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*under:* the Resource Management Act 1991

*in the matter of:* an application to the Selwyn District Council to change the Selwyn District Plan ('PC50') - including proposed amendments to the 'Dairy Processing Management Area'.

## Statement of evidence of Dean Michael Chrystal

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Dated: 8 March 2017

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REFERENCE: B G Williams (ben.williams@chapmantripp.com)  
A D W Brent (allan.brent@chapmantripp.com)

**Chapman Tripp**  
T: +64 3 353 4130  
F: +64 3 365 4587

60 Cashel Street  
PO Box 2510, Christchurch 8140  
New Zealand

www.chapmantripp.com  
Auckland, Wellington,  
Christchurch



## STATEMENT OF EVIDENCE OF DEAN MICHAEL CHRYSTAL

### INTRODUCTION

- 1 My name is Dean Michael Chrystal.
- 2 I am a Director of Planz Consultants Ltd, a planning consultancy based in Christchurch. I hold a Bachelor of Regional Planning degree and I am an accredited Commissioner. I have been employed in the practice of Planning and Resource Management for over 30 years, both in New Zealand and the United Kingdom.
- 3 My experience includes the policy and rule development on a number of District Plans throughout the country, including the Operative and proposed Christchurch City Plans, the Selwyn District Plan and the proposed South Taranaki, Whangarei and Dunedin District Plans.
- 4 I have previously been involved in a number of major Fonterra manufacturing site development projects, including Darfield, and I have provided evidence for Fonterra Limited (*Fonterra*) on a number of district plans throughout the country. I am familiar with the Darfield site and the surrounding environment.
- 5 As a Commissioner my experience includes hearing and deciding on numerous plan changes and resource consent application around the country and I have being involved in Panel's specifically on the district plan reviews of Selwyn and Horowhenua District Councils.
- 6 In preparing my evidence I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Panel. Except where I state that I am relying on the evidence of another person, this written evidence is 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 in this evidence.

### SCOPE OF EVIDENCE

- 7 In preparing my evidence I have read and rely on the evidence in support of the plan change by the various Fonterra witnesses. I have also read in detail the s42A report prepared by **Ms Melanie Foote** on behalf of the Selwyn District Council (*Council*). I have also reviewed the technical reports accompanying the s42A report.
- 8 Given the details provided in the application, including the s32 assessment, and the high level of support provided by **Ms Foote** to the plan change I do not intend to repeat details of the plan change

or its assessment. Rather I will focus primarily on some specific matters where there is some contention and proposed amendments.

- 9 In my evidence I set out a summary of my conclusions before moving on to identify the plan change details, the proposed provisions, the matters in contention in submissions, proposed amendments, briefly reiterate the statutory assessment and provide my overall conclusion.

## **EXECUTIVE SUMMARY**

- 10 In summary, I conclude that the plan change will more appropriately give effect to the established and proposed objective and policy framework of the Selwyn District Plan (*District Plan*), thereby ensuring that the overriding purpose of the Resource Management Act 1991 (*RMA*) to promote the sustainable management of natural and physical resources continues to be achieved.
- 11 I generally agree with the overall conclusions reached by **Ms Foote** as to the appropriateness of Plan Change 50 (*PC 50*).
- 12 I consider the technique of a noise control boundary (NCB) is well founded and provides a greater degree of certainty for both the activity itself and the general public with respect to the extent of noise permitted from the site and any other future development.
- 13 I consider it is inevitable that the need for land use consents is reduced, that being a key purpose of the plan change in order to improve efficiency, provide greater certainty and reduce costs. I also consider this can be achieved without impacting significantly on wider surrounding amenity.
- 14 I am of the view that the plan change is an efficient and effective method when measured against the requirements of section 32 of the RMA.
- 15 Finally I consider the proposed rezoning will not compromise the overriding purpose of the RMA, being the sustainable management of natural and physical resources.

## **PLAN CHANGE DETAILS**

### **The Site**

- 16 Fonterra's Darfield Dairy Manufacturing site (*Darfield site*) is located 3.5 kilometres north-west of Darfield on State Highway 73. The site consists of:
- 16.1 two milk powder driers;
- 16.2 two boilers;
- 16.3 a drystore;

- 16.4 numerous ancillary buildings;
  - 16.5 onsite domestic wastewater treatment;
  - 16.6 rail connection to the Midland railway line; and
  - 16.7 road connection to SH73.
- 17 Wastewater from the processing of milk is irrigated to a number of farms in the surrounding area.
- 18 The site originally obtained resource consent for the Stage 1 development (the first drier and boiler) in December 2010. This was followed by consent for a second drier and boiler in January 2012. The Darfield operation now employs around 250 staff and processes approximately 7.2 million litres of milk per day during the peak season.

