

Before an Independent Hearing Panel

under: the Resource Management Act 1991

in the matter of: Plan Change 14 to the Christchurch District Plan

and: A submission by Ravensdown Limited (Submitter 243)

Statement of Evidence of Jane Whyte

Planning

Dated: 20 September 2023

STATEMENT OF EVIDENCE OF JANE WHYTE

INTRODUCTION

- 1 My full name is Margaret Jane Whyte.
- 2 I hold the degrees of Bachelor of Arts and Master of Regional and Resource Planning from Otago University. I am a full member of the New Zealand Planning Institute.
- 3 I am a Director of ResponsePlanning Consultants Limited. I have over 29 years planning and resource management experience. I am a certified hearings commissioner.
- 4 A core area of my experience relates to the preparation of district and regional plans and section 32 evaluations. This is both in preparing parts of plans and section 32 evaluations for local authorities and in the preparation of submissions, provisions, evidence and section 32 evaluations for parties seeking changes to notified plans. I am also experienced in the preparation and evaluation of assessments of effects and resource consent applications.
- 5 I have appeared as a witness at Council hearings, before Independent Hearings Panels and before the Environment Court on numerous occasions, relating to and district and regional plan matters and resource consent matters. This included providing evidence to the Independent Hearings Panel for the Christchurch District Plan, on behalf of the Crown. I was chapter lead for the Crown response and provided evidence to the Independent Hearings Panel on both the commercial and industrial zone provisions.
- 6 In preparing this evidence I have read and rely upon the evidence prepared on behalf of Ravensdown for this hearing by Mr Hay and Mr Chilton. I have also read the conditions of the air discharge consent issued by Environment Canterbury that the manufacturing activity of Ravensdown must comply with.
- 7 I am familiar with the Ravensdown site and surrounding environment and in particular its interface with the residential land on the southern side of Main South Road.

CODE OF CONDUCT

- 8 Although these proceedings are not before the Environment Court, I have read the Environment Court's Code of Conduct for Expert Witnesses in its Environment Court Practice Note 2023 and I agree to comply with it as if these proceedings were before the Court. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of

expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 9 My evidence will deal with the following:
- 9.1 The submission of Ravensdown related to the potential conflict between the existing industrial manufacturing activity at 312 Main South Road and the additional residential development opportunities provided through Plan Change 14 (PC14) on land across the other side of Main South Road from the Ravensdown site. In particular the:
- (a) Provisions related to the industrial interface qualifying matter including:
 - (i) Objective 14.2.12
 - (ii) Policy 14.2.12.1
 - (iii) The spatial extent of the industrial interface area
 - (iv) The height of residential development that is provided for
 - (v) The activity status if residential development is not a permitted activity; and
 - (b) The appropriate zoning of residential land on the south side of Main South Road.
 - (c) Consideration of Section 32AA matters for changes to provisions addressed in this evidence.
- 10 My evidence starts by identifying the relevant planning issue and why it is important before focusing on the specific provisions and proposed amendments to those provisions to address the identified issue.

SUMMARY OF EVIDENCE

- 11 The important planning issue addressed in Ravensdown's submission concerns the most appropriate way to manage the potential incompatibility of existing heavy industrial and new residential development opportunities provided for in PC14, when these occur in proximity to each other.

- 12 Heavy industrial activities and residential activities have different needs and rightfully different expectations in terms of the amenity values and quality of the environment.
- 13 The Ravensdown activity, by necessity, has discharges to air from elevated stacks. The nature of the manufacturing activity means that separation is needed from residential activities both horizontally (physical separation by distance on the ground) and vertically (physical separation between the point of discharge to air from the manufacturing processes and the location of residential activities).
- 14 PC14 does include a 40 metre¹ industrial interface (RII-QM) on part of the residential land opposite to the Ravensdown site to address issues with the zone interface. However, this is inadequate to address the interface issues in relation to the Ravensdown site when the potential height of new residential development provided for by PC14 is taken into account.
- 15 Changes are needed to the provisions to PC14 as follows:
- 15.1 Amend Objective 14.2.12 to ensure matters in addition to noise are relevant considerations within the industrial interface area
- 15.2 Retain Policy 14.2.12.1 generally as notified but add reference to amenity within the policy
- 15.3 Extend the RII-QM area from 40 metres to 240 metres opposite the Ravensdown site. This will:
- (a) restrict the height of residential activities, as a permitted activity, to a maximum of 7 metres or two storeys within the enlarged RII-QM area and
- (b) retain a discretionary activity status for residential activities in the industrial interface area that are not permitted activities. This will enable any adverse effects from and on the Ravensdown site to be considered on a case by case basis.
- 16 Ravensdown in its submission also seeks the zoning of the residential land opposite its site on Main South Road be changed from High Density Residential Zone (**HDRZ**) to Medium Density Residential Zone (**MDRZ**). This is because the MDRZ provides for

¹ The Section 42A report in paragraphs 7.7.1 and 7.3.5 describes the extent of the interface as 40 metres. The evidence of Mr Chilton having scaled the extent of the interface opposite the Ravensdown Site identifies the interface (as mapped) is closer to 10 metres. In my evidence I have proceeded on the assumption that the 42A report is correct. However, if the interface is only 10m as Mr Chilton identifies it is even more inadequate.

residential development at a lower height relative to the HDRZ. While the change in zoning to MDRZ is more effective than the HDRZ in PC14 as notified, changing the zoning will not in itself resolve the matters of concern to Ravensdown.

- 17 The most effective and efficient way to address the planning issue of concern is to amend the objective and policy relating to the industrial interface area as well as changing the size of the industrial interface area from 40 metres to 240 metres opposite the Ravensdown site.

WHY IS RAVENSDOWN CONCERNED WITH PC14?

What is the Issue?

- 18 The submission of Ravensdown is location specific and relates to maintaining appropriate separation between an existing fertiliser and acid manufacturing activity at 312 Main South Road, and the residential development opportunities provided through the HDRZ on the opposite (south) side of Main South Road.
- 19 Industrial and residential activities have different needs and rightfully different expectations in terms of the amenity values and quality of the environment each requires. In the case of Ravensdown those needs and expectations include maintenance of adequate separation between industrial discharges to air and sensitive land use activities – in this case residential activities.
- 20 The Ravensdown manufacturing facility is located on land zoned Industrial Heavy (**IHZ**). PC14 proposes the land opposite the Ravensdown site:
- 20.1 is within a High Density Residential Precinct.
- 20.2 is included in a Town Centre Intensification Precinct, and
- 20.3 An approximately 40 metre area adjoining Main South Road is included as a Proposed Industrial Interface.
- 21 These areas are illustrated in Figure 1.



Figure 1 Map illustrating Ravensdown Site and Zoning

Why is the proposed approach in PC14 an issue?

- 22 Ravensdown's submission is not concerned with there being a residential zone opposite the Ravensdown site. Rather, it is the implications of the increased residential development opportunities provided in PC14, and in particular the height to which residential development may occur, both on and from the activities lawfully occurring on the Ravensdown site that is the concern.
- 23 It is important to enable an existing industrial manufacturing activity (occurring in an appropriate zone) to continue to operate efficiently on its established site. It is also important that the additional residential opportunities provided in PC14 occur in areas where residents will be afforded appropriate amenity values and environmental qualities. It is vitally important that new residential development is not enabled in locations where residents are likely to be exposed to levels of contaminants in air from lawful operations that approach or exceed or guideline values that have been set to maintain health and amenity. A failure to ensure sufficient separation could lead to adverse effects on residents and/or reverse sensitivity effects for Ravensdown's existing lawful and in-zone activity.
- 24 Ravensdown's manufacturing activity has existed opposite a residential zone for some time. The zoning of that residential land, prior to PC14, is a Residential Suburban Zone (RSZ).² The RSZ³

² This zone is described in Table 14.2.1.1a as it "Provides for the traditional type of housing in Christchurch in the form of predominantly single or two storeyed detached or semi-detached houses, with garage, ancillary buildings and provision for gardens and landscaping."

³ The density and height provisions applying to residential units are used for illustrative purposes. It is acknowledged that different standards apply to other activities, for example multi-unit residential development has different density

provides for residential development with a site density of a residential unit on a net site area between 400 and 450m², and a building height of 8 metres.

- 25 As described by Mr Chilton Ravensdown's current operations, including the heights at which discharges must occur and the maximum concentrations of contaminants allowed in those discharges have been established with due consideration given to the residential receiving environment existing across Main South Road.
- 26 In relation to PC14 the lack of separation between the IHZ and the RHDZ and the height that residential units can be developed opposite the Ravensdown site is of concern.
- 27 The Ravensdown activity, by necessity, has discharges to air from elevated stacks. These have been described by Mr Hay and Mr Chilton. The nature of the manufacturing activity means that separation from residential activities is needed both horizontally (distance on the ground) and vertically (distance between the point of discharge to air from the manufacturing processes and the location of peoples living environments (sensitive receptors).
- 28 Enabling residential buildings at heights anticipated in PC14 close to Ravensdown's site would not maintain appropriate physical separation between the existing activity including its lawful industrial discharges to air, and future residential activities.
- 29 Mr Hay has described the activity Ravensdown undertakes on the site including its consented discharges which include:
- 29.1 The discharge of fluoride from the manufacturing plant stack and from fugitive emissions from the manufacturing and dispatch area, and
- 29.2 The discharge of sulphur dioxide and sulphur trioxide from the site's acid plant stack.
- 30 In relation to fluoride Mr Hay has described that fluoride can cause visible injury to sensitive plants and clouding of glass. Mr Hay has described the monitoring and response requirements that apply to residential activities in proximity of the site.
- 31 With respect to the discharge of sulphur dioxide and sulphur trioxide from the site's acid plant stack.. Mr Hay has identified that Consent CRC080001 contains a number of conditions in relation to this component of the discharge, including a restriction on the amount

standards and for minor residential units different density and height requirements apply.

that can be discharged, so as to ensure compliance with relevant air quality standards and guidelines that have been developed to ensure that human health is not being adversely affected.

32 PC14, through providing for an increase in the height of residential units that can be established in the HDRZ changes the relationship between the existing manufacturing activity and the residential receiving environment. This increase in the height of residential units has consequence for Ravensdown's operation that Mr Chilton has described.

33 The evidence of Mr Chilton is that the additional residential development opportunities provided through PC14 means that a greater number of people could be exposed to elevated concentrations of contaminants in air than is currently allowed to occur⁴. Mr Chilton has also described the effects on people, including on health and amenity values, that could result⁵. [

Interface Area

34 As part of PC14, qualifying matters are utilised which modifies the rules enabling increased development to the extent necessary to maintain and protect values or manage effects. The qualifying matter relevant to the submission of Ravensdown is QMII. This relates to the management of the interface between industrial and residential zones. This qualifying matter is described as the Industrial Interface.

35 The areas where the Industrial Interface applies are shown on the planning maps and the rules that apply within the interface modify (lessen) the residential development opportunities provided by the underlying zone.

36 In relation to the Ravensdown site there is an industrial interface that applies over properties in the HDRZ on the south side of Main South Road. This is stated in the section 42A report to cover a distance of approximately 40 metres from the south side of Main South Road.

37 The industrial interface area implements Objective 14.2.12 and Policy 14.2.12.1, both being new provisions introduced as part of PC14. This objective and policy address the management of interface effects occurring between industrial and residential zones. There are also different rules that apply in that part of the HDRZ covered by an industrial interface. The rules are more limiting for residential development. In particular height of any new buildings

⁴ Evidence of Mr Chilton paragraph 11(d)

⁵ Evidence of Mr Chilton paragraphs 41a, b and c

in the industrial interface as a permitted activity is limited to either 7m or two storey, whichever is the lesser.

- 38 The provisions applying in the industrial interface area will result in a reduction of the height of residential units that can be developed as permitted activities relative to the underlying zone. If the residential activity is not a permitted activity then consent as a discretionary activity will be needed.
- 39 The evidence of Mr Chilton is that limiting the height of buildings opposite the Ravensdown to two stories or 7 metres will manage the vertical separation issues raised in the submission of Ravensdown. He has identified there are relatively small increases in contaminant concentrations for residential properties up to 4-storeys in height, although the horizontal extent of impact increases.⁶ However his evidence⁷ is that the current extent of the interface area at 40 metres is not sufficient to manage the issue identified. In particular he has identified that at heights above 4-storeys SO₂ concentrations increase notably and Mr Chilton considers the increase to be significant and likely to impact on Ravensdown's ability to manage its off-site air quality effects to an acceptable level. He has also addressed the implications that fluoride concentrations will have on amenity, and how increasing the height of residential buildings provided for will exacerbate this issue.⁸

Management outside the Interface Area

- 40 Outside of the currently proposed 40 metre industrial interface, if developed occurs as anticipated, the HDRZ provisions will mean that the residential units that can be developed will be at a greater height.
- 41 The consequence of this is that more people will be in closer proximity to the Ravensdown activity and its lawful air discharges.
- 42 The additional residential development opportunities provided on land on the south side of Main South Road through the HDRZ zone envisage buildings:⁹

42.1 3 or less residential units (permitted activities) with a:

⁶ Evidence of Mr Chilton paragraph 41a and 41c

⁷ Evidence of Mr Chilton paragraph 41b

⁸ Evidence of Mr Chilton paragraph 41c

⁹ These built form standards are illustrative. It is recognised that there are a number of built form standards that need to be met, including recession plane standards and building separation standards that could alter the overall intensity and height buildings could be developed to. The standards highlighted are the key matters relevant to the Ravensdown site.

