

PART 20 OTHER ISSUES

20.1 [DELETED BY PLAN CHANGE 27]

20.2 PUKEKOHE'S GRAND PRIX TRACK (COUNTIES RACING CLUB)

This track is a significant private recreational and "business" resource but also a source of potentially unreasonable motor racing noise, despite the fact that the motor racing industry has its own noise standards.

The property provides for a range of racing and allied activities and makes a significant open space contribution on Pukekohe's southern fringe. It acts as a buffer between "industrial" and rural areas. It also has the potential to provide for a wider range of activities to the point where it becomes a multi-purpose resource for the District. The Plan could either enhance or restrict these opportunities.

To a large extent the motor racing noise is accepted by the Pukekohe community. The wind 'on the day' is always a critical factor and no one area always receives the worst of the impact. But more frequent racing or a greater number of houses (or businesses) in close proximity to the track could alter the present balance of tolerance.

A related issue is that there is ongoing pressure to allow forms of rural-residential development in the land opposite the track on Buckland Road.

The Plan could either:

- a. introduce stringent controls on racing noise and on the range of activities that could occur at the track, or
- b. allow the track to develop as a multi-purpose facility, maintain the present rural buffer around it, and expect the community to acknowledge and tolerate the current levels of motor racing noise.

A variation on either of these options is to require any new residential building close to the track to incorporate acoustic design, to ensure a minimum level of (internal) protection from noise for its occupants. This would not necessarily obviate complaints, particularly as the external environment (outside the house) would not be protected. Furthermore, changing ownership brings changes in householder sensitivities to noise and other effects.

The Council does not consider that there is sufficient justification either for introducing stringent noise controls, or allowing 'urban' development to encroach any further into the established rural buffer. Urban development would inevitably bring forward the time when stringent noise controls had to be put in place. This would impose costs on the racing industry (such as engaging experts to determine or monitor noise levels, or limiting the days or types of racing activities), and costs on the community (monitoring and enforcement). It would also exacerbate conflict between land users (residents being distressed by unanticipated racing noise or frequency).

These costs and adverse effects can be avoided by generally maintaining the current management approach. The Plan adopts option b. above.

20.3 PAERATA DAIRY FACTORY

The processing of milk and the manufacture of dairy products on this property has become well established over many years and clearly plays an important part in the local economy. The Plan seeks to address two main issues:

- a. possible adverse effects from the present activities on the site; and
 - b. the potential of the property to accommodate a range of other "industrial" or business activities, and hence the appropriate zoning for it.
- a. Adverse effects: In addition to generating many positive effects, the present milk processing activities have the potential to generate some adverse effects, such as:
- traffic noise and conflict with the State Highway from the movement of tankers, trucks and staff vehicles (the New Zealand Transport Agency controls access points on state highways; the Police control speeds; and the District Council can control hours of operation, hence traffic movement times, where necessary);
 - odour from the extended storage of whey in ponds to the north of the factory, prior to trucking off the site for spreading as a form of fertiliser ("nuisance" odour could only occur after prolonged wet weather when the 3 week storage capacity of the ponds is used up);
 - odour or natural water contamination from the irrigation of effluent onto the adjacent farm owned by the company (this discharge is subject to a resource consent from the Auckland Regional Council);
 - contaminants in the air from the operation of coal-fired boilers (this discharge is subject to a resource consent from the Franklin District Council acting under delegated authority from the ARC);
 - excess solids or pH levels in the effluent entering the public sewer (this is subject to a "trade waste agreement" with the Franklin District Council);
 - the taking of excessive amounts of groundwater (the use of water is subject to a resource consent from the Auckland Regional Council);
 - noise from plant and machinery operating after normal work hours (probably not significant above traffic noise for the majority of nearby properties, or is tolerated by residents who are also workers at the factory);
 - contamination of land or water by waste oil and other solids from mechanical repairs and tanker washing (sludge is collected in sumps and regularly cleared from the site by contractors);
 - excessive illumination from general site and spot (security) lighting (Council is not aware that this has caused a problem to date).