**Purpose of Proposed Plan Change 50**

- 19 Plan Change 43 (*PC43*) introduced the framework for a Dairy Processing Management Area (*DPMA*) within the Rural (Outer Plains) Zone of the District Plan. As part of that plan change the DPMA was applied to the Synlait site near Dunsandel.
- 20 *PC43*, which is now operative, introduced a new policy which described the purpose of the DPMA, and a new Appendix containing a specific set of rules for activities and buildings related to dairy processing. The DPMA introduces an Outline Development Plan (ODP) which acted as an overlay within the Rural (Outer Plains) Zone. It therefore does not completely replace the underlying Rural Zone which remained in place enabling rural activities to continue on a permitted basis should dairy processing activities and development not achieve the development envelope specified in the ODP and associated DPMA rules.
- 21 Fonterra worked closely with Synlait throughout the drafting and preparation of *PC43* to ensure that the framework that was progressed would be equally applicable, and flexible for the Darfield site with the key points of difference being the ODP layouts and associated development parameters for each site.
- 22 *PC50* therefore seeks to insert an ODP for the Darfield site into the District Plan. It essentially adopts the same provisions that are now operative within the District Plan for the Synlait site subject to minor amendments where some of the provisions need to differentiate between the two sites.
- 23 The purpose of *PC50* is to recognise the existing dairy plant and specifically provide for its efficient use, and future expansion. The basis of this plan change is to enable continued growth of the site in both volume and/or value of milk product by providing an appropriate planning framework, and therefore reducing the

continued reliance on the resource consent process for variations or changes in the future, no matter how small these may be. The Plan Change has therefore been prepared to provide for a maximum envisaged and optimal scale of development that is likely to occur within the foreseeable future. This will provide both the flexibility to operate and the ability to expand the site, while also providing both Council and the surrounding community with realistic expectations for the site in the long term.

- 24 At present, and due to the zoning framework, the Darfield site is reliant on the resource consenting process for almost any development or changes that are proposed on-site. At least 12 resource consents for land use have been lodged and granted since the original substantive application in 2010, and most of these have been for relatively minor matters such as ancillary buildings and workshops or fuel tanks. In my view this is an inefficient approach to resource management which is both costly and time consuming.

### **The Environment**

- 25 The immediate receiving environment beyond the site is rural in nature and predominately flat. The one relieving feature in the area is Racecourse Hill to the north-west.
- 26 The rural environment predominantly consists of private landholdings used for pastoral and cropping activities. Normal features associated with a working rural environment are in evidence, including fencing, irrigators, shelterbelts and farm tracks. Buildings, including dwellings, and other physical features, such as roads and transmission lines are part of the landscape. SH 73 and the Midland Railway Line are the significant transportation features alongside the entrance to the site. Unsealed secondary roads Bleak House, Auchenflower and Loes surround the site to the east of SH 73.
- 27 There are a number of rural dwellings within a two kilometre radius of the application site. The majority of these are indicated in Figure 1 of the Acoustic Assessment and Photograph 8 of the landscape graphic attachment which accompanied the plan change documentation.
- 28 There are no other significant physical land uses within the immediate receiving environment, although the township of Darfield is located some 3.5 kilometres to the south-east of the site.

### **PROPOSED PROVISIONS**

- 29 PC 50 applies to the area known as the Dairy Processing Management Area (DPMA) surrounding the existing Fonterra Darfield site.

- 30 No changes are proposed to the existing Objectives or Policies of the District Plan, and for the most part the rules introduced by PC 43 are adopted.
- 31 In summary the key proposed changes to the District Plan are:
- 31.1 The introduce a new ODP which will be known as Appendix 26B which identifies a DPMA and is referenced in various rules;
  - 31.2 The introduction of an NCB for the Darfield site (shown on the ODP);
  - 31.3 A Height Control Area for the Darfield site (shown on the ODP); and
  - 31.4 A specific landscape rule for the Darfield site requiring the retention of existing landscaping and specific provision for landscaping associated with the Central Plains Water Canal.

## **MATTERS IN CONTENTION**

### **Submissions**

- 32 Key issues raised by submitters include increased noise, increased odour, increased traffic movements, landscape and visual effects, further dairy conversion, indigenous planting and impacts on property value.
- 33 Having read through the various submissions and the response to those by **Ms Foote**, I agree in general with her comments.
- 34 There are however some particular matters which I have considered further and these are dealt with in turn below.

### **Noise control boundary**

- 35 Reverse sensitivity is a planning effect which can arise when sensitive activities are introduced to an environment where existing intensive activities generating effects such as noise, dust and odour are taking place, and the sensitive activity's introduction compromises those existing activities. This generally begins with complaints against the existing activity and can also manifest itself in surrounding landowners opposing further development or intensification on the subject site.
- 36 District plans, including Selwyn (see Policy B3.4.21), now include objectives and policies specifically addressing reverse sensitivity along with associated rules. Councils have therefore recognised that the balance of costs/benefits falls in favour of some land use controls in order to preserve the efficient and effective operation of essential infrastructure, significant industry or specific effects-generating activities.