- (a) minimum height of 7 metres
 - (b) a maximum height not exceeding 14 metres
- 42.2 4 or more residential units (as restricted discretionary activities¹⁰) with a height:
- (a) between 14-20 metres (RD7)
 - (b) over 20 metres in the Town Centre Intensification Precinct (RD8)
 - (c) over 32 metres in height (RD8).
- 43 There are no specific buildings density standards applying in the HDRZ, but there is a building coverage standard of 50% (built form standard 14.6.2.12).
- 44 Relevant to the types of discharges occurring from the Ravensdown site is built form standard 14.6.2.8 which requires any residential unit facing the street to have a minimum of 20% of the street-facing façade in glazing¹¹.
- 45 Outside of the industrial interface area while resource consents will be required for more than 3 residential units or with the heights identified specified in the restricted discretionary rules¹², any decision on a resource consent application will not include consideration of any adverse effects of, or effects on the Ravensdown activity. This is because the matters that discretion is limited to do not include consideration of interface issues with the IHZ.
- 46 The matters of discretion that apply to residential activities in the HDRZ focus on design related matters. While one matter discretion is restricted to is titled "impacts on neighbouring properties¹³", the matters addressed do not extend to any interface issues with a

¹⁰ Section 42A recommendations in the report by Ike Kleynbos recommends changes to the way height is managed in the HDRZ. In particular in paragraph 9.1.74 in that report it is stated in relation to RD7 and RD8 that "*Significant changes have been recommended here as a result of modifying permitted heights throughout the zone. Heights enabled have been recommended to be a Permitted Activity, leaving the number of units breach to manage wider effects through Residential Design Principles.*" It appears from reading the recommendations that a height of up to 22 metres will be a permitted activity in the HDRZ as expressed in paragraph 10.1.138 of this Section 42A report.

¹¹ It is recognised this standard applies in an area 12m from a road boundary, so in relation to Main South Road, this will fall in the area covered by the industrial interface area where height of buildings is restricted.

¹² Subject to any changes in response to matters of height addressed in the Section 42A report of Mr Kleynbos

¹³ Matter of discretion 14.15.3

neighbouring industrial activity. The specified matters focus on site layout, the relationship of the buildings with the street, dominance and shading. For ease of reference the matters of discretion that apply in relation to height and building coverage are reproduced in Appendix One.

- 47 The evidence of Mr Chilton is that the effects of discharges from the Ravensdown site on residential activities increase with the height of the residential buildings. He describes the increases in contaminant concentrations up to four storeys as small. However, above 4 stories he considers the implications of SO₂ concentrations to be significant and describes the increase in fluoride concentrations as notable. Therefore to manage the interface between the IHZ and the HDRZ it is necessary to manage the height of residential activities in proximity to the Ravensdown site.
- 48 The provisions that apply through PC14 outside of the industrial interface area give no consideration to the activities occurring on the Ravensdown site.

SPECIFIC SUBMISSION POINTS

- 49 I now address the specific changes to provisions to address the issues raised.

Objective 14.2.12, Policy 14.2.12.1 and Industrial Interface

- 50 The industrial interface qualifying matter, Objective 14.2.12, Policy 14.2.12.1, the industrial interface notation on the planning maps, and the rules that apply in the industrial interface area are new provisions introduced in PC14.
- 51 Ravensdown lodged submissions on Objective 14.2.12 and Policy 14.2.12.1, and sought that the industrial interface opposite the Ravensdown site be extended.
- 52 Objective 14.2.12 addresses compatibility with Industrial activities and as notified in PC14 is:

14.2.12 Objective – Compatibility with Industrial activities

a. New residential development is not adversely affected by noise generated from industrial activities and the development does not affect the operation of industrial activities within industrial zones.

- 53 Policy 14.2.12.1 addresses the management of effects on industrial activities and as notified in PC14 is:

14.2.12.1 Policy – Managing effects on industrial activities

a. Restrict new residential development of three or more storeys within proximity to industrial zoned sites where it would give

rise to reverse sensitivity effects on industrial activities and/or adversely affect the health and safety of residents, unless mitigation sufficiently addresses the effects.

- 54 The industrial interface is an area shown on the planning maps extending approximately 40 metres south of Main South Road.
- 55 The submission of Ravensdown seeks that:
- 55.1 Objective 14.2.12 be amended so that it recognises the full suite of potential effects from industrial activities on new residential development, not just noise.
- 55.2 Policy 14.2.12.1 be retained as notified as the policy as drafted effectively reflects the resource management approach that should apply where potential new residential development adjoins industrial activities appropriately located in an industrial zone.
- 55.3 The extent of the industrial interface be extended from 40 metres to 240 metres opposite the Ravensdown site.
- 56 The Section 42A report that addresses the submissions of Ravensdown is the industrial interface¹⁴ qualifying matter report. The submissions of Ravensdown are addressed as follows:
- 56.1 Objective 14.4.12 in paragraph 7.7.53, no changes are recommended.
- 56.2 Policy 14.2.12.1 no changes were sought by Ravensdown, and this is not specifically addressed in the Section 42A report. Changes are recommended in response to other submissions in paragraph 7.7.51.
- 56.3 The extent of the industrial interface in paragraphs 7.7.23-7.7.25. No changes are recommended.
- 57 I have not identified any recommended change to Objective 14.2.12 in the section 42A report.
- 58 My reading of the Section 42A report in paragraph 7.7.49 is that it acknowledges that the focus of the consideration of compatibility issues between industrial and residential zones is on noise being an important concern. The Section 42A report author acknowledges that there are matters other than noise that may be relevant, and that the Section 32 evaluation, while not addressing matters other than noise in detail, did not exclude consideration of other matters.

¹⁴ Section 42A report authored by Brittany Ratka

- 59 The Section 42A report author considers that there are a number of other provisions, including the objectives and policies that seek to manage effects within Industrial Zones, including IHZ, that are not subject to PC14. I agree with the Section 42A report author that there are objectives, policies and rules that seek to manage effects of industrial activities within industrial zones. A number of these provisions were identified and addressed in the Ravensdown submission¹⁵. However, in the context of PC14 I consider that the issues raised by Ravensdown are clearly interface issues between the IHZ and the new residential development opportunities provided in the HDRZ introduced in PC14. As such they are appropriate to address, and in my opinion need to be addressed within Objective 14.2.12.
- 60 The limitation in Objective 14.2.12 relating to noise and determination of the extent of the industrial interface determined on noise is not appropriate when considered in the context of the Ravensdown site. As described earlier this is due to the nature of the activity occurring on the Ravensdown site. Mr Hay and Mr Chilton have addressed matters relevant to the operation of the site and the potential adverse effects on amenity values effects, health and implications for the quality of the residential receiving environment in the HDRZ.
- 61 From a planning perspective the Ravensdown site is different to other locations where noise may be the determinative interface issue needing to be addressed. This is because for the Ravensdown site the interface is between a an IHZ and a HDRZ. This differs to other industrial interface areas where the interface being managed is between a residential zone and an Industrial General Zone (**IGZ**).
- 62 In other locations, with the exception of a few individual sites, Industrial Heavy Zones are bordered by either an IGZ, or other non-residential zone. Examples of this are near the airport, Port Hills Road, Bromley, Woolston and other parts of Hornby. These other zones effectively act as a further 'buffer' mitigating the effects of activities in an IHZ relative to any residential zone. I have included planning maps showing other locations of IHZ that illustrate this in Appendix Two.
- 63 The IHZ has a different purpose, intent and anticipated adverse effects than an IGZ. Policy 16.2.1.3 in the Industrial Chapter of the Christchurch District Plan describes the range of industrial zones. Clause a(i) addresses the IGZ and clause a(ii) addresses the IHZ. The policy states that differences between these two zones are the level of effects anticipated in each zone and their relationship with more sensitive zones. These clauses are reproduced below and are:

¹⁵ Submission of Ravensdown on PC14 paragraphs 2.19-2.26

- i. *Industrial General Zone*
 - A. *Recognise and provide for industrial and other compatible activities that can operate in close proximity to more sensitive zones due to the nature and limited effects of activities including noise, odour, and traffic, providing a buffer between residential areas and the Industrial Heavy Zone..*
- ii. *Industrial Heavy Zone*
 - A. *Recognise and provide for a full range of industrial and other compatible activities that generate potentially significant effects, including relatively high levels of noise, odour, heavy traffic movements, and the presence of significant amounts of hazardous substances, necessitating separation from more sensitive activities.*

- 64 The Section 42A report in paragraph 7.7.24 acknowledges the different industrial zones where it is stated "*The development of the QM did not consider the IHZ and residential zone interface, on the basis that the Industrial General Zone tends to buffer residential areas from IHZ. There is no IGZ providing a buffer between the Christchurch Works' IHZ zoning on the residential zoning to the southwest and south of the site*".
- 65 The section 42A report then assesses the implications of the different industrial zoning. However, the assessment and consideration of the implications of the IHZ is only on the basis of noise, which is not the key interface issue in this location.
- 66 The submission and evidence of Ravensdown identifies that there are other important interface issues that should be managed. In my view it is appropriate that the objective recognise a wider range of potential interface effects and not focus on solely on noise.
- 67 This would also ensure that the objective was consistent and retained strong vertical integration with Policy 14.2.12.1 which appropriately does not limit the consideration of matters to only noise.
- 68 I have provided some possible changes to Objective 14.2.12 to address the concerns in the submission by Ravensdown. The changes I have recommended are in red.

14.2.12 Objective – Compatibility with Industrial activities

- a. New residential development is not adversely affected by **effects noise generated** from industrial activities and the development does not affect the operation of industrial activities within industrial zones.
- 69 Turning to Policy 14.2.12.1, Ravensdown supported this policy as notified as it provides for a range of effects, not solely noise, to be considered.

- 70 The Section 42A report does recommend changes to the policy, in relation to other submissions. The recommended wording for Policy 14.2.12.1 below. The changes recommended from that notified are shown in bold font:

14.2.12.1 Policy – Managing effects on industrial activities

a. Restrict new residential development of three or more storeys within proximity to industrial zoned sites where it would give rise to reverse sensitivity effects on industrial activities and/or **significantly** adversely affect the **amenity** health and safety of residents, unless mitigation sufficiently addresses the effects.

- 71 I have no concerns with the inclusion of amenity within the policy. The consideration of amenity values is an important and appropriate consideration. It is also a key matter that the industrial interface seeks to manage.
- 72 I have reservations about the inclusion of the word “significantly” before adverse effects. This change appears to have been made in response to the submissions of the oil companies. I also note that in the Section 32AA evaluation of recommended changes (Table 2 on page 53) of the Section 42A report the change is considered minor in nature. In my experience changing a consideration from “adversely affecting” to “significantly adversely affecting” is not minor, particularly in relation to health effects.
- 73 Mr Chilton has recognised¹⁶ that exposure to high concentrations of SO₂ has the potential to cause adverse human health effects. From a planning perspective this is in my view an appropriate matter to consider when deciding whether residential development of three or more stories should be provided for. I am not supportive of a policy that only seeks to consider or address adverse health effects when they are significant.
- 74 My reading of the Section 42A report reasoning for introducing the qualifier of ‘significant’ preceding ‘adversely affect’ is to acknowledge the Plan does allow for some level of noise effects in setting the residential noise limits¹⁷.
- 75 I do not consider the addition of the word ‘significant’ is necessary to provide acknowledgement that some noise effects are anticipated. To me the nexus between the change recommended and the reason for that change is not clear.
- 76 The key action required within the policy is to ‘restrict’. I understand that the meaning of restrict is to ‘put a limit on’ or ‘keep under control’. I consider that the policy wording of ‘restrict’ is

¹⁶ Evidence of Mr Chilton paragraph 43b.

¹⁷ Section 42A Report paragraph 7.7.51

capable of being implemented effectively in relation to 'adverse effects' and does not need the qualifier of 'significant'.

