the merits of the relief sought and concluded that the relief was not appropriate as it would not accord with the objectives and policies of the ODP.

As Mr Lightbody explains (paragraphs at 8.5.46 and 8.5.47):

“Submitters 737 (Christian Jordan) and 224 (Richard Ball) seeks amendments to landscaping rules, and height restrictions in industrial zones in proximity to residential activity. I note that within the Industrial Zones of the CDP that height has not been proposed to increase in PC14, I also note the relevant objectives of the industrial zone, in particular Objective 16.2.3(a) and policy 16.2.3.2(b).

- Objective 16.2.3(a) - Adverse effects of industrial activities and development on the environment are managed to support the anticipated outcome for the zone while recognising that sites adjoining an industrial zone will not have the same level of amenity anticipated by the Plan as other areas with the same zoning.

- Policy 16.2.3.2(b) - Effects of industrial activities are managed in a way that the level of residential amenity (including health, safety, and privacy of residents) adjoining an industrial zone is not adversely affected while recognising that it may be of a lower level than other residential areas.

8.5.47 The objective and policy provide that industrial zones are anticipated for industrial activities which due to their nature will produce adverse effects, and that the interface will not have the same level amenity as anticipated elsewhere in industrial zones. In this context and without changes to the objective and policy, I consider the operative rules in [16.4.2.3](#), [16.4.2.4](#) and [16.4.2.6](#) are the most appropriate way to achieve the objective of the CDP. However, further consideration is required of the relief as part of a separate plan change including input from technical experts.”

The above conclusion that the substance of the relief is neither necessary nor appropriate supports the Council's position that the relief does not support nor is consequential to provide for the MDRS.