- 37 The use of specific rules to manage reverse sensitivity can take a variety of forms to suit the particular situation. One method has been to direct sensitive activities away from incompatible activities often through buffer distances. An alternative, particularly associated with noise, has been to allow sensitive activities in proximity to the established activity but only if they are appropriately acoustically insulated.
- 38 The technique of NCBs is a method which has been used in district plans throughout the country for many years. Airports and ports have been primary examples of using such provisions for a number of years. However in more recent years, linear infrastructure such as state highways and railways, and industrial and manufacturing sites (including Fonterra's) are using the technique along with one-off activities such as motor racing venues. This infrastructure is the subject of significant capital investment and is not easily moved elsewhere. In addition, many of these larger sites are in rural areas – however as nearby land use changes, they can be perceived to be "out of place" despite in many cases having been long established.
- 39 Using this technique provides a greater degree of certainty for both the activity itself and the general public with respect to the extent of noise permitted from a site and any other future development. Compliance is also typically much more straight-forward to assess with NCBs than say a notional boundary rule.
- 40 The technique essentially requires a noise sensitive activity locating inside the NCB to meet a design insulation standard, and in a quid pro quo situation, requires the noise creator to meet the noise standard set at the NCB boundary. The technique is not a prohibition on development rather it provides certainty to all those who might be affected by the NCB.
- 41 Fonterra has for a number of years been supporting the use of NCBs for its manufacturing and distribution sites around the country. For the majority of these sites this is at a 45 dB  $L_{Aeq} (15 \text{ min})$  level.
- 42 Two new permitted activity rules are proposed to give effect to the NCB at Darfield.
- 43 The first permitted activity rule (rule E26.1.17) enables the Darfield site to generate noise up to 45 dB  $L_{Aeq}$  and 70 dB  $L_{Amax}$  at any point on the proposed NCB line during the night (8:00 pm – 7:30 pm). During the day, 55 dB  $L_{Aeq}$  and 80 dB  $L_{Amax}$  limits apply. I note here that the District Plan enables noise up to 45 dBA  $L_{10}$  at the notional boundary of any dwelling which as it stands is significantly closer to all existing dwellings in the surrounding environment than the proposed NCB. Resource consent is required as a restricted discretionary activity to breach this rule. So if noise emissions exceed any of the above limits, Fonterra will need to either:

- 43.1 apply for resource consent to exceed the noise limit set at the control boundary; or
- 43.2 undertake works on site to reduce noise to a level that is equal to, or less than, the limit set at the control boundary.
- 44 A second permitted activity rule (rule E26.1.18) requires any sensitive activities proposing to locate within the NCB to meet specific internal acoustic design standards in any bedroom as such activities within the NCB may be exposed to internal noise levels greater than 30 dB  $L_{Aeq}$ . Resource consent is required as a restricted discretionary activity to breach this rule. This rule is intended to protect the Darfield site's operations from potential reverse sensitivity effects that may occur as a result of sensitive development within the surrounding area that does not adequately protect itself from noise effects.
- 45 In my experience NCBs in district plans are now a relatively common planning tool for activities that generate external noise effects, such as ports, airports and industrial activities. The benefit of a NCB is that it provides certainty to both the operator (by identifying where noise emissions should be measured and what standard must be achieved) and surrounding land owners (by providing clarity as to what kind of noise environment can be expected). The use of NCBs and associated provisions are in my opinion an effective way to provide best practice management of noise and avoid potential reverse sensitivity effects.
- 46 At Fonterra's Whareroa site in South Taranaki, there has been a NCB in place in the District Plan for a number of years and the South Taranaki District Council has recently confirmed a NCB for Fonterra's Kapuni site in its decisions on its new District Plan. Similar provisions are contained within the Tararua (for Fonterra's Pahiatua site), Whakatane (Edgecumbe), Hamilton (Te Rapa), Rotorua (Reporoa), South Waikato (Tirau and Lichfield) and Southland (Edendale) District Plans. Such provisions are currently being sought in the Dunedin (Mosgiel Distribution Centre), Whangarei (Kauri) and Clutha (Stirling) District Plans. In addition to these a NCB was put in place in relation to the expansion of Fonterra's Studholme Plant in Waimate District via resource consent.
- 47 The noise environment at each of these sites is not limited to manufacturing activities. The outward flow of product is also a significant contributor to the noise environment, particularly where rail is involved (which it is for the majority of the above sites). Some of these sites operate 24 hour rail services direct to the relevant ports. The drystore operations therefore form a significant part of the inputs used to model and establish the NCAs.
- Buttle Submission**
- 48 The submission by Mr Buttle suggests that *"PC 50 effectively eliminates the need for land use consents for further development*



*at the Fonterra dairy factory site” and that the “PC 50 Assessment of Environmental Effects (AEE) is inadequate, incomplete and in some respects incorrect”. The submission goes on to refer to odour effects not being assessed, landscape and visual effects being inadequately assessed, noise effects associated with outdoor living areas and traffic and vibration effects of an anticipated increase in traffic movements (both rail and car) on the amenity of neighbouring properties.*

- 49 Dealing first with the purpose of PC50, as I have already said, it is to recognise the existing dairy plant and specifically provide for its efficient use and future expansion. It is inevitable therefore that the need for land use consents is reduced, that being a key purpose of the plan change. However it hasn't been done in isolation. Careful consideration has been given to the existing built environment on the site and the proximity of neighbours, particularly dwellings in development of the Height Control Area which generally requires all buildings, with some exceptions, to be located within it and to the heights specified. Any breach of that would require a land use consent.
- 50 In addition there are rules associated with building colour where they are above 12m in height, the retention of landscaping, lighting and signage, amongst others, which if not met will require land use consent.
- 51 I now turn to the sources of potential inadequacy raised in the Buttle Submission.