- 77 I consider 'restrict' already enables recognition that there are some noise effects that will occur. In my understanding restrict is different to policy wording such as 'avoid' or 'not allow', which would mean that no adverse effects, including noise, were anticipated.
- 78 In my view the policy wording of 'restrict' is appropriate without the qualifier of 'significant'. The policy will enable consideration of the specific circumstances that exist in relation to the type of effects that will occur and the level of impact these might have on amenity and health and safety of residents. It will enable case-by-case mitigation to be considered as is relevant to the circumstances. I consider that introducing the word 'significant' creates too high a threshold, particularly for health effects and also when balanced with what the policy does which is 'restrict' .
- 79 The policy wording I support is set out below:
- 14.2.12.1 Policy – Managing effects on industrial activities*
*a. Restrict new residential development of three or more storeys within proximity to industrial zoned sites where it would give rise to reverse sensitivity effects on industrial activities and/or **significantly** adversely affect the **amenity** health and safety of residents, unless mitigation sufficiently addresses the effects.*
- 80 I now address the extent of the industrial interface area. The evidence provided by Ravensdown shows that the 40 metre extent of the industrial interface is not sufficient to address the interface issues arising from the Ravensdown site.
- 81 The extent of the industrial interface has been determined based on noise¹⁸. As noise is not the key interface issue for the Ravensdown site the 40 metre extent of the area cannot be relied upon as being effective.
- 82 The technique of limiting the height of dwellings within the interface area can respond to a key matter addressed in the evidence by Mr Chilton for the Ravensdown site. The issue with the interface area as proposed in PC14 is that it is not sufficiently sized to address the interface issues in relation to air discharges from the Ravensdown site.
- 83 The size of the current interface area does not take into account that the zone interface of the residential zone in this location is with an IHZ. This is different to other locations in the city where the

¹⁸ Section 42A report paragraph 7.7.49

interface applies, which adjoin IGZ, rather than an IHZ. In other locations IGZ land acts as a further buffer area between IHZ land and residential activities. This is not the case in for the Ravensdown site. There is no buffer other than the 40 metre industrial interface.

- 84 Due to the specific circumstances that exist a bespoke industrial interface opposite the Ravensdown Site should be provided. The particular circumstances are:
- 84.1 The interface being managed is between an IHZ and a residential zone
 - 84.2 The key issue for this location is not noise, but authorised contaminant discharges to air from heavy industrial manufacturing
 - 84.3 The discharges could affect the residential amenity and quality of the residential environment, and potentially people's health and safety if the separation distance between new residential activities and the industrial discharge locations is insufficient to achieve appropriate dilution of contaminant concentrations
 - 84.4 Adequate spatial separation between the Ravensdown activity and residential activity being needed, in relation to both horizontal (distance) and vertical (height).
 - 84.5 If the industrial interface area is not extended then residential units with heights up to 22 metres (if the recommendations of Mr Kleynbos are accepted) will be permitted activities in the HDRZ, having no consideration of the implications on Ravensdown's activity, and with no consideration of the implication of the Ravensdown activity on the amenity and quality of the residential environment.
 - 84.6 The implications on and of the Ravensdown activity should be considered in any resource consent process.
- 85 Ravensdown has sought that the industrial interface area opposite its site be extended from 40 metres to 240 metres.
- 86 Mr Chilton has identified that the key changes in contaminant concentrations occurs at height above 4 storeys. Below he identifies there are increases, but these are relatively small. Mr Chilton has identified that the spatial extent of where the increase in height occurs is aligned well with the relief sought by Ravensdown to extend the width of the industrial interface to 240 metres.
- 87 The key change in rules that apply in the industrial interface area relative to outside the area is that the height of residential buildings

is restricted to 7 metres or two storeys. I have considered whether this height limitation over an extended area is appropriate, particularly in light of the evidence of Mr Chilton relating to the key issues being over 4 storeys.

- 88 The height limitation in the industrial interface area is consistent with what the pre PC14 zoning provided for in terms of permitted height. Therefore, providing a bespoke solution of enabling residential units up to 4-storeys in height in any extended interface area would result in additional residential units to be developed relative to the status quo.
- 89 As identified by Mr Hay and Mr Chilton the existing conditions of consent require Ravensdown to operate a glass replacement programme with its neighbours where glass clouding occurs. This monitoring and replacement requirement applies to all residential units within an identified area. When considered in the context of the built form standards relating to glazing, providing for a height of residential units as a permitted activity of up to 4-storeys will increase the monitoring and potential glass replacement for Ravensdown relative to the status quo.
- 90 For this reason I consider there is justification to apply a 7 metres or two storey height restriction, as a permitted activity, in the full area sought by Ravensdown. This does not preclude higher development seeking consent for a higher building. Rather, it will enable a case by case consideration, including considering the specific design elements proposed, including the amount and type of glazing within the buildings will be able to be considered and any implications on or from the Ravensdown operation to be considered as part of a resource consent process¹⁹.
- 91 Based on the above I support the extent of the industrial interface area being increased to 240 metres in this location.
- 92 I have addressed the changes to provisions I support in relation to Section 32AA in Appendix Three.

Rezoning from HDRZ to MDRZ

- 93 Ravensdown in its submission also sought that the zoning of the residential land opposite its site on Main South Road be changed from HDRZ to MDRZ. This was in addition to the changes sought to the extent of the industrial interface area.
- 94 The preferred outcome for Ravensdown, which I support, is to ensure that the extent of the industrial interface area is increased to

¹⁹ This may also include Ravensdown providing affected party consent as part of a consent process

address the concerns raised. This will enable new residential development to occur at an appropriate level as a permitted activity. If a resource consent is sought this will be assessed as a discretionary activity which will enable the full range of interface issues to be considered and addressed on a case by case basis. Having an appropriate qualifying matter is the best way to ensure that the important considerations relating to the Ravensdown site and activity will be given due consideration.

- 95 Provided the extent of the interface area is increased as Ravensdown has requested then what residential zoning applies to the land takes on less importance. This is because it is the industrial interface provisions that will determine the appropriate scale of development and the subsequent activity status for any consent.
- 96 For completeness I have assessed the option of rezoning land to RMDZ in the Section 32AA assessment I have undertaken. I have assessed that due to the lower height provided for buildings in the MDRZ it would be more effective to address the interface issues than the HDRZ. In considering the implications of height it is recognised that the Town Centre Intensification Precinct provides greater height opportunities. However, the rezoning option is less effective and efficient than extending the industrial interface area, particularly as the permitted and restricted discretionary considerations would not enable any interface implications with the Ravensdown site to be considered.
- 97 Within the Section 32AA consideration I have recognised that adopting the changes sought both in the rezoning to MDRZ and in the extension of the industrial interface qualifying area will have the consequence of reducing the number of residential units that can be provided in that area. Overall, however, given the limited extent of the area where change is sought, and the importance of the issues being addressed, I have considered that the changes sought are appropriate.

PROVISIONS SUPPORTED

- 98 The provisions I support are set out below. The base provisions I have used are as set out in the Section 42A report. Any changes I have made are shown in red font.

14.2.12 Objective – Compatibility with Industrial activities
a. *effects noise generated* from industrial activities and the development does not affect the operation of industrial activities within industrial zones.

14.2.12.1 Policy – Managing effects on industrial activities

- a. Restrict new residential development of three or more storeys within proximity to industrial zoned sites where it would give rise to reverse sensitivity effects on industrial activities and/or **significantly** adversely affect the **amenity** health and safety of residents, unless mitigation sufficiently addresses the effects.

Planning Map 37 – extend the Industrial Interface area over the area bordered in red on the map below.



Dated: 20 September 2023

Jane Whyte

APPENDIX ONE

Matters of Discretion

DISTRICT PLAN TEXT AMENDMENTS

Key:

For the purposes of this plan change, any unchanged text is shown as normal text or in **bold**, any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as ~~bold strikethrough~~.

Text in **bold red underlined** is that from Schedule 3A of the Resource Management Act and must be included.

Text in green font identifies existing terms in Chapter 2 – Definitions. Where the proposed change contains a term defined in Chapter 2 – Definitions, the term is shown as **bold underlined text in green** and that to be deleted as ~~bold strikethrough in green~~. New definition in a proposed rule is **bold green text underlined in black**.

Text in purple is a plan change proposal subject to Council Decision.

Text in **purple shaded in grey** is a Plan Change Council Decision.

Text in **black/green shaded in grey** is a Council Decision subject to appeal.

Text in blue font indicates links to other provisions in the district Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

14.15 Rules – Matters of control and discretion

- a. When considering applications for controlled activities, the Council's power to impose conditions on the consent is restricted to the matters over which control is reserved in the relevant rule and as set out for that matter below.
- b. When considering applications for restricted discretionary activities, the Council's power to decline consent, or to grant consent and impose conditions, is restricted to the matters over which discretion is restricted in the relevant rule and as set out for that matter below.

14.15.1 Residential design principles

- a. New developments shall be assessed against the seven residential design principles c.-i. set out below. Each residential design principle is accompanied by relevant considerations which are a guide to applicants and consent officers when considering an application against the residential design principles themselves.
- b. The relevance of the considerations under each residential design principle will vary from site to site and, in some circumstances, some of the considerations may ~~not~~ be ~~less~~ relevant ~~at all~~. For example, c.ii. is likely to be highly relevant to a development adjacent to **heritage items**; whereas c.ii. might be less relevant to a development in an area void of **heritage items**.
- c. ~~City context and character~~ **Site layout and context:**
 - i. ~~Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features~~ **Whether the development achieves high quality design through a logical and coherent site layout that prioritises the street interface, a public frontage for each unit, and safe and direct pedestrian access throughout the development.**
 - ii. The relevant considerations ~~are~~ **include** the extent to which the development:

- ~~A. includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as **building dimensions, forms, setbacks and alignments**, and **secondarily materials, design features and tree plantings**; and~~
- A. prioritises site layout that provides a safe and attractive **access** to units including entrances to attached dwellings and apartment buildings;
- B. achieves good on-site residential amenity and a positive street interface;
- C. minimises the need for tall fencing at street and **accessway boundaries**;
- D. provides space for planting and **trees** in communal areas, adjacent to **accessways** and at the street front; and
- E. for **development sites** exceeding 4,000m² in total area, provides connections (or designed not to foreclose potential future connections) through the **site** for the public; and
- ~~B-F. retains **or adapts features of the site that contribute significantly to local neighbourhood character, potentially including heritage items, Sites of Ngāi Tahu Cultural Significance** identified in **Appendix 9.5.6**, and **retains or adapts existing site** contours and mature trees.~~
- d. Relationship to the street and public open spaces
- i. Whether the development engages with and contributes to adjacent streets, **on-site communal space**, and any other adjacent **public open spaces** to contribute to them being lively, safe and attractive.
- ii. The relevant considerations **are include** the extent to which the development:
- ~~A. orientates **building frontages including entrances and windows to habitable rooms** orientates **building frontages, including public entrances and windows to habitable rooms**, toward the street, and adjacent **public open spaces**, and **on-site shared spaces**;~~
- A. orientates **building frontages including entrances and windows to habitable rooms** toward the street, and adjacent **public open spaces**, and **on-site shared spaces**;
- B. designs **buildings** on **corner sites** to emphasise the corner **and address both streets**; and
- ~~C. **avoids street facades that are blank or dominated by garages** locates **habitable rooms** on the ground floor, with **windows** facing towards, and visible from, the **street and accessway**.~~
- C. **avoids street facades that are blank or dominated by garages** locates **habitable rooms** on the ground floor, with **windows** facing towards, and visible from, the **street and accessway**.
- e. Built form and appearance
- i. Whether the development is designed to **manage minimise** the visual bulk of the **buildings** and provide visual interest.
- ii. The relevant considerations **are include** the extent to which the development:
- ~~A. **subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines** places building bulk at the street front and **otherwise limits the continuous lengths of buildings**;~~
- A. **subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines** places building bulk at the street front and **otherwise limits the continuous lengths of buildings**;

- ~~B.~~ **utilises variety of building form and/or variation in the alignment and placement of buildings to avoid monotony;**
- ~~B.~~ avoids blank elevations and facades dominated by garage doors or breezeways; **and**
- ~~C.~~ achieves visual interest and a sense of **human scale** through the use of **varied rooflines, building articulation,** architectural detailing, glazing and variation of materials; **and**
- ~~D.~~ **where buildings are higher than 12 metres from ground level:**
 - 1. the massing of the top of the building is moderated through upper floor setbacks and roof-form and any rooftop plant and servicing is integrated into the roof-form; and**
- ~~E.~~ **buildings that contain four or more residential units have a maximum building length that does not exceed 30 metres in length and are separated from other residential units by at least 3m.**

f. Residential **amenity environment**

- ~~i.~~ **In relation to the built form and residential amenity of the development on the site (i.e. the overall site prior to the development), whether how the development provides a high level of good** internal and external residential amenity for occupants and neighbours **is provided.**
- ii. The relevant considerations ~~are include~~ the extent to which the development:
 - A. provides for outlook, sunlight and privacy through the site layout, and orientation and internal layout of residential units;
 - B. directly connects private outdoor spaces to the living spaces within the residential units;
 - ~~C.~~ **for taller buildings higher than 12 metres from ground level, orients windows and balconies to face the street, public spaces or internally within the site, rather than towards internal site boundaries;**
 - ~~C-D.~~ **ensures any communal private open spaces are accessible, usable and attractive for the residents of the residential units; and where communal outdoor living is provided:**
 - 1. has attractive, high quality, safe pedestrian access that directs people from each residential unit or shared lobby, which is of sufficient width and standard of formation to be usable by people with differing mobility needs;**
 - 2. is centrally located in an accessible part of the site; and**
 - 3. is usable and attractive for residents, oriented for good solar access and including tree planting; and**
 - ~~D-E.~~ includes tree and garden planting **particularly visible from, and** relating to, the street frontage, boundaries, access ways, and parking areas.