Adverse effects should not occur where the company is effectively managing the factory to comply with the terms and conditions of the specific resource consents and trade waste agreement. This agreement and the resource consents have limited time spans and are reviewable. Before renewing any consent, the relevant Council must be satisfied that any potentially adverse effect can be avoided or mitigated by the company, and this will be reinforced by conditions of consent. Conditions will also impose monitoring responsibilities on the company to ensure that the circumstances that can lead to adverse effects do not arise.

Notwithstanding that the activities on the site have been lawfully established, the company has an ongoing statutory duty to avoid, remedy or mitigate any adverse effect. This includes any effect arising from malfunctioning plant or human error.

The operation of the dairy factory is well covered by the Resource Management Act. It is anticipated that the dairy factory will continue to bring benefits to the District, and that in cooperation with Councils, will quickly address any adverse environmental effect that might arise.

- b. Appropriate zoning for site: The site as developed must be recognised as a significant resource, with buildings, plant, services, and industry-specific infrastructure. It can also be seen that the site has locational attributes which would be valuable for a range of other "industrial" or business activities:
- it is mainly flat land, without any known drainage problems;
 - it flanks State Highway 22 and is just 5 kilometres from the District's main urban centre of Pukekohe;
 - it is within 15 minutes of the metropolitan limits of Auckland (Papakura);
 - it flanks the main trunk railway;
 - it is connected to a public sewage treatment system (although the line to Pukekohe is a private one);
 - it has a secure source of on-site (bore) water;
 - it is adjacent to the small residential centre of Paerata, but is well separated from the major part of it by the rail line and State Highway, and could be substantially screened by further landscaping and planting.

Accordingly the Plan includes this property within the *Business Zone*.

20.4 GLENBROOK STEEL MILL AND MAIORO SAND MINE

The production of iron and steel products at Mission Bush, Glenbrook has been a significant heavy industrial activity in the District for over twenty years. It is a significant "user" of resources, including ironsands (from the Maioro/Waikato North Head site), water (from the Waikato River), air space, and roads. It has great potential to harm natural and physical resources, and the people and communities that rely on them or have an interest in them. At the same time the industry continues to bring significant benefits into the local, regional and national economies, in the form of wages, industrial expertise, foreign exchange earnings, and the 'multiplier' effects of construction and secondary (or support) business activities.

While there is probably general support in the District for these benefits to continue, the Council is concerned to see that the adverse impacts of the industry are further reduced, minimised, or preferably avoided, even where specific requirements for this do not exist. The Council is confident this will continue to occur, even despite the provisions of this Plan, for the following reasons: the tougher measures included in the Act (including the possibility of personal [company director] liability) to deal with "pollution"; the need for the company to address tangata whenua concerns about waste to water bodies in particular; the savings that can be made through innovative waste management practices (for example the slag reduction process); and the company's adopted environmental policy.

To date the management of the industry's environmental impacts, by the District and Regional Councils, has been primarily by way of:

- a. special industrial zones administered by the Franklin District Council (containing lists of "permitted" activities and various controls), and
- b. specific resource consents administered by the Auckland and Waikato Regional Councils (relating to the taking of water, diverting natural water courses, discharging waste water and stormwater, and discharging "contaminants" to air).

The Act requires the Councils to reassess the suitability of these techniques.

20.4.1 MAIORO SAND MINE (WAIKATO NORTH HEAD)

The extraction of ironsands is now covered by the Crown Minerals Act 1991 in the first instance, while the Resource Management Act refers to the environmental effects of mining.

The Crown Minerals Act provides for the continuation of the "existing (mining) privilege" (licence) that was in place as at 1 October 1991, the date the two Acts came into force. [The "privilege" was signed in June 1966 by the then Ministers of Forests and Mines (on behalf of the Crown) and the company (NZ Steel)]. It has a term of 100 years without any review clauses, and is administered in the first instance by the Minister of Energy.