#### **Outdoor noise effects**

- 52 As **Mr Hay** notes noise associated with outdoor living was discussed in the Stage 2 consent. In terms of PC50 the control of noise through an NCB provides greater certainty and is beneficial for existing neighbours because it requires a standard to be met at the NCB rather than the notional boundary, which in most cases, including the Buttles, is much closer to existing dwellings.

#### **Odour**

- 53 On the matter of odour I agree with the comments of **Mr Curtis** and **Mr Chilton** that this is an issue for the Canterbury Regional Council (CRC). Any future air discharge will require a further consent to be obtained from CRC and at this stage it is simply unknown as to what if any discharge that might be. So while the Buttle submission suggests odour effects have not been assessed I am at a loss to understand what sort of odour assessment could be undertaken that would provide any relevant or useful information to this process.
- 54 Further **Mr Curtis** is correct when he says that Condition 3 of CRC156761 essentially controls amenity issues associated with odour. It seems to me, and as confirmed by **Mr Chilton**, very unlikely that this would change going forward.

### **Landscape and visual effects**

- 55 In terms of landscape and visual effects the concern here seems to be in relation to lack of specificity around the location of future buildings and the existing landscape planting. With respect to the former a purpose of the plan change is to enable future building development within a prescribed envelope with building heights set which take into account the height and location of existing development on the site. The actual appearance or form of any future buildings is, as described by **Ms Buckley**, however unknown at this point in time. In my opinion the value of visual simulations for buildings which may never eventuate is limited in the context of this process and I do not see the need to superimpose the location of existing buildings onto the ODP. Notwithstanding this, the graphic attachment accompanying the plan change documentation does show the building envelope in relation to the current site development in Photographs 4 and 18 which provides a good reference.
- 56 **Mr Craig** has discussed the existing landscaping and I simply note that PC50 requires that the landscaping identified on the ODP to be retained or a resource consent sought if it is to be removed. I also note that **Ms Buckley** refers to ongoing discussions with local Iwi regarding future native planting on the site.
- 57 In my view the AEE as to landscape and visual effects is not inadequate, a view that I note is shared by the reporting officer, **Ms Foote**. In order to provide some context for the Commissioner in terms of the landscaping and its growth over time the photo simulations which were produced for the original application to establish the site in 2010 will be made available at the hearing with some comparison to the existing situation.

### **Traffic effects**

- 58 Traffic effects associated with site access are addressed by Rules E26.1.13 and E26.1.14, and require the approval of the roading controlling authority prior to the issuing of a building consent for a new building which will increase capacity for milk processing or storage. The focus therefore is on whether the existing accesses are appropriate for any potential traffic increase which might stem from further development.
- 59 Any increase in traffic or rail on the site and outside of designations will be required to meet the noise requirements set by the NCB as referred to above thus ensuring the impact on neighbouring properties is taken into account in this regard. I also note that Condition 46 of RC 115199 (the Stage II consent for the existing operation) requires:

*The consent holder shall instruct all drivers of milk tankers delivering product to the factory to not use engine braking (except in emergencies) as they slow to go through Darfield Township and as they slow before the entrance to the factory,*

*and the consent holder shall use its best endeavours to ensure that there is compliance with that instruction.*

- 60 My understanding is that this condition remains applicable regardless of PC50, and is something that Fonterra has committed to by communicating it through driver induction and also covering it in the annual driver refresher assessment. There is also a 'no engine braking' sign on the way into site.
- 61 The remaining matter of traffic concern I suspect relates to the potential for dust nuisance associated with traffic on surrounding unsealed roads.
- 62 Vehicles entering and exiting the Darfield site are doing so from State Highway 73. Other than in an emergency situation which is covered in detail by conditions of consent (Condition 16 of RC 115199 – see **Appendix 2**) there is little need for vehicles associated with the site to utilise these roads unless it is associated with milk collection from a nearby farm or a staff members place of residence. I also note any proposal to create a new access or upgrade the existing emergency access onto Auchenflower Road would require consent.
- 63 Notwithstanding this, these are public roads and their unsealed state is in all likelihood related to the low levels of traffic generation on them. Should this change significantly then I would expect Selwyn District Council would investigate to establish whether a threshold for sealing had been reached. Either way the impact of the Plan Change on these roads is likely to be limited.
- 64 I note that Mr Mazey for the Council has reached similar conclusions to those above.

#### **AMENDMENTS**

- 65 As a result of submissions, caucusing and further review of the PC 50 provisions I consider there are some amendments required which address errors, omissions, areas of confusion and provide better clarity. I have addressed each of these in turn below:

##### **Access**

- 66 There is some potential confusion between Rule E26.1.2 which addresses the ODP requirement which includes “*vehicle access points*” and Rule E26.1.13 which addresses access design. In my view the former is related to the location of the access i.e. that shown on the ODP and any change to this would require consent. The latter is about the actual design of the access taking into account the development proposed and the requirement that the relevant agencies provide their approval to that design.
- 67 I accept however that there may be an element of confusion between these two provisions and the purpose they serve. My

suggestion therefore is to amend the heading of the second rule to refer to **Access Design** rather than just **Access** so as to make its purpose clear.