g. Access, parking and servicing

- i. Whether the development provides for good, **safe** access and integration of space for ~~parking and pedestrian movement, cyclist servicing, and parking (where provided)~~.
- ii. The relevant considerations are the extent to which the development:
 - A.** integrates access in a way that is safe for all users, and offers **direct and** convenient access for pedestrians **and cyclists to from** the street **to the front door of each unit, any nearby parks or other public recreation spaces;**
 - B.** **provides effective physical separation between vehicles and any dedicated pedestrian access;**
 - B-C.** **when provides for parking areas and garages where are provided, these are designed and located** in a way that does not dominate the development, particularly when viewed from the street or other **public open spaces; and**
 - D.** **when no on-site car parking is provided, the movement of people and car-free modes of travel are facilitated, including accesses that are of sufficient width and standard of formation to be used by people with differing mobility needs; and**
 - C-E.** provides for suitable storage (**including bike storage**) and service spaces which are conveniently **accessible for people with differing mobility needs**, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces.

h. Safety

- i. Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment.
- ii. The relevant considerations are the extent to which the development:
 - A.** provides for views over, and passive surveillance of, adjacent public and ~~publicly accessible private open~~ **shared** spaces, **from ground level living areas, without compromising internal privacy;**
 - B.** clearly demarcates boundaries of public and private space;
 - C.** **promotes a sense of ownership of communal areas and front yards, planting areas and other transition spaces through the location of these in relation to unit entrances and pedestrian accessways;**
 - C-D.** makes pedestrian entrances and routes readily recognisable **and legible through clear and logical site layout;** and
 - D-E.** provides for good visibility with clear sightlines and effective lighting, **avoiding tight bends, blind corners and entrapment spaces.**

Advice note: Refer to NZS1158.3.1:2020 for guidance on effective lighting.

i. Hillside and small settlement areas

- i. Whether the development maintains or enhances the context and amenity of the area.

- ii. The relevant considerations are the extent to which the development:
 - A.** maintains significant and distinctive landforms, geological features, **water bodies** and courses, indigenous and exotic vegetation, coastal margins and the habitat of **indigenous fauna**;
 - B.** has regard to and protects **historic heritage** from inappropriate **subdivision** use and development, and recognizes the relationship of Ngāi Tahu mana whenua with their ancestral lands, water and other taonga, including **Sites of Ngāi Tahu Cultural Significance** identified in **Appendix 9.5.6** and access to those sites and to mahinga kai;
 - C.** is designed and located in a way that reduces dominance of **buildings** and structures;
 - D.** incorporates environmentally sustainable and low impact **subdivision, site** and **building** design;
 - E.** responds to the qualities that are distinct and unique to each small settlement; and
 - F.** where appropriate and possible, maintains views from properties.
- j. **Minimum road boundary setback - Qualifying Matter City Spine Transport Corridor**
 - i. Whether the reduced setback, location of an **outdoor living space** and fencing would provide sufficient space in the front yard to contribute positively to street amenity and provide for the planting of medium to large specimen trees.**
 - ii. Whether the reduced setback, location of an **outdoor living space** and fencing would provide sufficient opportunity to achieve well integrated and multiple land use and infrastructure outcomes, including as a minimum and to achieve best practice guidelines, two traffic lanes, pedestrian, cycle and public transport services; landscape amenity and tree planting; and stormwater retention and treatment facilities, residential street relationships and servicing, and CPTED principles**
 - iii. Whether buildings, the location of an **outdoor living space** and fencing enabled through a lesser setback from the road would impede widening of the road reserve through designation and/or land acquisition.**

14.15.2 Site density and site coverage

- a. Whether the non-compliance is appropriate to its context taking into account:
 - i. whether the balance of open space and **buildings** will maintain the character anticipated for the zone building dominance and privacy effects on surrounding properties;**
 - ii. any visual dominance of the street resulting from a proposed **building's** incompatible scale the effect of the additional building bulk on the planned urban built character of the local environment;**
 - iii. within the Medium Density Residential zone and High Density Residential zone only, whether additional landscaping above the 20% permitted standard is proposed;**
 - iv. The ability to practically use onsite space unoccupied by **buildings** and **accessways**, including any impacts in terms of usability and amenity on any onsite ground floor **outdoor living spaces** and opportunities for planting;**

- v. The degree to which site layout and building design encourages a strong connection to the street and provides for a coherent street scene; and
 - ~~iii-vi.~~ any loss of opportunities for views in the Residential Banks Peninsula Zone; ~~and~~
 - iv. ~~the proportion of the building scale in relation to the proportion of the site.~~
- b. Where the **site** is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#).

14.15.3 Impacts on neighbouring property

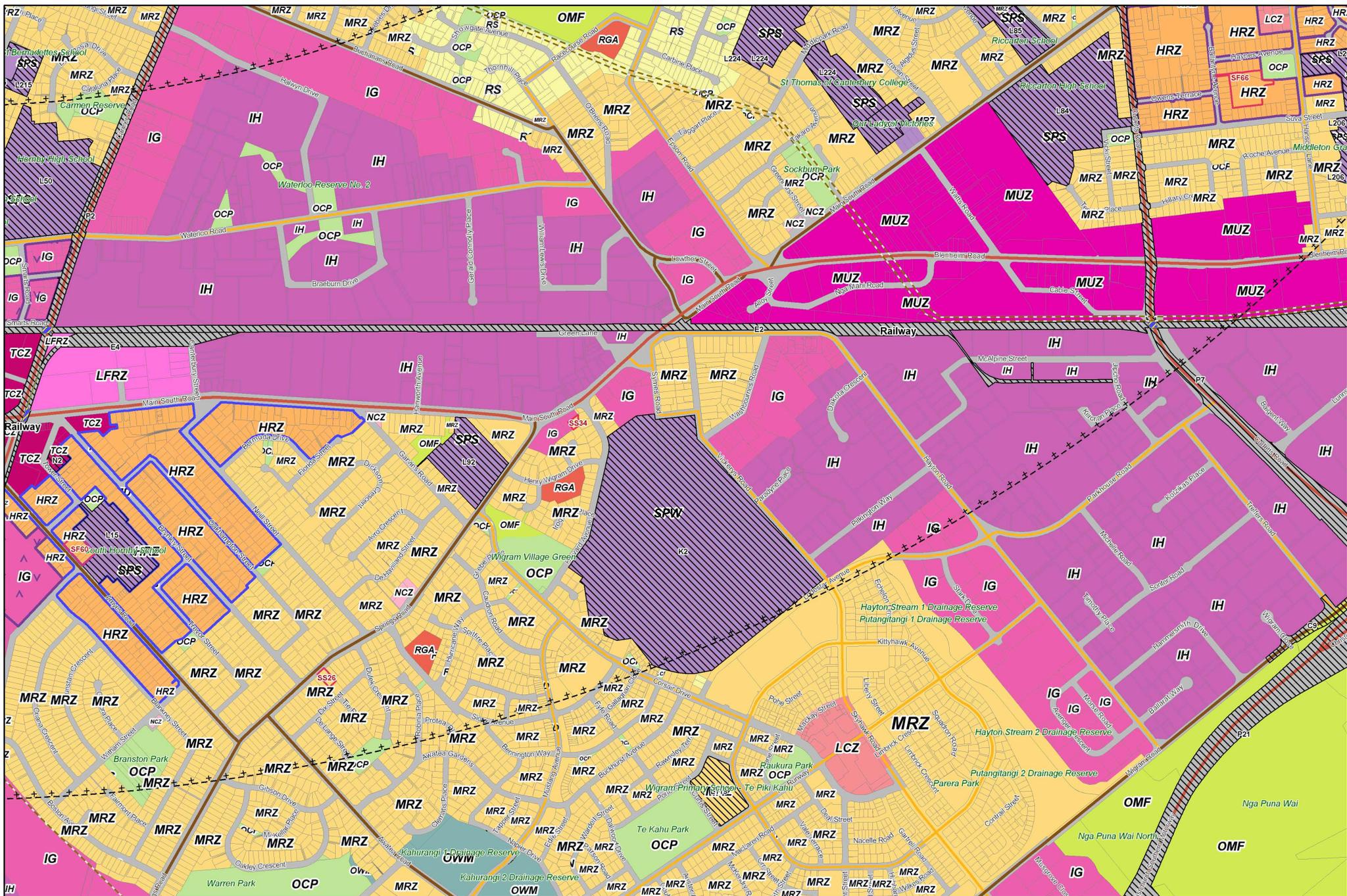
- a. Whether the increased **height**, or reduced **setbacks**, or ~~recession plane intrusion~~ would result in **buildings** that do not compromise the ~~amenity of adjacent properties~~ planned urban built character. ~~taking into account~~ The following matters of discretion apply:
- i. Building bulk and dominance effects on surrounding neighbours;
 - ii. Privacy and shading effects on surrounding neighbours, including on **habitable rooms** or **outdoor living spaces**;
 - iii. ~~The extent to which an increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;~~
 - iv. Modulation or design features of the roof-form to reduce its visual impact;
 - v. Whether the majority of the ground floor area is occupied by **habitable rooms** and/or **indoor communal living space** (this area may include pedestrian **access** to lifts, stairs and foyers);
 - vi. Impacts on the heritage values of **adjoining** properties; and
 - vii. For **height** breaches only:
 - A. the location of the **building** in relation to existing or planned public transport corridors, community facilities, or commercial activities and the connectivity of the **building** to these facilities;
 - B. The extent to which an increased **height** is necessary to enable more efficient, cost effective and/or practical use of the **site**, or the long term protection of significant **trees** or natural features on the **site**;
 - ~~i. overshadowing of **adjoining sites** resulting in reduced sunlight and daylight admission to internal **living spaces** and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone;~~
 - ~~ii. any loss of privacy through being overlooked from neighbouring **buildings**;~~
 - ~~iii. whether development on the **adjoining site**, such as large **building setbacks**, location of **outdoor living spaces**, or separation by land used for **vehicle access**, reduces the need for protection of **adjoining sites** from overshadowing;~~

