

PROPOSED DAIRY PROCESSING MANAGEMENT AREA

PRIVATELY REQUESTED CHANGE

SELWYN DISTRICT PLAN (RURAL VOLUME)

INTRODUCTION

The following instructions explain the proposed amendments to the District Plan rules.

An amendment to an existing policy or rule is shown as bold and underlined, and where appropriate is shown within the operative text. Deletions are shown crossed through in track change.

The insertion of a new Appendix is not shown with bold and underlining, as the entire Appendix is new to the Operative Plan.

AMENDMENTS – ISSUES, OBJECTIVES AND POLICIES

- 1 Amend **A4.5 The Rural Area and Zones, The Plains** by adding the following new paragraphs as shown in bold and underlined to the end of the section:

A further resource management issue in the Outer Plains is related to the growth in the dairy industry and the need to provide for the efficient processing of milk and its by-products. Milk processing facilities have been established and these are at a scale that is economic and optimal relative to the level of milk production within the district and region. Accordingly the density of built development at these sites is much greater than occurs on individual farms and the nature of the processing activity means they are industrial in character. Without appropriate mitigation this may affect rural amenity and landscape as well as traffic efficiency and safety.

These issues are addressed in Part B, Section 3.4 of the Plan.

- 2 Amend **A4.5 The Rural Area and Zones, Use of Zones** by adding the following new wording into the first sentence as shown in bold and underlined:

“There is only one zone in the rural area, though the zone is split into areas to manage specific activities, for example subdivision and residential density, **dairy processing activities and buildings**, plantations and outstanding landscapes.”

- 3 Amend **B3.4 Quality of the Environment – Issues, Amenity Values/Rural Character** by adding the following new text to the second bullet point in the fourth paragraph as shown in bold and underlined below:

“- People carrying out farming and other business activities may share some of these values. They also perceive the rural area as a business area and expect to be able to carry out existing activities, adopt new technology and practices; and to diversify activities as markets change. **The rural economy is dependent on facilities and businesses that process and add value to rural products. Established dairy**

processing facilities, while servicing the wider district or region also enable on-farm growth and diversification.

- 4 Amend **B3.4 Quality of the Environment – Issues, Amenity Values/Rural Character** by adding the following new text to the end of the last paragraph as shown in bold and underlined below:

“The Council believes these effects.....The Rural zone is principally a business area and the policies and rules are designed to allow people to undertake farming and other business activities relatively freely. **In addition, the policies and rules acknowledge sites established for dairy processing activities and provides for the continued development of these sites in the Rural Outer Plains.**”

- 5 Amend **B3.4 Quality of the Environment – Objectives, Explanation and Reasons** by adding the following new text to the second paragraph, third bullet point as shown in bold and underlined below:

“Objective B3.4.2 recognises the Rural zone as an area where a variety of activities take place:

- All sorts of primary production
- Outdoor recreation
- A variety of business activities
- **Processing of milk to dairy products on established plant sites**”

- 6 Amend **Policy B3.4.3** by adding the following new wording to the second paragraph and also adding new wording to the **Method** for **Policy B3.4.3** as shown in bold and underlined:

“Policy B3.4.3 requires adverse effects from activities on the amenity values of rural areas generally be mitigated. **This may be achieved through compliance with rules, conditions on resource consents or through an ODP controlling further development on established sites such as those applied to the existing sites of milk processing.....**”.

“Method

- District Plan Rules
- Discretionary activities
- **Dairy Processing Management Area**”

- 7 Amend **Policy B3.4.4, Explanation and Reasons** by adding the following new wording to the third paragraph as shown in bold and underlined:

“However, the potential adverse effects of rural-based industrial activities that are of a size and scale beyond that which is permitted by the District Plan may be avoided by locating in a Business 2 Zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects.

Provision is also made for Dairy Processing Management Areas. This is an overlay within the Rural Outer Plains that applies to existing and established dairy processing facilities. Dairy processing facilities can be anticipated within, and form part of a cohesive rural character in the Rural Outer Plains and the Management Area limits

activities to those associated with a dairy processing plant and manages the scale of development through the use of an Outline Development Plan (ODP) and a specific set of rules. Accordingly, the DPMA enables economic efficiency to be achieved whilst ensuring the integrated management of effects at the boundary with the rural area, avoiding effects on the rural character and amenity values of the Outer Plains. The smaller allotment size and higher population density of the Rural”.

- 8 Add a new **Policy B3.4.5, Explanation and Reasons and Methods** as follows and renumber all subsequent policies and references to Policy B3.4.5 accordingly.