### **Noise**

- 68 I have discovered an omission in the PC50 provisions in that inadvertently Rule 3.13.1.6 of the Rural zone has not been amended to refer to Appendix 26B. This is the rule requiring insulation within the NCB. The Rule, introduced by PC 43, only refers to Appendix 26A which is the Synlait site.

- 69 The text of the PC 50 under the heading "*Effect on potential third party land from Proposed Noise Control Boundary*" on pg 24 does state that:

*This Plan Change application includes proposed alterations to Part C3, Rule 3.13.1.6 that will result in a requirement for any new dwelling within the NCB to be designed to achieve a minimum outdoor to indoor sound level difference of 20 dB  $D_{tr, 2m, nTw}$  to any bedroom to protect against potential sleep disturbance effects.*

- 70 Further under rule E26.1.18 (Noise) of the Appendix 26 there is a note stating:

*Note: Part C3, Rural Rules – Buildings, Rule 3.13.1.6 also applies for the establishment of any new sensitive activity within the Noise Control Boundary.*

- 71 In my view therefore it was clear that Rule 3.13.1.6 was to be amended as part of PC50. With that in mind I have shown the amendment below:

*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 **and 26B** 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.*

- 72 Further as a consequential amendments in my view the NCB contours should be shown on the relevant planning maps rather than just being contained in Appendix 26 for both the Fonterra and Synlait sites. This will ensure that all parties, including Council staff, are aware of their presence. I am aware that there has already been an issue associated with the Synlait site where the presence of the NCB in Appendix 26 went unnoticed.

- 73 Rule E26.1.18 refers to rail movements not exceeding 2 per 24 hour period which is as noted by **Mr Trevathan** creates some difficulties. As discussed by **Mr Hay** the best way to define this is by stating

that the limitation is two movements on any given night, with the night-time defined by the chosen District Plan times. I therefore propose the rule be amended as shown below:

E26.1.18 Rail movements into, within and out of the Dairy Processing Management Area are excluded from compliance with the above rules provided that for the Outline Development Plan in Appendix 26B, the number of night time rail movements do not exceed 2 per **night** ~~24 hour period~~ **(night is defined as being between 8.00pm and 7.30am).**

#### **Landscaping**

- 74 Rule 26.1.5B requires that the existing landscape planting shown on the ODP be maintained and that future screen planting alongside the Central Plains Water Canal shall be implemented within 12 months of the canal becoming operational through the site.
- 75 Rule 26.3.1 (the catch all Restricted Discretionary rule) does not however show any Matters of Discretion associated with Landscaping. This rule would be triggered if the existing landscaping indicated on the ODP were to be removed or the future screen planting associated with the CPW Canal was not provided.
- 76 To rectify this situation I have proposed the following be added into the Matters of Discretion:

#### ***Landscape Planting***

***E26.3.12 Any activity which does not comply with Rule 26.1.5B shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:***

- The impact of the loss of planting on the amenity of adjoining properties;***
- The effectiveness of existing landscape planting to mitigate the adverse effects of buildings and activities on landscape values in the locality of the Dairy Processing Management Area; and***
- The use of landform to assist in mitigation of landscape effects.***

- 77 I have also noted a slight error in Rule 26.1.5B with the word "that" needing to be deleted as shown below:

*Existing landscape planting as shown on the Outline Development Plan in Appendix 26B shall be maintained in*

*general accordance with the landscape provisions of the ~~that~~ Outline Development Plan. Future screen planting' as shown on the Outline Development Plan in Appendix 26B shall be implemented within 12 months of the Central Plains Water Canal becoming operational through the site.*

- 78 Finally in relation to landscaping I consider that in order to in part address the submissions by Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga that the notation on the ODP referring to Future Screen Planting should be amended to Future **Indigenous Screen** Planting. It is also noted that the landscaping on the eastern side of the site has been shown on the wrong side of the boundary and this should be corrected.
- 79 I have included all these amendments, aside from showing the NCB on the planning maps, in a revised set of provisions and ODP contained in **Appendix 1**.

## **STATUTORY PROVISIONS**

### **Canterbury Regional Policy Statement (CRPS)**

- 80 In the plan change application documentation the assessment discusses the CRPS and relevant objectives and policies in section 9.5 in some detail. I have reconsidered those provisions in light the amendments now proposed, submissions received and section 32AA of the Resource Management Act 1991. I remain of the view that Plan Change 50 gives effect to, and is consistent with the relevant objectives and policies of the CRPS.