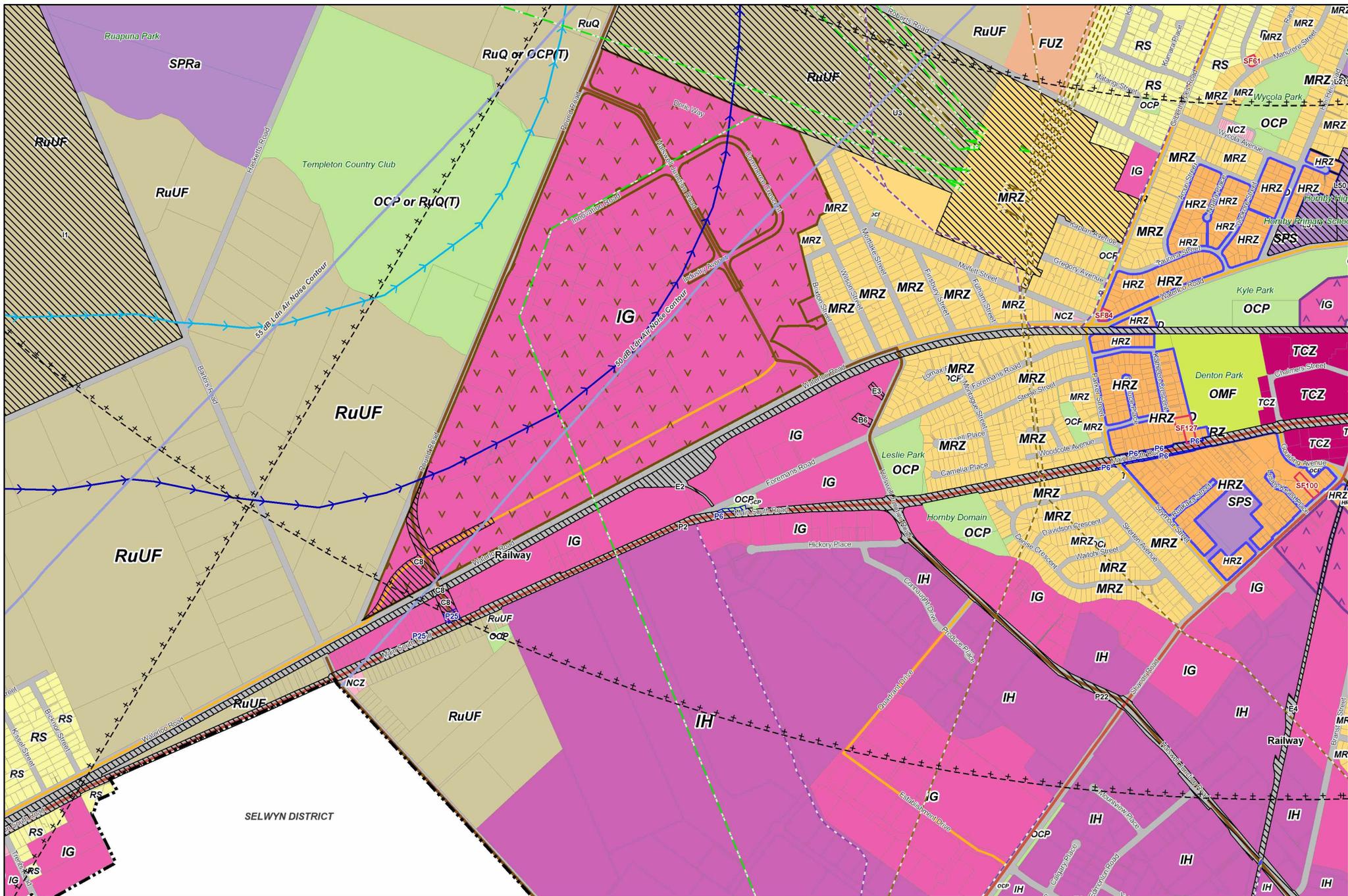
- ~~iv. the ability to mitigate any adverse effects of increased height or recession plane breaches through increased separation distances between the building and adjoining sites, the provision of screening or any other methods; and~~
- ~~v. within a Flood Management Area, whether the recession plane infringement is the minimum necessary in order to achieve the required minimum floor level.~~
- b. Where the site is within the Akaroa Heritage Area, the matters set out in [Rule 9.3.6.3](#)
- c. Within the Medium Density Residential zone, for buildings exceeding 14 metres in height, and within the High Density Residential zone, for buildings exceeding 32 metres in height, the matters of discretion are as follows:
 - i. The degree of alignment of the building with the planned urban character of the zone or applicable precinct;
 - ii. Building bulk and dominance effects on surrounding neighbours, particularly the effect on the relationship between buildings, public spaces, and views;
 - iii. The degree of privacy effects on surrounding neighbours, including on habitable rooms or outdoor living spaces;
 - iv. The degree of shading effects on surrounding neighbours, including the extent of impact on any habitable rooms or outdoor living spaces;
 - v. The extent to which the increased height is necessary to enable more efficient, cost effective and/or practical use of the site, or the long term protection of significant trees or natural features on the site;
 - vi. Any modulation or design features of the roof-form and façade to reduce its visual impact;
 - vii. Whether a minimum of 30% of the ground floor area is occupied by habitable rooms and/or indoor communal living space (including any shared pedestrian access to lifts, stairs and foyers);
 - viii. The extent to which the development provides for greater housing choice, by typology or price point compared to existing or consented development within the surrounding area;
 - ix. Whether the building is for the purposes of papakāinga / kāinga housing;
 - x. The location of the development relative to current and planned public transport corridors, community facilities, or commercial activities and the connectivity of the development to these facilities;
 - xi. How the proposal contributes to or provides for a sense of local identity or place making;
 - xii. Residential Design Principles listed under [14.15.1.c](#) (site layout and context) and [14.15.1.f](#) (residential environment);
 - xiii. For any building greater than 20 metres in height, where any part of the building above 20 metres does not meet the standards below, the effect of not complying with the standard(s) below. The standards are:

- A. At least 6 metres setback from all side and rear boundaries;
 - B. At least 3 metres setback from any front boundary;
 - C. A ground level communal outdoor living space shall be provided at a ratio of 50m² per 10 residential units. The number of units shall be rounded to the nearest 10, in accordance with the Swedish rounding system. This ratio shall be calculated on the number of residential units on the 4th floor of the building and any subsequent floors above, with the maximum required area being 20% of the site area. Any communal outdoor living space shall have a minimum dimension of no less than 8 metres.
- xiv. Whether the development detracts from the economic opportunities within the city centre and its primacy.

APPENDIX TWO

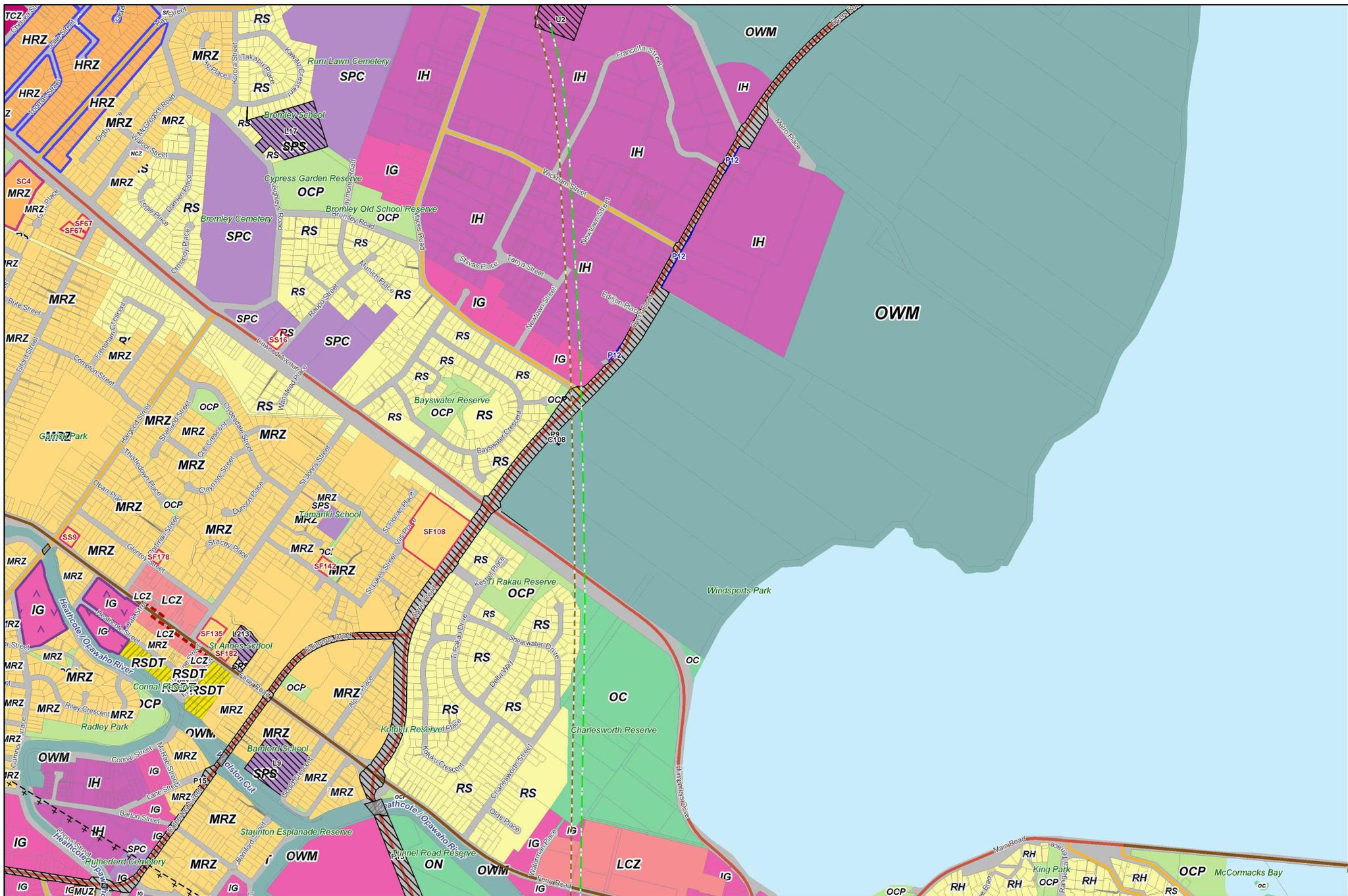
Planning Maps of other Industrial Heavy Zones





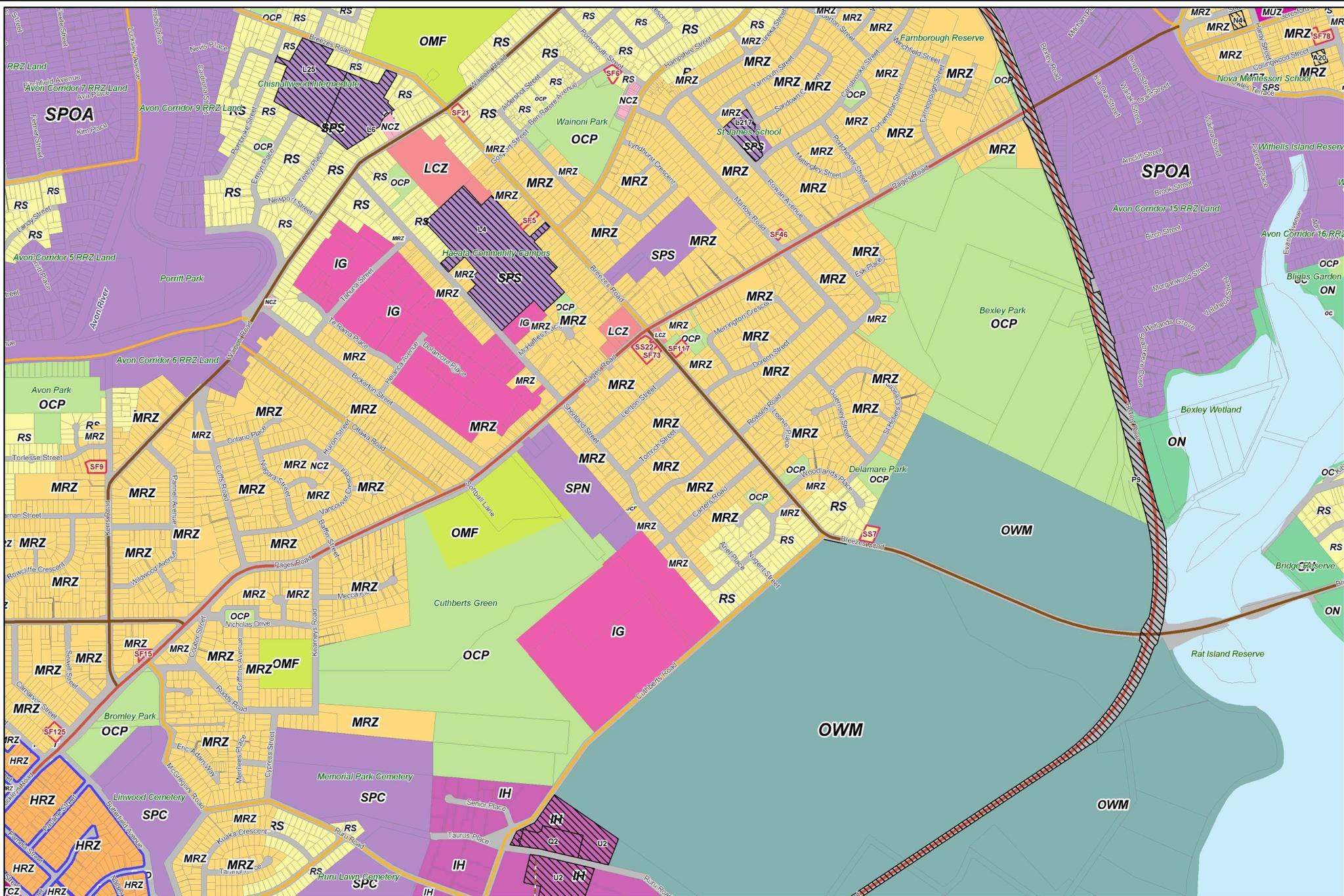
Planning Map 36A
 Zones, Other Notations, Designations and Heritage Orders
 Operative District Plan Notified 17/03/2023