Policy B3.4.5

Enable the continued and enhanced efficient administration, processing, packaging and distribution of milk and dairy products on established dairy plant sites, within specifically identified Dairy Processing Management Areas within the Rural (Outer Plains) Zone, whilst ensuring the integrated management of effects on the environment at the boundary of the Management Areas through ODPs.

Explanation and reasons

Policy B3.4.5 provides the basis for the rules controlling the use and development of land within Dairy Processing Management Areas. The buildings associated with the processing of milk and dairy products, along with the buildings required for storage and distribution, are very large and industrial in appearance. The scale and concentration of this built development exceeds that anticipated on a working farm however the processing of milk and dairy products is directly related to rural production and there are significant economic and operational benefits from enabling milk and dairy processing facilities within the Rural Area. Whilst the Policy is providing for a concentration of buildings, including very tall buildings, and activities, it is appropriate that the District Plan sets development standards beyond which new development will require a resource consent.

This policy is intentionally limited to sites of established Dairy Processing facilities as at 2013 and is not intended to provide a policy basis for new sites, or other types of rural industrial activities to be established in the Rural Outer Plains.

Underpinning Dairy Processing Management Areas is a requirement to comply with an ODP. The ODP represents a comprehensive approach to land use and development, controlling the overall layout of development. The proposed rules specific to the Dairy Processing Management Area are to be read in conjunction with the ODP. While the scale and density of development is greater than elsewhere in the Rural Area, this reflects the already established scale of dairying within the District and the ODP provides certainty for the community and the landowner on the pattern of future development for the processing of milk and dairy products.

Methods

- District Plan Rules
- Dairy Processing Management Area
- Outline Development Plan

- 9 Amend (the now re-numbered) **Policy B3.4.5** (now **Policy B3.4.6**) by adding the following new wording, as shown in bold and underlined (deletions in track change) to the following paragraphs under the **Explanation and Reasons**:

(a) The end of the first paragraph:

“One of the most predominant characteristics of the Rural zone is the low level of building density compared with townships; and the land uses which this allows. The density of buildings, generally and houses in particular, varies throughout the Rural zone. In ~~all~~ most areas, it is much lower than the density in townships, **although there are specific locations such as the Dairy Processing Management Areas which recognise the existing higher density of development.**”

(b) The end of the third paragraph:

“Policy B3.4.~~65~~ and the District plan rules manage the ratio.....**Similarly, the rule does not apply to buildings in the Dairy Processing Management Areas which provide for a concentration of large buildings for processing, packaging and distribution of milk and dairy products only.**”

- 10 Amend (the now re-numbered) **Policy B3.4.6** (now **Policy B3.4.7**) by adding the following new wording, as shown in bold and underlined (deletions in track change) to the end of the first paragraph under the **Explanation and Reasons**.

“Policy B3.4.~~76~~ addresses two potential adverse effects of buildings.....Some multi-storey development is anticipated as capable of being absorbed within the dominating mountain landscape. **An exemption is also made for buildings essential for the processing, packaging and distribution of milk and dairy products, related by-products and waste materials. The scale of dairy production requires large facilities and a Dairy Processing Management Area has been created to recognise sites already established as dairy factories and to enable efficiencies in the dairy industry to be achieved.**”

- 11 Add the following new matter under **Part B Quality of the Environment – Anticipated Environmental Results** as shown below:

- **Existing sites for processing, packaging and distribution of milk and dairy by-products are specifically identified and managed.**

AMENDMENTS – RULES

- 12 Amend **Part C, 3 Rural Rules – Buildings** by adding a new rule as shown in bold and underlined:

3.13.1.6 **In respect of the Dairy Processing Management Area, any sensitive activity within the Noise Control Boundary as shown in the Outline Development Plan in Appendix 26A shall be designed to achieve an outside to inside noise level difference of not less than 20 dB $D_{tr, 2m, nTw}$ to any bedroom. The design shall include a ventilation system that enables bedroom windows to remain closed.**

The building design for a new sensitive activity shall be accompanied by a report (including calculations) from a suitably qualified acoustic consultant and submitted with the application for building consent.

Note:

This requirement can be achieved through adoption of modern residential construction materials in a building combined with the use of an alternative ventilation system that enables bedroom windows to remain closed.

- 13 Amend **Part C, 3 Rural Rules – Buildings, Restricted Discretionary Activities – Buildings and Building Position** by adding the following 2 new clauses (and renumber the following clauses):

3.13.4 Any sensitive activity which does not comply with Rule 3.13.1.6 shall be a restricted discretionary activity.

3.13.5 Under Rule 3.13.4 the Council shall restrict its discretion to consideration of:

3.13.5.1 The ability to occupy and use a building for a sensitive activity with no mitigation and the potential effects on health and wellbeing.