### **Selwyn District Plan**

- 81 In the application documentation it was assessed as to whether the proposed changes to the District Plan were in keeping with the objective and policy framework and were the most appropriate to achieve the objectives. Those provisions considered of most relevance were discussed in Section 8.3 of the documentation.
- 82 Having reviewed these provisions I consider they remain those of most relevance and that the associated assessments are appropriate.
- 83 In summary I consider the proposed plan change is consistent with the intent of the relevant strategic objectives and policies. In particular PC 50 aligns with those objectives and policies that seek to recognise and provide for existing Dairy Processing sites, provide for rural based business in the rural zones and impose methods which avoid or mitigate environmental effects including reverse sensitivity to enable these activities to integrate with their rural surrounds.

## **Section 32**

- 84 An extensive section 32 assessment is contained within the application documentation, however it is appropriate to consider section 32 in light of the amendments to the plan change now proposed and section 32AA of the RMA. Section 32AA aims to ensure any changes to plan provisions during the hearings process are subject to further evaluation.
- 85 Therefore with regard to the requirements of section 32 I consider the changes proposed are either consequential and help in a better understanding and awareness of the plan change requirements or provide greater clarity and direction. Overall therefore the changes in my opinion meet the tests of s32(1) to (4).

## **Part 2**

- 86 In terms of Part of the RMA I am of the view, as referred to in the application documentation, that:
- 86.1 there are no matters of national importance of relevance in terms of Section 6 of the RMA;
- 86.2 there are no matters under Section 7 of the RMA that would suggest that it is not appropriate to proceed with the requested rezoning over the site. In particular the plan change will promote an efficient use of the land resources providing a range of benefits for the wellbeing of the community, most notably direct and indirect employment. It will also reduce inefficiencies associated with having to continually obtain resource consents for relatively minor changes to the onsite development. Amenity values and the quality of the environment are protected through the rules proposed and the fact that any significant expansion involving increased discharges will require further consents to be obtained;
- 86.3 there is no conflict with the provisions of Section 8 of the RMA, noting that a Cultural Impact Assessment (CIA) has been prepared and that Te Ngāi Tūāhuriri and Te Taumutu runanga have few concerns with the proposal and support (in principle) the type of plan change proposed. I note that Fonterra has committed to providing information outlined in the CIA, organising a site visit and holding regular hui to discuss issues, share information and give updates on any future expansion at the Darfield site. These outcomes I considered are consistent with the 'collaboration' Policy K4.1 of the Iwi Management Plan.
- 87 Overall, I am of the view that allowing proposed Plan Change 50, subject to the additional amendments now proposed, will not compromise the overriding purpose of the RMA, being the sustainable management of natural and physical resources. I acknowledge in reaching this conclusion that there remain matters

that may need to be addressed in future required resource consent applications.

### **CONCLUSION**

- 88 Overall, I consider that Plan Change 50 will more appropriately give effect to the established objective and policy framework of the District Plan, thereby ensuring that the overriding purpose of the RMA to promote the sustainable management of natural and physical resources continues to be achieved.
- 89 On this basis, I conclude that the purpose of the Act under this Section 5 would be better achieved by the Plan Change being approved, subject to the further amendments proposed.



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Dean Michael Chrystal

8 March 2017



All text amendments are shown in a highlighted form.

The two amendments to the ODP below are the reference to Future Indigenous Planting in the legend and the relocation of the screen planting along the eastern boundary to inside the Fonterra boundary.

### PART C

## 3 RURAL RULES – BUILDINGS

### 3.13 BUILDINGS AND BUILDING POSITION

#### Permitted Activities – Buildings and Building Position

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- 3.13.16 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 **and 26B** 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.

## APPENDIX 26

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### E26.1 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.

All activities, including buildings, structures and earthworks, must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

#### Permitted Activities – Land Use

E26.1.1 The following activities shall be a permitted activity if all of the standards in Rules 26.1.2 to 26.1.27 are met:

- 26.1.1.1 The processing, testing, storage, handling, packaging and distribution of milk and dairy products, dairy processing related by-products, and ancillary activities, including but not limited to:
- a) Rail infrastructure, and rail activities limited to those required for the transportation of milk, dairy products and associated ingredient and package products.
  - b) Infrastructure for roading, rail, the management of wastewater, stormwater and the supply of water.
  - c) Laboratories and facilities for research and development related to the processing of milk and development of dairy products.
  - d) 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.
  - e) 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 26.1.1:

The processing and use of milk is the purpose of, and principal use within, the Dairy Processing Management Area.

Ancillary activities means any activity that is incidental to servicing and supporting a permitted activity on the same site and which forms an inseparable part of the permitted activity.

## Requirements and Conditions for Permitted Activities

### Outline Development Plan

- E26.1.2 The location of all buildings, activities, and vehicle access points to the Dairy Processing Management Area, shall be in general accordance with the Outline Development Plans in Appendix 26A **and 26B**.

### Location of Buildings and Activities

- E26.1.3 All permitted activities shall be located within the Height Control Zone identified on the Outline Development Plans in Appendix 26A **and 26B**, with the exception of:
- (a) Any directional signage under 1.2m height;
  - (b) Signage providing information at the Primary Access points;
  - (c) Infrastructure for roading, rail, the management of wastewater, stormwater and the supply of water associated with a permitted activity; and
  - (d) Permitted activities provided for in Rule 26.1.1.1(e)
- E26.1.4 Where located within the Rural Buffer Area buildings and activities provided for in Rule 26.1.3(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 Plans in Appendix 26A **and 26B**, whichever is the greater setback from the boundary.