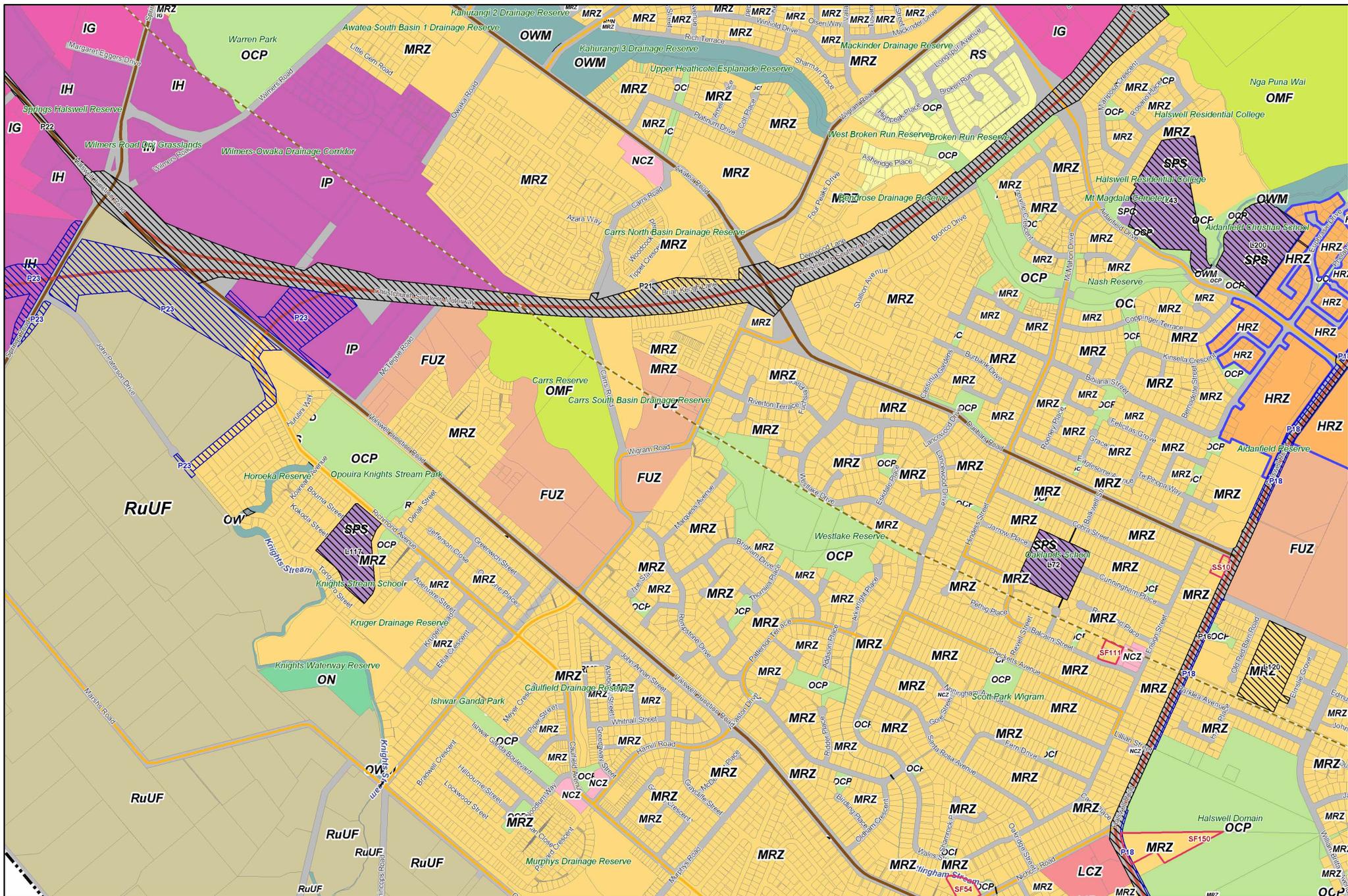




Planning Map 40A
 Zones, Other Notations, Designations and Heritage Orders
 Operative District Plan Notified 17/03/2023

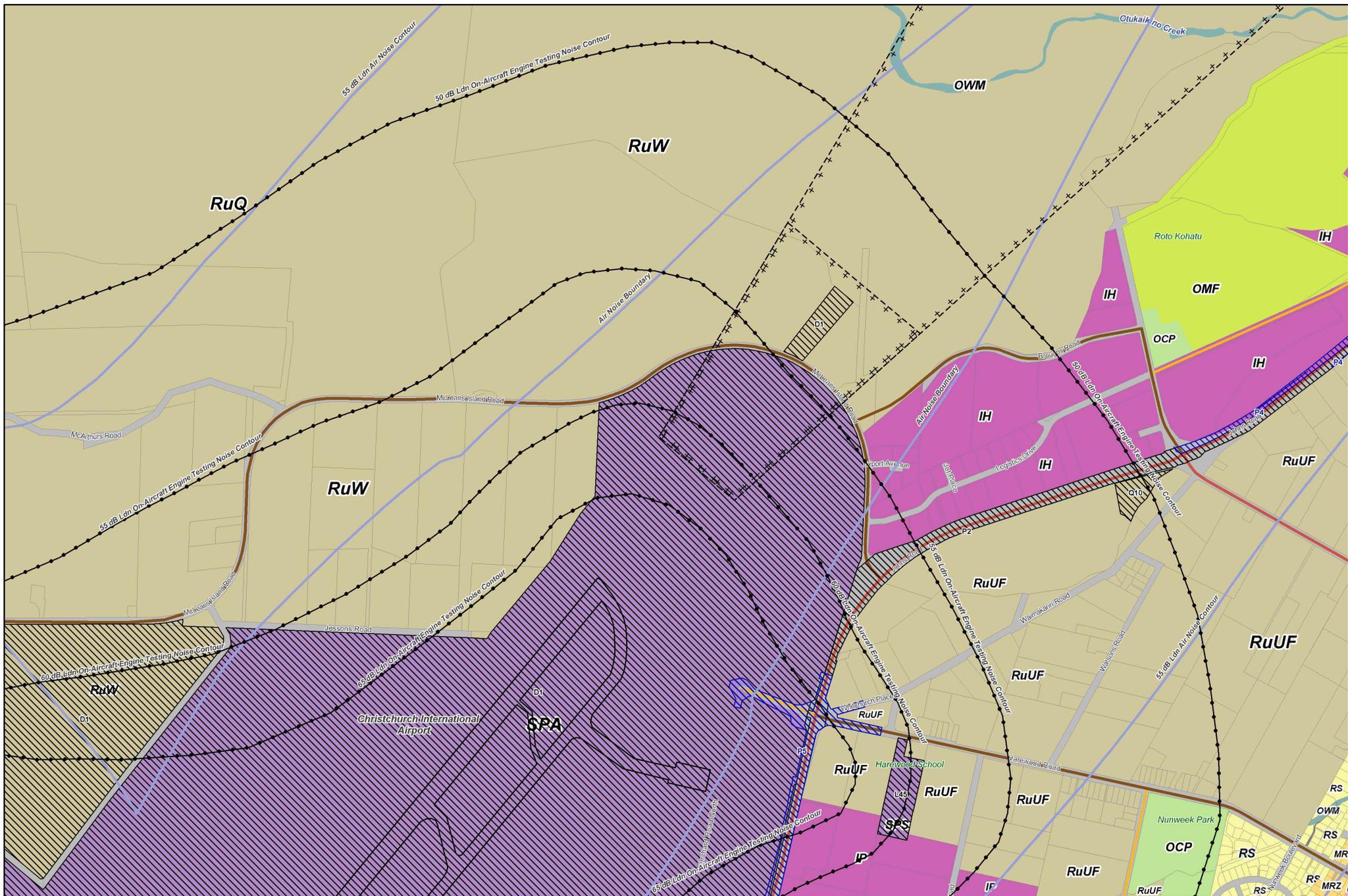






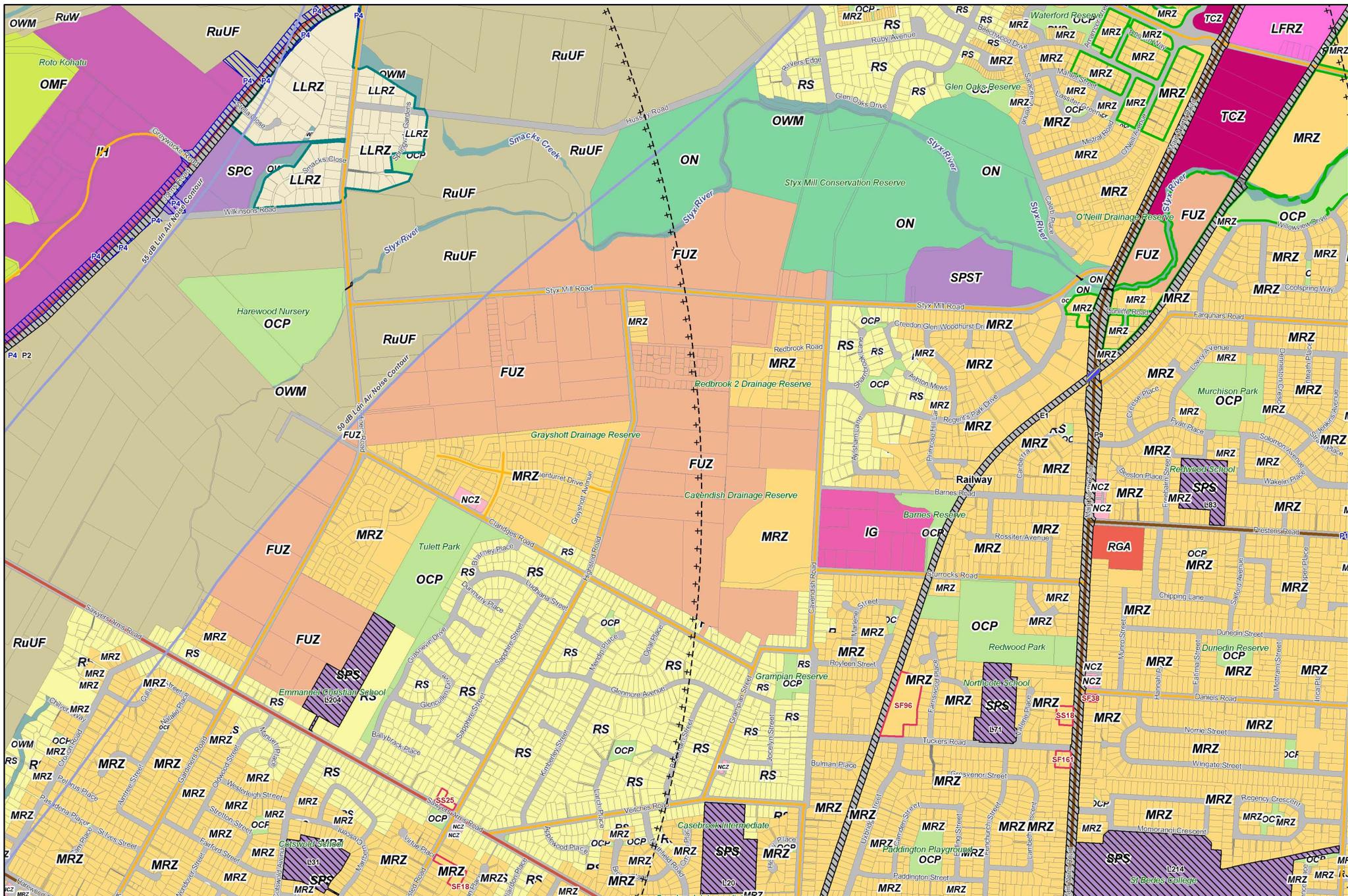
Planning Map 44A
 Zones, Other Notations, Designations and Heritage Orders
 Operative District Plan Notified 17/03/2023





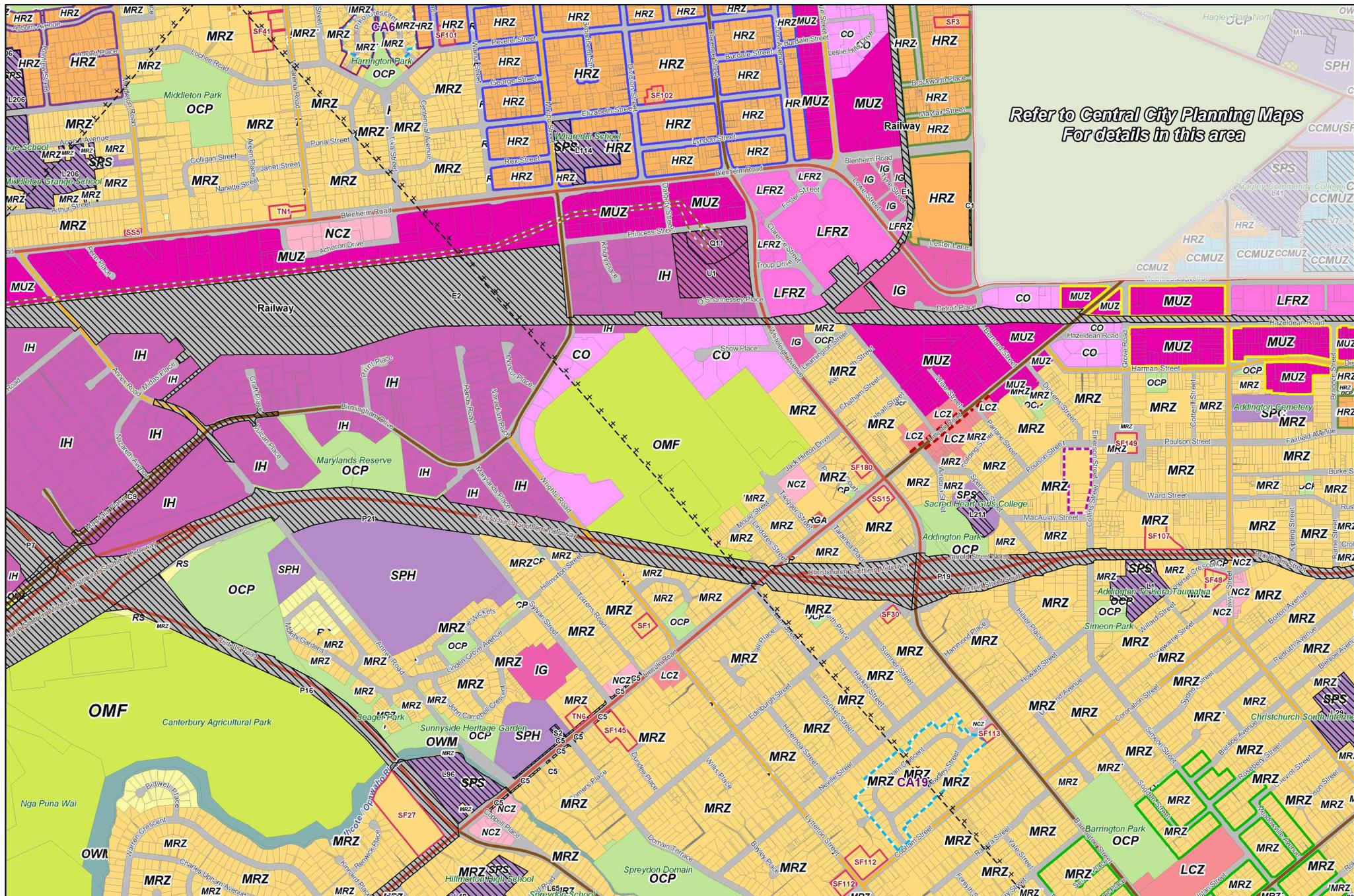
Planning Map 17A
 Zones, Other Notations, Designations and Heritage Orders
 Operative District Plan Notified 17/03/2023