3.13.5.2 The nature of alternative of measures to avoid reverse sensitivity effects on the 24 hour operation of the DPMA.

- 14 Insert the following new Appendix within Part E as Appendix 26.

- 15 Amend Planning Map 007, Sheets 1 and 2 by identifying the Dairy Processing Management Area as shown.

PART E

APPENDIX 26

26 DAIRY PROCESSING MANAGEMENT AREA

Note:

All activities within the Dairy Processing Management Area shall comply with the Rules in Appendix 26.

Rules in Part C, 1 to 10 of the Rural Volume of the District Plan shall not apply to activities within the Dairy Processing Management Area, except where expressly advised in the following Rules.

Permitted Activities – Land Use

26.1 The following activities shall be a permitted activity if all of the standards in Rules 26.2 to 26.32 are met:

- (a) The processing, testing, storage, handling, packaging and distribution of milk and dairy products, related by-products, and ancillary activities, including but not limited to:
 - i. Rail infrastructure, and rail activities limited to those required for the transportation of milk, dairy products and associated ingredient and package products.
 - ii. Infrastructure for roading, rail, the management of wastewater, stormwater and the supply of water.
 - iii. Laboratories and facilities for research and development related to the processing of milk and development of dairy products.
 - iv. Offices and facilities required for the administration and management of the Dairy Processing Management Area, and the marketing, sales and distribution of milk and dairy products.
 - v. Activities which can comply as a permitted activity with the rules of the Rural (Outer Plains) Zone, except that any calculation of density or site coverage shall exclude the land within the Height Control Zone.

Note: For the purpose of interpreting Rule 26.1 the processing and use of milk is the purpose of, and principal use within, the Dairy Processing Management Area.

Standards for Permitted Activities

Outline Development Plan

- 26.2 The location of all buildings, activities, landscape treatment, and vehicle access points to the Dairy Processing Management Area, shall be in general accordance with the Outline Development Plan in Appendix 26A.

Location of Buildings and Activities

- 26.3 All permitted activities shall be located within the Height Control Zone identified on the Outline Development Plan in Appendix 26A, with the exception of:
- (a) Any signage;
 - (b) Infrastructure for roading, rail, the management of wastewater, stormwater and the supply of water associated with a permitted activity; and
 - (c) Permitted activities provided for in Rule 26.1(a)v.
- 26.4 Where located within the Rural Buffer Area buildings and activities provided for in Rule 26.3(b) and (c) shall comply with the height rules of the Rural (Outer Plains) Zone and either the setback rules of the Rural (Outer Plains) Zone or any setback shown on the Outline Development Plan in Appendix 26A, whichever is the greater setback from the boundary.

Landscape Planting

- 26.5 Landscape planting as shown on the Outline Development Plan in Appendix 26A shall be located in general accordance with the Outline Development Plan and is to be completed in accordance with the staging specified in Appendix 26A. This rule shall not apply to any planting for the purposes of amenity or enhancement within the Dairy Processing Management Area which is additional to the planting shown on the Outline Development Plan.
- 26.6 Prior to the issue of a building consent for new buildings which will increase capacity for milk processing or storage within the Dairy Processing Management Area, a landscape plan shall be submitted to the Selwyn District Council. The landscape plan shall detail the location of the planting, the plant species, the proposed timing of planting, the height and spacing of plants at the time of planting, and the maintenance regime of the landscape planting including soil and moisture retention, irrigation, access and the replacement of any dead, diseased or dying plants.

Building Height

- 26.7 Buildings within the Height Control Zone shall comply with the height limits shown in the Outline Development Plan in Appendix 26A. Up to 2 Boiler stacks and 4 exhaust vents per dryer shall be exempt from height limits.

Building Colour

- 26.8 Any building that has a finished height above 12 metres shall be finished in the following colours or equivalent colours, excluding trim, fittings, guttering, detailing and signage:
- (a) Colorcote “Kestrel”
 - (b) Titania
 - (c) Ironsand
 - (d) Grey Friars