### Landscape Planting

- E26.1.5A When new buildings are to be erected that will increase the capacity for milk processing or storage within the Dairy Processing Management Area landscape planting as shown on the Outline Development Plan in Appendix 26A shall be located in general accordance with the landscape provisions of the Outline Development Plan and is to be completed in accordance with the provisions for Staging and Removal of Exotic Planting specified in Appendix 26A.

**E26.1.5B Existing landscape planting as shown on the Outline Development Plan in Appendix 26B shall be maintained in general accordance with the landscape provisions of the ~~that~~ Outline Development Plan. Future screen planting' as shown on the Outline Development Plan in Appendix 26B shall be implemented within 12 months of the Central Plains Water Canal becoming operational through the site.**

- E26.1.6 Landscape planting required by Rule 26.1.5A is a controlled activity for which consent is required in accordance with Rules 26.2.1 and 26.2.2

Note: Neither rule 26.1.5A or B nor Rule 26.1.6 apply to any planting within **a the** Dairy Processing Management Area for the purposes of amenity or enhancement and which is additional to that envisaged by the Outline Development Plan.

### Building Height

- E26.1.7 Buildings within the Height Control Zone shall comply with the height limits shown in the Outline Development Plans in Appendix 26A **and 26B**. Up to 2 Boiler stacks and 4 exhaust vents per dryer shall be exempt from height limits.

## Building Colour

- E26.1.8 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” [specification: 174(R),165(G), 165(B), RV34.51]
  - (b) Colorcote Titania [specification: 213(R), 211(G);199(B), RV64.57]
  - (c) Colorcote Ironsand [specification:84(R), 81(G),79(B), RV14.72]
  - (d) Colorcote Grey Friars [specification:87(R), 87(G).88(B),RV 16.55]

## Earthworks

- E26.1.9 A maximum volume of 5000m<sup>3</sup> of earthworks for each stage of development.
- E26.1.10 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.
- E26.1.11 The maximum height of temporary stockpiles or final landforms shall be no greater than 4m above ground level.
- E26.1.12 All cut material shall be reused within the Dairy Processing Management Area.

## Access **Design**

- E26.1.13 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 Plans in Appendix 26A **and 26B**, shall be approved in writing by the relevant Road and Rail (where applicable) controlling authorities. A copy of this approval shall be forwarded to the Council Planning Manager for Council’s records.
  - (b) All access from a local road shall comply with the design requirements of Appendix 10.
- E26.1.14 Secondary access points shown on the Outline Development Plans in Appendix 26A **and 26B** 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

- E26.1.15 All vehicle parking and manoeuvring areas shall be located as shown on the Outline Development Plans in Appendix 26A **and 26B** and comply with Appendix 10 as to layout and design.
- E26.1.16 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

- E26.1.17 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 Plans in Appendix 26A **and 26B**.

Daytime (7.30am – 8.00pm) 55dB L<sub>Aeq</sub> and 80 dB L<sub>Afmax</sub>

Night-time (8.00pm – 7.30am) 45 dB L<sub>Aeq</sub> and 70 dB L<sub>Afmax</sub>

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

- E26.1.18 Rail movements into, within and out of the Dairy Processing Management Area are excluded from compliance with the above rules provided that for the Outline Development Plan in Appendix 26B, the number of night time rail movements do not exceed 2 per night 24-hour period (night is defined as being between 8.00pm and 7.30am).

Note: Rule 26.1.18 does not apply to the loading or unloading of goods.

Note: Part C3, Rural Rules – Buildings, Rule 3.13.1.6 also applies for the establishment of any new sensitive activity within the Noise Control Boundary.

## Lighting

- E26.1.19 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.

## Signage

- E26.1.20 All signage must be related to permitted activities undertaken on the site and be restricted to corporate logos or colours only.
- E26.1.21 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. (See Rule 26.1.3 for limitations on signs located outside the Height Control Area as shown on the Outline Development Plans in Appendix 26A and 26B).
- E26.1.22 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.
- E26.1.23 The sign does not:
- (a) have flashing or revolving lights, sound effects, balloons or blimps or moving parts;
  - (b) resemble a traffic sign
- E26.1.24 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.
- E26.1.25 The size of any freestanding sign is not more than 6m<sup>2</sup> and any sign attached to a building is not more than 50m<sup>2</sup>.
- E26.1.26 The content of the sign shall be limited to the name of the dairy processing plant, wayfinding and compliance with statutory requirements.

- E26.1.27 The content of any sign within the Dairy Processing Management Area fronting a local road 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 required for the Dairy Processing Management Area.

- E26.1.28 The position, dimensions and content of any new sign within the Dairy Processing Management Area directed at traffic on a State Highway~~1~~ shall be approved in writing by the NZ Transport Agency.