Section 108 of the Crown Minerals Act provides that any conditions of the licence that relate to environmental effects are to be administered by the District or Regional Council (depending on their type). The District Council's current understanding is that there are no conditions of this sort, and this means that the District Plan, through the Resource Management Act, is the only way for the District Council to address any effects of mining as a land use activity.

Aside from the water use and wastewater disposal aspects dealt with by the Waikato Regional Council, the following aspects or effects are more particularly of 'district' concern:

- Interference with sites of significance to Maori:

There is a protected urupa in the centre of the mining site, and a strip of protected "esplanade" land on the eastern (river) boundary, but there is the possibility of other historic sites being interfered with (as has already occurred). The company is aware of the need to speak with local Maori, and of its statutory duties under the Historic Places Act 1993. It has resolved not to mine in certain areas, and tangata whenua are welcome to visit the site and inspect current and planned mining areas. The Plan can identify those sites which tangata whenua wish to highlight so as to

reinforce the need for protection. However, the Council may need to respect a desire for non-disclosure of certain sites.

- Visual impact of scarred dune formations prior to land restoration:

The main mining activity area is not generally visible from off the site, but this may change in the future. Land restoration is carried out by the company on an ongoing basis in order that land can be reforested as soon as possible. Forestry operations will for the foreseeable future continue to be more conspicuous than mining activities.

- Lighting of the site at night:

The main mining area is intensely illuminated at night, and this is visible from the Port Waikato settlement, and further afield, depending on the height of the land which is being mined at the time. But Council is not aware that it is a significant detraction, or such as to have an adverse effect. It can be assumed that the company will keep its use of lighting to a minimum to ensure worker safety and efficiency while keeping power consumption in check. However the situation needs to be monitored.

20.4.2 GLENBROOK MILL SITE:

The aspects of iron and steel making that are dealt with by the Auckland Regional Council under the Resource Management Act are:

- the potential for contamination of coastal water by inadequate treatment of wastewater, including stormwater;
- the discharge of contaminants to air (through the furnace stacks);
- dust from the site generally ("fugitive" or non-point source emissions);
- the diversion of natural water courses;
- the leaching of contaminated water from the landfill site to the north of the mill (in the *Coastal Zone*).

This leaves the following aspects or effects which are of 'district' concern:

- Noise levels from the site as a whole:

The current maximum noise levels are not achieved at all monitoring points at all times. There have in the past been complaints about noise levels and this is something the company is continuing to address.

- The 'industrial' appearance of the site, and the maintenance of a buffer around the margins:

The size and height of the buildings are such that it is unrealistic to consider complete screening of them. The site has been substantially planted out in parts, and the company has an ongoing planting programme. Without specifying exactly what has to be done the Plan could state that a long term amenity planting programme should be maintained.

- The use, storage and transportation of "hazardous substances" and "dangerous goods", and the risks of a major incident affecting the Waiuku/Glenbrook locality:

This is an aspect which was not fully addressed by the former (transitional) District Plan and needs to be addressed in this Plan. It is also a 'regional' issue in terms of the Act and the District Council will have to consider the regional position on the matter. The legislation governing hazardous substances is about to be amended and this could have a major bearing on the Council's strategy. At this stage the Council can see a need for preliminary risk assessments to scope the possible mishaps that could lead to a major incident, and to give some order of scale to the magnitude of impact that could occur. The Council alone does not have the expertise to complete such an exercise, and it is a matter which the company and the two Councils will have to address jointly. The company has advised that an "Operational Security" study is underway; the Council will expect to be kept informed.