Earthworks

- 26.9 The maximum cut/excavation depth of the earthworks from existing ground level shall be 5 metres and no closer than 1 metre to groundwater, whichever is the lesser.
- 26.10 The maximum height of temporary stockpiles or final landforms shall be no greater than 4m above ground level.
- 26.11 Where earthworks exceed 5000m³, all earthworks shall be undertaken in accordance with an Earthworks Management Plan approved by the Selwyn District Council at least 10 working days prior to the commencement of earthworks within the Dairy Processing Management Area. The Earthworks Management Plan shall include, but not be limited to:
- (a) Management of excavations in the proximity of surface waterways to avoid sedimentation, discharges and run-off entering waterbodies.
 - (b) Management of dust emissions.
 - (c) The location, size and dimensions of any temporarily stock-piled material and final landform features created by fill.
 - (d) Re-vegetation of final surfaces.
 - (e) An Accidental Discovery Protocol as specified in the Mahaanui Iwi Management Plan.
- Note: Where a Construction Management Plan is prepared in accordance with Rule 26.32 the matters specified above in matters (a) to (e) may be incorporated into the Construction Management Plan.
- 26.12 All cut material shall be reused within the Dairy Processing Management Area.

Access

- 26.13 Prior to the issue of a building consent for a new building which will increase capacity for milk processing or storage within the Dairy Processing Management Area:
- (a) The design of any access from the State Highway or the design of any State Highway/local road intersection, as shown on the Outline Development Plan in Appendix 26A, shall be approved in writing by the relevant Road and Rail (where applicable) controlling authorities.
 - (b) All access from a local road shall comply with the design requirements of Appendix 10.

- 26.14 Secondary access points shown on the Outline Development Plan in Appendix 26E shall only be used for farm activities, emergency access and situations where the primary access is made temporarily unavailable by emergency services, the road or rail controlling authorities.

Parking

- 26.15 All vehicle parking and manoeuvring areas shall be located as shown on the Outline Development Plan in Appendix 26A and comply with Appendix 10 as to layout and design.
- 26.16 Vehicle parking and manoeuvring associated with new buildings which will increase the capacity for milk processing or storage within the Dairy Processing Management Area shall be constructed, formed and sealed (with drainage) prior to use for operational activities.

Noise

- 26.17 Noise arising as a result of any activity within a Dairy Processing Management Area shall not exceed the following limits at the Noise Control Boundary shown on the Outline Development Plan in Appendix 26A.

- Daytime (7.30am – 8.00pm) 55dB L_{Aeq} and 80 dB L_{Amax}
- Night-time (8.00pm – 7.30am) 45 dB L_{Aeq} and 70 dB L_{Amax}

Noise shall be measured in accordance with NZS6801:2008 "Acoustics-Measurement of Environmental Sound", and assessed in accordance with NZS6802:2008 "Acoustics-Environmental Noise".

- 26.18 Prior to the issue of a building consent for new buildings which will increase capacity for milk processing or storage within the Dairy Processing Management Area, a report from an acoustic engineer shall be received by Council confirming all activities within the Dairy Processing Management Area will, cumulatively, meet the noise standards.
- 26.19 A Noise Management Plan for the Dairy Processing Management Area shall be submitted to the Selwyn District Council at least every 12 months and shall be up-dated to include any new activities or increase in milk processing or storage capacity within the Dairy Processing Management Area. The Noise Management Plan shall include best practice procedures to ensure compliance with noise standards, including noise monitoring requirements, annual reporting to the Selwyn District Council and a noise complaints procedure.
- 26.20 Rail movements into, within and out of the Dairy Processing Management Area are excluded from compliance with the above rules.

Note: Rule 26.20 does not apply to the loading or unloading of goods.

Lighting

- 26.21 Any lighting within the Dairy Processing Management Area shall be a permitted activity provided that:
- a) Light spill from any activity does not exceed 3 lux on any adjoining property or any road reserve; and
 - b) All exterior lighting is directed away from adjacent properties and roads.

Hazardous Substances

- 26.22 A Hazardous Substances Management Plan for the Dairy Processing Management Area shall be submitted to the Selwyn District Council. The Hazardous Substances Management Plan shall confirm compliance with the requirements of the Hazardous Substances and New Organisms Act 1996, include an inventory of all hazardous substances stored on the site, emergency response and accidental spill procedures and annual reporting to the Selwyn District Council.
- 26.23 The Hazardous Substances Management Plan shall be updated and submitted to the Selwyn District Council at least 10 working days prior to the installation of the storage where there is:
- (a) An increase the volume of hazardous substance to be stored within the Dairy Processing Management Area from that provided for in the Management Plan previously submitted to the Selwyn District Council under Rule 26.22; and/or
 - (b) A new hazardous substance to be stored within the Dairy Processing Management Area not already identified in the Management Plan previously submitted to the Selwyn District Council under Rule 26.22.