Planning Map 18A
 Zones, Other Notations, Designations and Heritage Orders
 Operative District Plan Notified 17/03/2023





Refer to Central City Planning Maps
For details in this area

APPENDIX THREE

Section 32AA Considerations

The Section 32AA evaluation undertaken in support of the changes sought by Ravensdown has been shown to the original Section 32 Report that formed part of the notification of PC14. The new evaluation is shown in bold and underlined text.

6.22 Residential-Industrial Interface Area Section 32 evaluation

6.22.1 **Identification and spatial extent of proposed qualifying matter (s77K (1)(a) and s77Q (1)(a))** - The extent of the proposed residential-industrial interface area where a height/storey limit is proposed, is identified as an qualifying matter overlay under the Planning Maps.

6.22.2 **Issue** – The result of applying MDRS means that there is potential for much greater residential density along industrial/residential interfaces than currently enabled in the District Plan. Enabling development up to three storeys may result in currently complying levels of noise from industrial activities exceeding the noise limits. This has the potential to result in nuisance effects on future occupants, and reverse sensitivity effects on industrial activities, potentially affecting their commercial viability. The activities enabled in the industrial general zone (which tend to buffer residential zones from industrial heavy zones) are those that have lesser impacts in terms of noise, traffic movements, odour than compared with land zoned industrial heavy. The industrial chapter in the District Plan includes specific measures to minimise impacts on adjoining residentially zoned land such as setbacks, recession planes, screening of outdoor storage, landscaping and building height. Chapter 6.1 of the District Plan also contains maximum noise limits for both residential zoned land and industrial zoned land.

6.22.3 Noise has been the most prevalent issue raised in complaints¹ from residents near industrial activities. This includes, but is not limited to, noise originating from the use of machinery (such as site scraping, trucks and forklifts), banging and clanging of metal, and the moving of containers. Advice from Acoustic Engineering Services (refer Appendix 39) indicates that noise limits which control the industrial-residential interface are in line with best practice (including the directives of the National Planning Standards) and put the onus on industrial operators to comply with ‘residential level’ limits by the time their noise reaches residential areas. This is because noise generated in any of the Industrial zones when received at a residential zoned property is required in the District Plan to comply with the Residential noise limits (50 dB LAeq between 0700 and 2200 hours, and 40 dB LAeq / 65 dB LAFmax between 2200 to 0700 hours). The District Plan requires compliance with these noise limits is measured and assessed in accordance with NZS6801:2001

Acoustics – Measurement of environmental sound, and NZS 6802:2008 Acoustics – Environmental noise. The NZS6802:2008 requires assessment of compliance at 1.2 – 1.5 metres at the façade above any floor level of interest, and also 1.2 – 1.5 metres above ground level over the entire outdoor area of the site.

6.22.4 The AES report indicates that the vast majority of the dwellings at the industrial-residential interface are currently single storey. In this

situation, in the majority of layouts there is screening blocking direct line of site between many industrial source and residential properties – either provided by buildings, or site fencing. The report sets out that effectiveness of screening depends on the height of the screen, as well as the location of the screen relative to the source and the receiver. The key issue in this case is that if the height of the receiver is increased from 1.5 metres above ground level (single level dwelling) to approximately 7.5 metres above ground level (the third-floor level of a dwelling), the effectiveness of any screening may be reduced. If there is now direct line of sight between the industrial noise source and sensitive residential receiver, the screening may reduce to zero. In that case, a noise source which is relying on the screening to comply with a noise limit of 50 dB LAeq at ground level, would generate a noise level above 50 dB LAeq when received at the third-floor level of the new dwelling.

- 6.22.5 MDRS may provide further incentive to redevelop those sites, and new dwellings in that case may be up to three stories which may result in currently complying levels of noise from industrial activities exceeding the noise limits. This may result in undue amenity effects on occupants of the new three storey development in terms of noise disturbance. This has the potential to therefore result in reverse sensitivity effects on industrial activities, and could unduly constrain the operation of businesses. The issue is to determine what level of intensification is appropriate so as not to unduly impact currently complying industrial activities and providing for intensification that would not cause disturbance and reduced amenity to future occupants. The Act enables a qualifying matter to potentially be applied in respect of this issue under s771 (i) and s770 (i) *'the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand'*.

6.22.5A While noise is an important issue for many of the proposed industrial interface areas there is one location where noise is not the key determinant of the need for or extent of any industrial interface area. This is in relation to the interface between the Heavy Industrial Zone where the Ravensdown Manufacturing Facility is located in Hornby and the Proposed High Density Residential Zone located on the south side of Main South Road. The key issue with this interface relates to the discharges to air that occur from the manufacturing operations this site in accordance with the resource consent conditions that apply to the activity. The result of applying HDRZ opposite an Industrial Heavy Zone means that there is potential for much greater height of residential units along the industrial/residential interface than currently enabled in the District Plan. Enabling development greater than two storeys may result in changes the receiving environment for the current discharges. This has the potential to result in nuisance effects on future occupants, and reverse sensitivity effects on the existing consented industrial activity, potentially affecting its commercial viability. The site-specific issue is to determine what

level of intensification is appropriate so as not to unduly impact currently complying industrial activities and providing for intensification that would not cause disturbance and reduced amenity to future occupants. The Act enables a qualifying matter to potentially be applied in respect of this issue under s77I (i) and s77O (i) 'the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand'.

- 6.22.6 **Option evaluation** – The table below summarises the assessment of costs and benefits for each option based on their anticipated environmental, economic, social, and cultural effects, as well as the efficiency and effectiveness of the option and the risk of acting or not acting. Preceding the assessment of the proposed change in respect of the additional relevant assessments required in the Act for qualifying matters in residential zones and/or in non-residential zones (Part 5, sub-part 3) and in the NPS-UD (Clause 3.33). The assessment is supported by the information obtained through technical reports, and consultation.
- 6.22.7 **Additional assessment under the Act (Sections 77I – 77R) and the NPS-UD (Clause 3.33)** - Section 77I and Section 77O allow for territorial authorities to apply building height or density requirements enabling less development, than would otherwise be required to be enabled, where a qualifying matter applies. Qualifying matters specifically include, under s77I (i) and s77O (i), 'the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand'. Business land, in the NPS UD, includes land in any industrial zone.
- 6.22.8 **Reason the area is subject to a qualifying matter (s77J (3)(a)(i))** - As set out above, there is potential for much greater residential density along industrial/residential interfaces under MDRS than currently enabled in the District Plan. This could result in nuisance effects on future residential occupants, and reverse sensitivity effects on industrially zoned land, particularly with respect to noise. The noise limits within the District Plan are determined by the zoning of the receiving activity and therefore noise generated in any of the industrial zones when received at a residential zoned property are required to comply with the residential noise limits. MDRS enables residential dwellings to be constructed up to three storeys in height compared to the two storeys permitted in the current Plan, although currently it is predominantly single level dwellings at the interface with industrially zoned land. The greater development potential may mean that the third storey of new dwellings 'overlook' industrial activities to a greater extent, and do not acoustically benefit from the screening of typical boundary fences, or intervening buildings. Additionally, as NZS6802:2008 requires assessment of noise compliance at 1.2 – 1.5 metres above any floor level of interest, there may be compliance locations created which receive higher noise levels than in the current situation, and this may result in currently complying levels of noise from

industrial activities exceeding the noise limits. It is noted that changes to the industrial zone rules is outside scope of this IPI and would require a separate future plan change.

In relation to the site-specific interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ on the opposite side of Main South Road, Hornby there is potential for much greater residential density along industrial/residential interfaces than currently enabled in the District Plan. This could result in nuisance effects on future residential occupants, and reverse sensitivity effects on industrially zoned land, particularly with respect to discharges. HDRZ provides²⁰ for residential dwellings to be constructed up to and over 32 metres in height compared to the two storeys permitted in the current Plan, although currently it is predominantly single level dwellings at the interface with industrially zoned land. The greater development potential may mean that the receiving environment in relation to existing consented discharges to air will change, with residential units occurring at potentially higher elevations.

- 6.22.9 **Reason the qualifying matter is incompatible with the level of development permitted (s77J (3)(a)(ii))** – PC14 will encourage redevelopment at a rate which is currently not experienced. Three storey residential development abutting industrially zoned land has the potential to generate reverse sensitivity effects on industrial activities, potentially affecting their commercial viability. The District Plan currently permits residential development up to two storeys whereas the MDRS provides for development up to three storeys. Changes to subdivision controls through MDRS also mean that there cannot be any minimum allotment size around existing or proposed dwellings. This means there is potential for much greater density along industrial/residential interfaces than currently possible. This has the potential to unduly constrain industrial activities that would comply with the District Plan noise limits as they are currently, however may no longer comply due to compliance locations created which receive higher noise levels. There is potential for noise disturbance effects at the three storey level and associated reverse sensitivity effects on industrial activities.

In relation to the site-specific matter at Hornby PC14 will encourage redevelopment at a rate which is currently not experienced. Thirty two metre and greater development opposite an Industrial Heavy Zone has the potential to generate reverse sensitivity effects on industrial activities, potentially affecting their commercial viability. In addition, changing the relationship between the existing air discharges on the site and the residential

²⁰ Either as a restricted discretionary consents, or as a permitted activity depending on recommendations in other Section 42A reports.

receiving environment has potential implications on the amenity values and quality of environment that will occur within the HDRZ.

6.22.10 **Impact of lesser enablement under the proposed qualifying matter (s77J (3)(b))** - The impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity is set out in Section 2.3, Table 6 of this report. Note it is unlikely that apartments will be established in these locations, and therefore this qualifying matter may only impact one floor which could impact the number of bedrooms, and unit typology rather than number of units. The enabled capacity impacted is 8300 units, while 1150 of these units are considered feasible.

In relation to the site-specific matter with the Industrial Heavy Zone the area impacted is approximately 200m by 400m.

6.22.11 **The costs and broader impacts of imposing lesser enablement (s77J (3)(c))** - The costs and broader impacts of imposing those limits are set out in the below s32 evaluation table.

6.22.12 **Requirements if qualifying matter applies (NPS-UD, clause 3.33)** - For similar reasons the proposed changes relating to this issue are considered to also satisfy the assessment requirements of clause 3.33 of the NPS-UD.