20.4.3 DISTRICT PLAN STRATEGY

In considering what approach to adopt for the two sites the Council has considered the following factors:

- The Regional Councils arguably have a more significant role under the Act because they are dealing directly with some of the key 'inputs' and 'outputs' of the industries. The Auckland Regional Council should be better able to apply the necessary technical expertise to deal with the hazardous substances issues.
- Irrespective of compliance with any District or regional consents or rules, the company has an ongoing duty under Section 17 of the Resource Management Act, to "avoid, remedy, or mitigate adverse effects" whenever they occur. This type of statement, rather than rules with fixed minimums, can be used to great effect where a company has demonstrated a willingness to cooperate.
- The enforcement and prosecution provisions of the Act are now strengthened with much greater fines and the capacity to hold company directors personally liable. The company will be concerned for its overall image given that it is engaged in other industrial activities in New Zealand.
- The company has a keen interest in minimising waste and recycling because of the importance of cutting costs and the possibility of generating secondary profits (eg use of slag). This acts as a major incentive to analyse and monitor activities towards greater efficiencies and "environment friendly" improvements.
- NZ Steel has for many years demonstrated its willingness to address environmental impacts by having quarterly meetings at which many interested parties, including growers and Councillors, have been able to raise concerns and keep in touch with the latest results of discharge and noise level monitoring. A recent statement of "environmental policy" includes the statement:

"to comply with all applicable laws, regulations and standards; uphold the spirit of the law; and where laws do not adequately protect the environment, apply standards that minimise any adverse environmental impact resulting from its operations, products or services;"

The Council is aware that the company closely monitors all the rules and consent conditions that it is bound by, and at regular intervals the company knows the extent to which it is not achieving total compliance with these.

- While this Plan could introduce a range of more stringent conditions, the Resource Management Act provides for the protection of existing use rights. For large and complex industrial sites, these could be almost impossible to quantify or specify with any meaningful certainty. And when a new development on the site had to be assessed the new conditions would necessitate a massive and somewhat unproductive exercise in terms of establishing whether existing use rights could be relied upon or compliance with the new conditions had to be achieved.
- The Council considers that a cooperative approach which fosters an attitude of information sharing and greater understanding of "opposing" positions will achieve more given the circumstances of these two sites. It is a matter of putting to work the spirit rather than the letter of the law.

For these reasons the Plan largely continues with the status quo and does not introduce new controls or standards. However the matter of hazardous activities and the impact of a major mishap are issues which need to be researched further during the term of this Plan.

20.5 MOTORWAY TRAFFIC SERVICING

Franklin and particularly the Bombay area is well known for its produce stalls along State Highway 1 selling goods to the travelling public. The growth of traffic on the Southern motorway, the extension of the Auckland Southern Motorway to Mill Road, and the development of a limited access expressway from Mill Road to the intersection with State Highway 2 have increased the interest in establishing business operations serving the travelling public. The Council has received several applications and a number of enquiries regarding the establishment of operations such as truck service areas, tourist facilities, produce stalls, and food outlets. To prevent the ad hoc proliferation of such activities in the popular Bombay hill area, the Plan zones a specific area having direct access to the Southern Motorway, to accommodate particular activities. The Plan also provides opportunities for motorway service-type activities in Pokeno and Mercer. In Pokeno, these opportunities are provided for through a Business Zone reflecting Pokeno's position and its former status as a motorway through-route. However, since the realignment of State Highway 1, the focus on motorway and transport services has shifted from Pokeno to Mercer. As a result, in addition to a Village Business Zone, Mercer also has a Business zone where a substantial motorway service centre has been established.

20.6 TIMBER PROCESSING SITE

The timbermill located on State Highway 2 has in the past been administered through the District Plan by the means of a site specific Zone. This was in part due to its expansion in the 1980's through gaining a number of "planning" consents. The Plan proposes to continue this approach with the area of the Zone limited to Allotment 5, 6 and Part 7 Suburban Section 1, Mangatawhiri Parish.

One of the greatest ongoing concerns with a timber processing site is the potential for contamination of soil and water from timber preservatives. With good on-site management this potential can be largely avoided. Changes of use at the site need to be assessed in terms of the risks of contamination and the measures that are to be employed to ensure that if timber processing ceases at the site, that natural resources will be left in a 'healthy' state. Council will consider the use of "financial contribution" conditions to achieve this aim, and such contributions may be to cover future site restoration works.