Signage

- 26.24 All signage must be related to permitted activities undertaken on the site and be restricted to corporate logos or colours only.
- 26.25 The sign, unless it is a temporary sign, is located entirely within the Dairy Processing Management Area, and is not located on, or overhangs onto, any road reserve.
- 26.26 The sign is positioned so that it:
- (a) does not obstruct or impair the view for any motorist of any intersection or vehicle crossing; and
 - (b) is at right angles to the road frontage of the site but angled off the direction of traffic by 5 degrees.
- 26.27 The sign does not:
- (a) have flashing or revolving lights, sound effects, balloons or blimps or moving parts;
 - (b) resemble a traffic sign.
- 26.28 The height of the sign is not more than the height of the building and does not protrude beyond the framework of the building, to which it is attached; or 6m above the ground if the sign is not attached to a building.
- 26.29 The size of any freestanding sign is not more than 6m² and any sign attached to a building is not more than 50m².
- 26.30 The content of the sign shall be limited to the name of the dairy processing plant, wayfinding and compliance with statutory requirements.
- 26.31 The content of any sign fronting a State Highway and located at the entrance to the Dairy Processing Management Area shall comply with the following:

- (a) The sign has a maximum number of 5 words or a maximum combined number of 6 words and symbols;
- (b) There is a minimum separation distance between any 2 outdoor signs of:
 - (i) 70m, where the speed limit is 80km/hr; or
 - (ii) 80m, where the speed limit is 100km/hr;
- (c) The sign is visible from a distance of:
 - (i) 175m, where the speed limit is 80km/hr; or
 - (ii) 250m where the speed limit is 100km/hr;
- (d) The sign has a minimum height for any letter which complies with the following values:

Speed Limit	Main Message	Secondary Message
80km/hr	250mm	125mm
100km/hr	300mm	150mm

Note: The above rules do not apply to any directional, warning or other required safety or information signs.

Construction Activities

26.32 At least 20 working days prior to the commencement of any construction works that will increase the capacity of milk processing or storage on-site, a Construction Management Plan shall be submitted for approval to the Selwyn District Council. This Plan shall:

- a) Ensure that construction traffic and associated activities on roads and accessways adjoining and surrounding the site are planned so as to cause as little disruption, delay or inconvenience on the adjoining road network.
- b) Specify best practicable measures to avoid or mitigate the dispersal and deposition of dust and sediment ;
- c) Specify best practicable measures to avoid the accidental discharge of any fuel or other hazardous substances, including measures for dealing with accidental spills.
- d) Ensure that construction noise shall comply with NZS6803:1999 Acoustics – Construction Noise;
- e) Ensure that construction vibration shall comply with NZS2631:1985-1989 Part 1-3 or equivalent standard;
- f) Ensure that accidental discoveries of items of cultural and/or heritage significance are managed in accordance with the Accidental Discovery Protocol in the Mahaanui Iwi Management Plan.

MATTERS OF CONTROL

- 26.33 Any activities which do not comply with the standards for Permitted Activities, and which are not listed as a discretionary or non-complying activity, shall be a restricted discretionary activity. The Council shall restrict its discretion to consideration of those matters as specified in respect of each rule:

(a) Outline Development Plan

Any building or activity which does not comply with the following rules as shown on the Outline Development Plan shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of those matters identified:

Rule 26A.1 Heslerton Road Access

- The number and type of vehicle movements.
- The surface, width and condition of the road.

Rule 26A.2 Parking

- Any effects of vehicle movements associated with parking provided for within the Rural Buffer Area on rural amenity values and the reasonable use of adjoining land.

Rule 26A.3 Building Free Area

- The necessity and purpose of any structures to be located within the building free area.
- The scale and construction materials proposed for any building.
- The extent to which the proposed structure may affect the potential options for re-design and up-grading of the State Highway 1/Old South Road intersection.

(b) Location of Buildings and Activities

Any building or activity which does not comply with Rule 26.4 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- Any effects of an increase in building height or a reduced setback from internal and road boundaries on the rural amenity values in the locality and the reasonable use of adjoining land.
- Those matters specified for inclusion in Management Plans for Noise and Hazardous Substances.
- Note: Non-compliance with Rules 26.2 and/or 26.3 is a full discretionary activity. See Rule 26.34 below.

(c) Landscape

Any landscape planting which does not comply with Rules 26.5 or 26.6 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The species, density and height of plants at the time of planting;
- The effectiveness of the proposed landscape planting to mitigate the adverse effects of proposed buildings and activities on landscape values in the locality of the Dairy Processing Management Area.

- Maintenance and ability of planting to establish and grow, including provision for access, methods of soil retention and irrigation.
- The use of landform to assist in mitigation of landscape effects.