Table 29 – Options evaluation for the residential-industrial interface areas

Option 1- Apply MDRS with no qualifying matter	Option 2 – Proposed change	Option 2A – Proposed change, but with a site-specific interface area opposite 312 Main South Road	Option 3
<p>Option description This option is to apply MDRS In residential zones, without an industrial interface qualifying matter.</p>	<p>Option description This option would introduce a two storey height limit buffer for residential properties directly adjoining industrial zoned land. The two storey requirement would extend over 40m within the properties adjoining industrial land. In the case of properties fronting across the road from industrial zoned land, the same requirement would apply. Resource consent would be required for development over two storeys within this buffer. This buffer represents the potential extent of elevated noise area into the Residential zone at third floor level where industrial noise sources currently comply with the CDP limits</p>	<p>Option description This option would introduce a two storey height limit buffer for residential properties directly adjoining industrial zoned land. The two storey requirement would extend over 40m within the properties adjoining industrial land. In the case of properties fronting across the road from industrial zoned land, the same requirement would apply, <u>except as applies to land opposite 312 Main South Road. In this location as the interface area is between and Industrial Heavy Zone and a HDRZ the two storey requirements would extend over 240m.</u> Resource consent would be required for development over two</p>	<p>Option description This option introduces a two storey height buffer for residential development within 15m of the industrial zoned land. The 15 metre buffer represents the potential extent of elevated noise area into the Residential zone at third floor level where industrial noise sources would currently comply with the CDP limits at both ground and second floor. This reflects that difference between what is required to comply at second floor level, and what is required to comply at third floor level, is not as great compared to a change from</p>

	<p>at ground floor. The vast majority of the dwellings at the industrial-residential interface are currently single storey. Increasing to a three storey level may result in overlooking industrial activities and associated greater exposure to noise, whereas in the existing situation there is likely sufficient screening at ground floor level by site fencing and/or buildings.</p>	<p>storeys within this buffer. This buffer represents the potential extent of elevated noise area into the Residential zone at third floor level where industrial noise sources currently comply with the CDP limits at ground floor. The vast majority of the dwellings at the industrial-residential interface are currently single storey. Increasing to a three storey level may result in overlooking industrial activities and associated greater exposure to noise, whereas in the existing situation there is likely sufficient screening at ground floor level by site fencing and/or buildings.</p> <p><u>In relation to the land opposite the Heavy Industrial Zone at 312 Main South Road this buffer, in addition to noise addresses the potential effects of and from discharges to air occurring from the activity on the industrial land. In this location the height of a new residential units can be at or above 32m.</u> The vast</p>	<p>ground floor level to third floor level.</p>
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		majority of the dwellings at the industrial-residential interface are currently single storey. <u>Increasing the height of residential units in this location may result in associated greater exposure to the effects of the existing and lawful air discharges occurring on the site. .</u>	
Appropriateness in achieving the objectives and higher order documents			
<p>Efficiency – This option is not considered an efficient way to achieve the objectives of the Plan given the potential undue impacts on future occupants of three storey residential development and potential undue impacts on industrial businesses.</p> <p><u>In relation to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ opposite, which envisages greater than three story residential</u></p>	<p>Efficiency – While this option reduces the enablement from three storey to two storey development adjoining industrial zoned land, it ensures development does not unduly impact on the operation of industrial activities in industrial zones, and protects the amenity of occupants of residential development.</p> <p><u>In relation to the land opposite the Heavy Industrial Zone at 312 Main South Road the 40m</u></p>	<p>Efficiency – While this option reduces the enablement from three storey to two storey development adjoining industrial zoned land, <u>and from up to and greater than 32m to two storey within the RHDZ opposite 312 Main South Road,</u> it ensures development does not unduly impact on the operation of industrial activities in industrial zones, and protects the amenity <u>and quality of the</u></p>	<p>Efficiency – This option is not as efficient as option 2 <u>or 2A</u> noting that a 15m buffer would be most suitable where permitted two storey development is replaced by three storey development given the minimal difference in noise between these levels. The existing environment at the industrial interface is predominantly comprised of single level dwellings. The 15m buffer would not afford suitable distance to ensure reverse</p>

<p><u>development this option is ineffectual</u></p>	<p><u>buffer area will be ineffectual to address the interface between the Industrial Heavy Zone and the RHDZ, which envisages greater than three storey development.</u></p> <p>Therefore, <u>except for the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ opposite,</u> this option is considered the most efficient way to achieve the objectives of the Plan .</p> <p><u>In relation to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ opposite the extent of the buffer at 40m is ineffectual.</u></p>	<p><u>environment</u> of occupants of residential development.</p> <p><u>In relation to the land opposite the Heavy Industrial Zone at 312 Main South Road the 240m buffer area will address the interface between the Industrial Heavy Zone and the RHDZ, which envisages greater than three storey development.</u></p> <p><u>Therefore, this option is considered the most efficient way to achieve the objectives of the Plan .</u></p>	<p>sensitivity is appropriately managed.</p> <p><u>In relation to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ opposite this option is ineffectual</u></p>
<p>Benefits - Sites are able to realise their development potential to a three storey envelope. This may</p>	<p>Benefits - This option has the least impact on businesses in industrial zones, <u>with the</u></p>	<p>Benefits - This option has the least impact on businesses in industrial zones. The AES</p>	<p>Benefits - The 15m buffer would still afford a level of separation reducing potential noise</p>

<p>provide economic benefits with a higher density enabled in these areas. This option is less likely to require consents than for all other options. Enabling development to three storeys could provide for increased social opportunities and benefits with a higher density of residents. There may be cultural benefits associated with properties being able to realise their full development potential.</p>	<p><u>exception of the manufacturing activity at 312 Main South Road, where it is ineffectual.</u> The AES acoustic memo demonstrates there are realistic scenarios where the construction of three level dwellings would lead to elevated noise being experienced at the third storey façade from currently compliant industrial activities. This option would reduce potential for reverse sensitivity effects on industrially activities, which could potentially affect their commercial viability. It reduces potential for undue nuisance effects on residential activities adjoining the industrial interface, helping maintain amenity and wellbeing of occupants. There may be cultural benefits associated with limiting development to</p>	<p>acoustic memo demonstrates there are realistic scenarios where the construction of three level dwellings would lead to elevated noise being experienced at the third storey façade from currently compliant industrial activities. This option would reduce potential for reverse sensitivity effects on industrially activities, which could potentially affect their commercial viability.</p> <p><u>In relation to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ opposite as noise is not the key issue being managed a bespoke buffer of 240 metres is appropriately applied.</u></p> <p><u>The evidence presented on behalf of Ravensdown and the modelling undertaken by Mr</u></p>	<p>impacts on three storey development and associated reverse sensitivity effects on industrial activities. However the 15m buffer is based on permitted two storey development being replaced with three storey development, which does not reflect the existing situation with predominantly single level dwellings adjoining industrial zoned land. A 15m buffer would still provide a level of protection, although there is still potential for currently complying industrial activities to breach the noise rules should three storey development be undertaken at the interface, potentially unduly impacting on the operation of the activity. There would be economic benefits with a smaller buffer in that more three storey development can occur near</p>
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	two storey close to industrial areas.	<p><u>Chilton has shown that exposure to air discharges increase with height. This provides the basis for limiting the height of buildings that can develop in the RHDZ opposite 312 Main South Road.</u></p> <p>It reduces potential for undue nuisance effects on residential activities adjoining the industrial interface, helping maintain amenity and wellbeing of occupants. There may be cultural benefits associated with limiting development to two storey close to industrial areas.</p>	the interface without requiring resource consent and potential
<p>Costs – There is potential for amenity impacts on occupants of three storey development at the industrial interface, and potential for reverse sensitivity impacts on industrial activities. Existing and future industrial activities could</p>	<p>Costs - Some sites may not be able to realise their development potential in that they are limited to two storey level, or require a resource consent. However there is sufficient development capacity</p>	<p>Costs - Some sites may not be able to realise their development potential in that they are limited to two storey level, or require a resource consent. However there is sufficient development capacity</p>	<p>Costs - The buffer would restrict development within 15m of industrial zoned land to two storey which may impact on development potential. As mentioned above the 15m buffer is not considered an</p>

<p>have their operations restricted due to reverse sensitivity from three storey development occurring at the interface, potentially affecting their commercial viability. There may be cultural cost associated with enabling three storey development close to industrial zoned land.</p>	<p>within the city without additional or more intensified development in this location. There may be uncertainty and higher development costs for three, <u>or more</u> storey development in these areas. Restricting intensification to two storey may to a small extent restrict the ability of the community to provide for its housing needs.</p> <p>There may be cultural costs associated with properties not being able to realise their full development potential.</p> <p>It is noted that there is the potential cost of subduing three <u>or more</u> storey residential development within the buffer area in many <u>some</u> situations where potential reverse sensitivity effects would not arise including, <u>in</u></p>	<p>within the city without additional or more intensified development in this location. There may be uncertainty and higher development costs for three, <u>or more</u> storey development in these areas. Restricting intensification to two storey may to a small extent restrict the ability of the community to provide for its housing needs.</p> <p>There may be cultural costs associated with properties not being able to realise their full development potential.</p> <p>It is noted that there is the potential cost of subduing three <u>or more</u> storey residential development within the buffer area in many <u>some</u> situations where potential reverse sensitivity effects would not arise including, <u>in</u></p>	<p>adequate distance to minimise potential for amenity effects on future occupants and reverse sensitivity effect on industrial activities. This option may result in higher costs in developing at the interface however not to the same extent as option 2. This option may expose more people to undue noise effects than option 2 and may result in reverse sensitivity effects on currently complying industrial activities which may then constrain their operation.</p>
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	<p><u>circumstances where noise is the key issue,</u> where industrial activities are low noise emitting, the noise source is effectively screened even where the receiver is a three storey dwelling, the noise source is far from the interface, or where the noise source is close to the interface with no screening and the noise exposure is relatively similar for three storey and below. It is also noted that there may be low demand for three storey residential development adjoining industrial land given the vast number of higher amenity areas in the City available for redevelopment.</p> <p><u>In relation to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ opposite the extent of the buffer at 40m, based only on noise</u></p>	<p><u>circumstances where noise is the key issue,</u> where industrial activities are low noise emitting, the noise source is effectively screened even where the receiver is a three storey dwelling, the noise source is far from the interface, or where the noise source is close to the interface with no screening and the noise exposure is relatively similar for three storey and below. It is also noted that there may be low demand for three storey residential development adjoining industrial land given the vast number of higher amenity areas in the City available for redevelopment.</p> <p><u>In relation to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ opposite the extent of the buffer at 240m, is necessary to manage the</u></p>	
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	<p><u>management, is ineffectual. The key effects to be managed are not noise but discharges to air. The height to which residential buildings are anticipated to occur are also much greater than three story. Not managing the implication of and on air discharges may result in costs relating to the reduced amenity and quality of the environment and the increased exposure to potential adverse effects. It also increases the risks to the existing activity in the Industrial Heavy Zone being able to continue.</u></p>	<p><u>interface issue in relation to discharges to air.</u></p>	
<p>Effectiveness – This option would not be as effective as option 2 in providing for industrial business land under Policy 2 of the NPS UD. Allowing for three storey development at the industrial interface would not protect the</p>	<p>Effectiveness – This option ensures business land is provided in accordance with Policy 2 of the NPS UD by protecting industrial activities from reverse sensitivity effects that might occur through</p>	<p>Effectiveness – This option ensures business land is provided in accordance with Policy 2 of the NPS UD by protecting industrial activities from reverse sensitivity effects that might occur through</p>	<p>Effectiveness - This option would not be as effective as option 2 or 2A in providing for business land under Policy 2 of the NPS UD given the greater</p>

<p>operation of industrial activities from reverse sensitivity effects.</p>	<p>allowing three storey development in close proximity to these interfaces.</p> <p><u>In relation to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDP opposite this option is ineffectual.</u></p>	<p>allowing three, <u>or more</u> storey development in close proximity to these interfaces.</p> <p><u>Applying a bespoke 240m buffer to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDZ opposite this option is necessary to manage actual or potential effects in relation to the discharges to air associated with the industrial activity..</u></p>	<p>potential for reverse sensitivity effects on industrial activities.</p> <p><u>In relation to the interface between the Industrial Heavy Zone at 312 Main South Road and the RHDP opposite this option is ineffectual.</u></p>
<p>Risk of Acting/Not Acting – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of not acting is that three storey development will be enabled at the interface with industrial land, potentially restricting the operation of previously complying industrial activities, and new industrial</p>	<p>Risk of Acting/Not Acting – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of not acting is that there is potential for reverse sensitivity effects on industrial activities due to the greater height allowance and associated noise exposure for</p>	<p>Risk of Acting/Not Acting – It is considered that there is <u>certain and sufficient information on which to assess the appropriateness of this option.</u> <u>The risk of not acting is that there is potential for reverse sensitivity effects on industrial activities due to the greater height allowance and associated exposure to noise and discharges for residential</u></p>	<p>Risk of Acting/Not Acting – It is considered that there is certain and sufficient information on which to assess the appropriateness of this option. The risk of applying the 15m buffer is that it is not fit for purpose, with more potential for reverse sensitivity effects than option 2 <u>or 2A</u>. However not applying any buffer at all</p>

<p>activities due to noise exposure on the residential receivers.</p>	<p>residential development adjoining industrial land.</p> <p><u>The risk of applying the 40m buffer to the land opposite 312 Main South Road is that it is not fit for purpose, with more potential for reverse sensitivity effects than noise. However not applying any buffer at all could unduly impact industrial businesses.</u></p>	<p><u>development adjoining industrial land, and opposite Industrial Heavy Zoned land.</u></p>	<p>could unduly impact industrial businesses.</p>
<p>Recommendation: Option 2A is recommended as it is the most appropriate way to achieve the applicable statutory requirements, including giving effect to the objectives of the District Plan and higher order direction.</p>			