20.7 WATER RESOURCES

The water resources of the District are essential to its economic and social wellbeing and must be protected from the potentially adverse effects of both rural and urban activities. While this is primarily a Regional function, this Plan should recognise the interrelationships between land use activities and water use and quality, and heighten people's awareness of the broad and growing nature of the problems.

Most of Franklin's residents, including those of the main urban areas, rely on good quality drinking water from underground aquifers. There are many threats to sustaining the quality of those supplies, and to safeguarding the long term health of the community.

While some 'industrial' activities pose particular threats to water quality, urban areas as a whole, and particularly roads, are a significant threat due to the wide range of contaminants that urban activities including vehicle use, can introduce into stormwater systems. Furthermore, urban growth increases the potential for natural waterways to be directly modified or destroyed, thereby affecting their natural functioning and life-sustaining capacities. Urbanisation indirectly affects waterways and adjoining land through increased intensities of stormwater flow including exaggerated peak flows. These problems can only be avoided by stopping urban growth, which is not a realistic option. District wide growth pressures mean that these problems are no longer limited to the main urban areas but are also an issue for rural and coastal settlements.

Remediation and mitigation of the inevitable effects are achievable. ARC Technical Publication No 53, *The Environmental Impacts of Urban Stormwater Runoff*, outlines three main mitigation options:

- stream habitat restoration and protection
- source control of contaminants
- treatment of stormwater runoff.

The protection of stream habitats must occur at the time of development of larger undeveloped areas. The setting aside of esplanade reserves will generally maintain the character and natural functioning of the immediate stream environment.

Detention ponds are important for trapping water-borne silt at the time of subdivisional earthworks, and for trapping and treating contaminated stormwater from developed urban areas. They have been shown to be a simple and effective approach to removal of suspended solids and other contaminants, and ensuring that the quality of urban stormwater is close to that of the receiving natural water downstream. They also have other benefits such as slowing the rate of runoff and reducing downstream flooding risks, and creating new or extended habitats for aquatic animals and birdlife.

A combination of rules and education is required for minimising or avoiding 'at source' contaminants that can too easily enter the urban stormwater system. Rules can be used to require bunding and trapping of, for example, truck wash down areas. Education can, for example, be effective in stopping or dissuading people from dumping waste engine oil or other liquid wastes into sewers, drains or landfills.

The Regional Councils are active in promoting these methods in order so that recently documented rates of contaminant build-up can be curbed and where possible reversed. The Franklin District Plan supports these initiatives.

October 2010 update

20.8 AGGREGATE EXTRACTION AND PROCESSING SITES

The District has a number of well-established aggregate extraction industries, such as the Puni and Tuakau Sand Plants and the 'Smeed' quarry on the southern side of the Waikato River. Some of these activities have in recent times been managed via special industrial zones while others have continued under "existing use" rights, or approvals secured via planning/resource consents.

These activities are significant in the economy of the District and region. They need to be recognised and provided for; they need to be carefully managed regarding environmental effects; and, as site-specific resource-extraction activities, they need to be buffered from those more sensitive landuses which could, if sited in their immediate environs, unreasonably constrain ongoing extraction operations, even to the point of threatening their viability.

One of the most effective methods for achieving this three-pronged objective is to '*spot*' zone the sites for these extraction activities, while requiring sensitive land uses to be certain distances away from the zone (depending on the nature of the extraction methods). The zoning of these sites clearly shows the community the areas containing valued resources and/or existing extraction industries, and thereby alerts prospective land purchasers or developers to the possibility of a lesser level of amenity in the immediate environs of these sites. The creation of a special zone also enables any regulatory instruments (rules) to be focused on the particular effects of extraction industries, such as noise and vibration from blasting.