Note: Amenity and enhancement planting within the DPMA is excluded from Rules 26.5 and 26.6.

(d) Building Height

Any building which does not comply with Rule 26.7 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The individual and cumulative effect of additional building height on the landscape values in the locality of the Dairy Processing Management Area.
- The form and function of the over-height structure.
- The material and colour finish of the over-height structure.
- The effectiveness of any mitigation.

(e) Colour

Any building which does not comply with Rule 26.8 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- Alternative colour finishes and their effectiveness to address the visibility of the proposed structure individually and cumulatively within the Height Control Zone within the Dairy Processing Management Area.

(f) Earthworks

Any earthworks which do not comply with one or more of Rules 26.9 to 26.12 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The control of sediment and dust.
- Stockpile and final landform location and dimensions.
- Potential for re-vegetation.
- The accidental discovery of items of cultural and/or heritage significance.
- Where cut material is to be removed from the Dairy Processing Management Area, the management of traffic effects created by the haulage activity.

(g) Access

Any access which does not comply with Rules 26.13 or 26.14 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The effects of any access not shown on the Outline Development Plan in Appendix 26A, on the safety and efficiency of traffic on the road network.
- The safety of access to and from the State Highway, including the combined effect of the State Highway intersection and the site access where applicable.
- Intersection and road design.

(h) Parking

Any parking which does not comply with Rules 26.15 or 26.16 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The effects of vehicle parking and manoeuvring not in accordance with the Outline Development Plan in Appendix 26A on rural landscape and amenity values.
- The effects of parking not designed to meet the standards of Appendix 10 on safety and efficiency of movement for vehicles and pedestrians within the DPMA.

(i) Noise

Any activity which does not comply with one or more of Rules 26.17 to 26.20 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- Effects on rural amenity values in the immediate proximity of the Dairy Processing Management Area.
- Effects on the liveability of any dwelling subject to increased noise effects.
- Measures for mitigation of noise effects.

(j) Lighting

Any activity which does not comply with Rule 26.21 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of the effects of any additional light spill on:

- rural amenity values;
- the reasonable use of adjoining land or dwellings; and
- traffic safety on adjoining roads.

(k) Hazardous Substances

Any activity which does not comply with Rules 26.22 or 26.23 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The volume of hazardous substance.
- Design of the storage facility.
- Emergency response and spill requirements.
- Monitoring and reporting.

(l) Signage

Any activity which does not comply with one or more of Rules 26.24 to 26.31 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of the effects of any oversized or non-complying sign on:

- Traffic safety and efficiency; and
- Rural amenity values.

(m) Construction Activities

Any activity which does not comply with Rule 26.32 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- Traffic safety.
- Management of dust.
- Management of noise, including hours of activity.
- Management of vibration, including hours of activity.
- Protocols for accidental discovery for artefacts and sites of cultural and archaeological significance.
- Mitigation measures.

DISCRETIONARY ACTIVITIES

26.34 Buildings and activities not located in accordance with Rule 26.2 and/or 26.3 shall be a discretionary activity.

NON-COMPLYING ACTIVITIES

26.35 Any activity not provided for as a permitted, restricted discretionary or discretionary activity shall be a non-complying activity.

REASONS FOR RULES

Outline Development Plan, Buildings and Activities – Location and Height

The location of buildings and parking areas within the site and in relation to the site boundaries is controlled through compliance with an Outline Development Plan (ODP). This concentrates built development and dairy processing activities in the south west corner of the Management Area, reflecting the position of plant established through earlier resource consent processes and around which future buildings and activity are intended to grow.

Activities and buildings provided for in the Rural Buffer Area include those normally anticipated in the Rural Outer Plains Zone. In addition, signage and infrastructure servicing the Dairy Processing Management Area (DPMA) such as road, rail, wastewater and stormwater utilities are enabled in the Rural Buffer Area. These are not activities involving significant built structures or intensive clustering of buildings, and are therefore considered appropriate in the Rural Buffer Area.

The setback of buildings from the state highway frontage has been influenced by the need to allow for a potential rail siding for trains to load/unload immediately adjacent to the drystores and to provide area for some landscape planting. To the north and south east built development is kept away from boundaries with a large area of rural open space providing an appropriate transition or buffer to the wider rural plains.

The ODP therefore effectively manages the extent of dairy processing activities within the DPMA. It is based upon what could be anticipated as a reasonable and optimal future development scenario and an assessment of the environmental effects of that development scenario.

The visual effects of full built development have been considered for the Management Area as a whole and addressed through a landscape plan. The scale and density of future development is integrated with this landscape treatment via the ODP providing a full overview of site development achievable over time.

Building heights are similarly controlled through the ODP. The rules acknowledge that dairy processing activities necessitate very tall built structures e.g., dryers and boiler stacks as well as very large, single span industrial buildings. Accordingly, there is provision for variable building heights, with the tallest elements purposefully located in a more central position within the area of building development.

Where activities are proposed which are compliant with the Rural Outer Plains rules, these are provided for throughout the DPMA (whereas dairy processing activities and buildings are more constrained). The rule requires that for the purpose of site coverage and density calculations, the area of land used for the basis of the calculation is limited to the Rural Buffer Area, ensuring that the Buffer retains a density of development consistent with the wider Rural Zone.

A Noise Control Boundary is shown on the ODP. This is complemented by a rule in Part C, 3 Rural Rules – Buildings which requires noise insulation to be incorporated within new buildings for sensitive activities. This provision is discussed further under Noise below.

A specific rule on the ODP requires the up-grading of Heslerton Road prior to the commissioning of a second access. The rule ensures that the access to the plant is safe, efficient and fit for purpose. Further up-grading of the Old South Road and State Highway 1 intersection is similarly to be evaluated with substantive construction projects that increase the production and/or storage capability of the plant, to ensure that it remains safe. An area of land in the north west corner of the ODP is shown as building-free. This requirement is to avoid any capital development in an area that ultimately

could be required for accommodating an up-graded State Highway/Old South Road intersection. This is discussed further under Access below. Similarly, the ODP requires all vehicle parking to be provided within the Height Control Area. This is described further under Parking below.

Landscape Planting

Rule 26.5 requires all landscape planting to be generally in accordance with the landscape plan which forms part of the ODP and in accordance with the staging specified in Appendix 26A.

This plan must demonstrate general compliance with the staging of landscape establishment along with details of the plant species, location, timing of planting, height, spacing and maintenance. The purpose of this rule is to ensure that the Dairy Processing Management Area has a consistent landscape theme and that planting is appropriately established and cared for, ensuring its longevity and effectiveness.

Building Colour

All buildings over 12m in height are required to comply with a prescribed colour palette. This is to assist with addressing the visual effects of what are potentially substantive buildings with high visibility for a period of years. The intention is to maintain a consistency in the visual qualities of the site. The colour range is informed by the finish of buildings established through resource consents prior to the DPMA.

Earthworks

The rules provide for some small scaled earthworks (<5000m³) and stockpiling to be carried out as a permitted activity. These standards are consistent with those applied to earthworks in the wider Rural Outer Plains Zone. Where these standards are exceeded within the DPMA Rule 26.11 requires an Earthworks Management Plan to be prepared and approved by Council prior to commencement of works. The matters to be covered in the Management Plan are specified and relate to matters of potential environmental concern such as dust, proximity to waterways, re-vegetation and accidental discovery of archaeological items. Generally, it is acknowledged that earthworks, even at a larger scale, can be appropriately managed in accordance with best practice and conformity with regulatory requirements. In addition, the DPMA is an established and defined site which is well understood in terms of effective management from previous construction activity. Accordingly, it is not essential to require a resource consent process to ensure appropriate management and environmental outcomes, which can be effectively achieved through a management plan.

Where material is to be transported off site however, a resource consent is required. This is specifically limited to the effects of haulage on the safety and efficiency of the road network, which may vary in effect depending on the volume of material to be transported and the particular route to be followed. This traffic effect is distinguishable from the earthwork activity itself where effects can be contained within the boundaries of the DPMA.

Access

The DPMA is a potentially significant traffic generator with a high proportion of heavy vehicles. Accordingly, it is appropriate that the access provision into and out of the site is controlled to avoid

multiple entrance points which may potentially affect traffic safety and efficiency on the surrounding road network. Similarly, there is a requirement that with any significant new buildings which may increase processing or storage capacity, there must be consultation with the relevant road and/or rail authority. This provides a check point for assessing if a further up-grade of existing access points onto the State Highway or any State Highway/local road intersections servicing the DPMA are required. In respect of Synlait, the State Highway 1/Old South Road intersection is the primary point of access to the DPMA. Requiring the approval of the road and rail authorities will trigger a review of the safety of the intersection over time as traffic patterns change and the DPMA develops. The ODP requires that land between the plant and Heslerton Road is to be kept free of buildings to ensure that sufficient land is retained to accommodate any future State Highway intersection up-grades that may be required.

Identifying access points into the DPMA on the ODP provides certainty to road and rail controlling authorities as well as local road users. The access points identified on the ODP which are not already formed and operational will be required to comply with the District Plan standards for design. Prior to the commissioning of the second access on Heslerton Road, the ODP requires that a further length of road is up-graded to a standard for the anticipated traffic.