Notwithstanding compliance or non-compliance with the rules of the *AGGREGATE EXTRACTION AND PROCESSING ZONE*, established industries are entitled to continue to operate under their existing use rights. However this will always be subject to the general duties in the Act to avoid unreasonable noise (Section 16), and to avoid, remedy or mitigate adverse effects on the environment (Section 17).

The zone provides for the establishment of new extraction activities or areas by way of resource consents and management plans. In particular this applies to the zoned area south of Pokeno owned by Winstone Aggregates Ltd (between McDonald Road and Bluff/Cole Roads).

For various reasons, not all the resource/extraction sites in the District are covered by the *AGGREGATE EXTRACTION AND PROCESSING ZONE*. One in particular is the 'Milburn' site between Ridge Road and Beaver Road, in the Pukekohe east area. This quarry has been established by way of a fairly recent consent with special conditions concerning compensation to landowners who currently live adjacent to the site. It would not be appropriate to complicate the process of quarry establishment by introducing the zone at this time. Once the quarry is well underway, it may then be appropriate to zone the site, for the reasons outlined concerning other sites.

Aggregate extraction and processing sites are also provided for by way of Discretionary Activities in the Rural Zone. Specific performance standards and limitations, in addition to defined assessment criteria are included to address the potential adverse environmental effects of such activities. Other established extraction sites and identified mineral and aggregate resource areas not yet zoned can be considered for inclusion in a Mineral Extraction and Processing zone by Plan Change.

20.9 QUEEN'S REDOUBT HERITAGE ZONE

Queen's Redoubt, Pokeno, is an historic place and played a critical role in the New Zealand Wars. The Waikato War of 1863-64 was the major campaign of the 19th century New Zealand Wars between Maori and European, which has shaped the subsequent history of this country.

The Queen's Redoubt at Pokeno was the headquarters for the July 1863 invasion of the Waikato by the British Army. It is a key archaeological and historic site relating to an important point in New Zealand history.

The Queen's Redoubt was constructed by British troops as a military post, suitable for 450 men. The purpose of the Queen's Redoubt was to provide fort defences, habitable buildings and other facilities, and at 8360 m² it was one of the largest British Army redoubts of any New Zealand campaign. The defences of Queen's Redoubt were also larger than the standard, the ditch being approximately 18 ft (5.5m) across and 8 ft (2.4m) deep. Inside Queen's Redoubt there was a central parade area, and 27 huts, which served as guardrooms, officers' quarters, stores, hospital, and accommodation for 450 men.

For some time Queen's Redoubt was itself in the front line as headquarters of the British Army in New Zealand from July to November 1863. Thus Queen's Redoubt was at the heart of a network of European military posts – down Great South Road from Auckland, west to the rich lowlands between Manukau Harbour and the Waikato River, east to the Firth of Thames, and south to the campaigning troops. As the war moved south in June 1864, troop numbers at Queen's Redoubt were reduced.

The legal descriptions of the sites are Pt Lot 14 DP13817 and Lots 12-18 DP21310. The property is owned by the Queen's Redoubt Trust, a public interest group.

The main objectives of the Queen's Redoubt Trust are:

1. to preserve and maintain for the benefit of the public the site of the Queen's Redoubt, Pokeno;
2. to make Queen's Redoubt accessible to the public by development of the historic site as a major educational and visitor destination; and
3. to promote knowledge and understanding of the 19th century New Zealand Wars between Maori and Europeans, and their consequences.

In furtherance of those objectives, the Trust's intentions are to protect this significant heritage site and to develop a heritage interpretation centre.

The creation of a special zone recognises the importance and unique nature of the Queen's Redoubt and enables the establishment of a heritage interpretation centre along with limited provision for associated activities. Under the Queen's Redoubt Heritage Zone, the zone provides for the re-creation of military structures, re-enactments and educational facilities.

These matters are addressed through the Objectives and Policies in Part 54.15 and the methods in Part 43.

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