Parking

All vehicle parking (tankers, employees, visitors, suppliers and contractors) is required to be provided within the Building Height Control Area of the DPMA, where an intensification of built development and activity is anticipated. Directing parking to this location ensures that the dispersal or encroachment of car parking does not occur within the Rural Buffer Area which is intended to wrap around or buffer that part of the DPMA which is to be intensively used. The layout of the parking area is to comply with Appendix 10 of the Rural Volume of the District Plan, which sets out standard dimensions for car parks and best practice guidance on the relationship between parking, pedestrian and vehicle circulation areas.

Noise

The primary noise control for the DPMA requires compliance with a Noise Control Boundary. This is defined on the Outline Development Plan and Rule 26.17 specifies the daytime and night-time noise standards that will apply at this boundary. The Noise Control Boundary is derived from conditions imposed on resource consents that established the plant and represents a more strict noise standard than has been applied to the Rural Outer Plains. A Noise Control Boundary is commonly used around sites such as ports, airports and large, stand-alone plant. They provide a simple method for all parties to visualise the extent of noise effects.

To ensure that new development within the DPMA complies with the Noise Control Boundary, Rule 26.18 requires a report from an acoustic engineer to be submitted to Council prior to construction. This report is to confirm that the new development, in combination with all existing activities within the DPMA will continue to meet the prescribed standards. In addition, a Noise Management Plan is required to be submitted annually to incorporate new development and to demonstrate on-going commitment to the best practice management and monitoring of noise from the plant.

The Noise Control Boundary also triggers requirements for acoustic insulation to be built into new buildings for sensitive activities (see Part C, Rural Rules – Buildings, Rule 3.13.1.5). This requirement acknowledges and responds to the importance of the plant to the community and the economy. Once a company has made a significant investment in plant, it is in the district's and the community's interests that this plant is able to operate with efficiency. Accordingly, it is appropriate to ensure that encroachment of sensitive activities does not curb the plant's operations.

The Noise Control Boundary and its associated noise standards are not intended to apply to rail movements into and out of the DPMA. The measurement of rail noise as a train moves from designated land onto a rail siding within the DPMA may be extremely difficult to differentiate and measure. Unexpected noises such as wheel squeal are maintenance issues and best addressed through a Management Plan approach. The activity of loading and unloading trains is required to comply with the Noise Control Boundary.

Lighting

The Height Control Area within the DPMA is potentially an area of intensive activity and concentrated built development. The plant operates on a 24 hour basis requiring lighting to be provided for illumination of access points, outdoor work spaces and for security. The limitations imposed on the measurement of lux and the direction of lighting are the primary mechanisms to avoid light spill and to minimise night-lighting effects.

Hazardous Substances

The DPMA involves the storage and use of a range of hazardous substances essential to dairy processing activities. Accordingly, the appropriate storage and use of hazardous substances is a fundamental activity within the management area and compliance with statutory and industry requirements is essential to the success of the dairy industry. In this context the strict regulatory controls which are imposed through mechanisms outside the District Plan result in the effective management of hazardous substances in accord with best practice and industry standards. Accordingly, the potential risk to surrounding landuses is effectively managed and environmental effects considered addressed appropriate management methods are implemented avoided, remedied or mitigated through the adoption of those standards.

Rules 26.22 and 26.23 put in place a process whereby the storage and use of hazardous substances in the DPMA is documented and Council is informed through a management plan. The plan is required to detail the range and volume of all hazardous substances stored and the emergency response and accidental spill procedures.

Signage

The rules relating to sign size are intended to provide for signs to be established which are scaled relative to the size of the plant and its function as a resource servicing a large catchment within the District. Further to the size of the sign, the balance of the rules are the same as those applied in the wider Rural Outer Plains Zone.

Construction Activities

Rule 26.32 provides a mechanism for further control over the management of large scaled construction works. The rule only applies to construction activities for buildings which increase milk processing or storage capacity within the DPMA, and is intended to apply to proposals of the scale of a new dryer or drystore.

Due to the number of variables associated with construction and the desire to adopt industry best practice, a rule based on a standard measure or numerical threshold for management of construction

effects is not applicable. The requirement for preparation and lodgement of a Management Plan prior to construction provides a mechanism to ensure that there is a comprehensive and integrated plan for matters such as traffic management, dust control, compliance with the NZS standard for construction noise and vibration along with protocols for accidental discovery. This approach provides the flexibility to deal with a construction projects which are of larger scale and environmental effect.