## E26.2 CONTROLLED ACTIVITIES

### Landscape Planting required by Rule 26.1.6

- E26.2.1 An application for controlled activity consent under rule 26.1.6 shall contain information showing the location of proposed planting, the proposed plant species, the proposed timing of planting, the height and spacing of plants at the time of planting and the proposed maintenance regime of the landscape planting including soil and moisture retention, irrigation, access and the replacement of any dead, diseased or dying plants and the methodology for removal of exotic planting.
- E26.2.2 Under Rule 26.2.1 the Council shall restrict its control to the following matters:
- (a) The matters in respect of which information is required by Rule 26.2.1;
  - (b) The extent to which the proposal meets the objectives of and outcomes intended by the landscape elements of Appendix 26A.
  - (c) 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;
  - (d) The use of landform to assist in mitigation of landscape effects; and
  - (e) The effect of not removing exotic species which have achieved a uniform height of 10m on cultural values.

### Earthworks

- E26.2.3 Any earthworks exceeding 5000m<sup>3</sup> (for any stage of development), or a cut/excavation depth from existing ground level of more than 5 metres, or a maximum height of temporary stockpiles or final landforms of 4m above ground level, shall be a controlled activity. Any application for earthworks shall not require the written approval of third parties and shall be non-notified.

- E26.2.4 Under Rule 26.2.3 Council shall restrict its control to the following matters:
- (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.

### **Construction Activities**

- E26.2.5 Construction activities for a new building which will increase capacity for milk processing or storage within the Dairy Processing Management Area shall be a controlled activity. Any application for construction activities shall not require the written approval of third parties and shall be non-notified.
- E26.2.6 Under Rule 26.2.5 Council shall restrict its control to the following matters:
- (a) Ensuring that the effects of construction traffic minimises disruption, delay or inconvenience on the adjoining road network.
  - (b) Best practicable measures to avoid or mitigate the dispersal and deposition of dust and sediment.
  - (c) Best practicable measures to avoid the accidental discharge of any fuel or other hazardous substances, including measures for dealing with accidental spills.
  - (d) Compliance with NZS6803:1999 Acoustics – Construction Noise;
  - (e) Compliance with NZS2631:1985-1989 Part 1-3 or equivalent standard;
  - (f) An Accidental Discovery Protocol as specified in the Mahaanui Iwi Management Plan.

## **E26.3 RESTRICTED DISCRETIONARY ACTIVITIES**

- E26.3.1 Any activities which do not comply with the standards for Permitted Activities, and which are not listed as a controlled, 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:

### **Matters of Discretion**

- E26.3.2 Outline Development Plan
- Any building or activity which does not comply with the following rules as shown on the Outline Development Plans contained within Appendix 26A and 26B shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of those matters identified:
- (a) Rule 26A.1 Heslerton Road Access
    - (i) The number and type of vehicle movements.
    - (ii) The surface, width and condition of the road.
  - (b) Rule 26A.2 Parking and Rule 26B.2 Parking
    - (i) 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.

- (c) Rule 26A.3 Building Free Area
  - (i) The necessity and purpose of any structures to be located within the building free area.
  - (ii) The scale and construction materials proposed for any building.
  - (iii) 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.

### **Location of Buildings and Activities**

E26.3.3 Any building or activity which does not comply with Rule 26.1.4 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- (a) 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
- (b) Any effects of an oversized or non-directional sign on traffic safety or efficiency or on rural amenity values.
- ~~(c) Those matters specified for inclusion in Management Plans for Noise and Hazardous Substances.~~

**Note:** Non-compliance with Rules 26.1.2 and/or 26.1.3 is a full discretionary activity. See Rule 26.4 below.

### **Building Height**

E26.3.4 Any building which does not comply with Rule 26.1.7 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

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

### **Colour**

E26.3.5 Any building which does not comply with Rule 26.1.8 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.

### **Earthworks**

E26.3.6 Any earthwork which does not comply with one Rule 26.1.12 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The management of traffic effects created by the haulage activity.



## **Access**

- E26.3.7 Any access which does not comply with Rules 26.1.13 or 26.1.14 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:
- (a) The effects of any access not shown on the Outline Development Plans in Appendix 26A **and 26B**, on the safety and efficiency of traffic on the road network.
  - (b) 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.
  - (c) Intersection and road design.

## **Parking**

- E26.3.8 Any parking which does not comply with Rules 26.1.15 or 26.1.16 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:
- (a) The effects of vehicle parking and maneuvering not in accordance with the Outline Development Plans in Appendix 26A **and 26B** on rural landscape and amenity values.
  - (b) 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.

## **Noise**

- E26.3.9 Any activity which does not comply with one or more of Rules 26.1.17 to 26.1.18 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:
- (a) Effects on rural amenity values in the immediate proximity of the Dairy Processing Management Area.
  - (b) Effects on the livability of any dwelling subject to increased noise effects.
  - (c) Measures for mitigation of noise effects.

## **Lighting**

- E26.3.10 Any activity which does not comply with Rule 26.1.19 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of the effects of any additional light spill on:
- (a) rural amenity values;
  - (b) the reasonable use of adjoining land or dwellings; and
  - (c) traffic safety on adjoining roads.

## **Signage**

- E26.3.11 Any activity which does not comply with one or more of Rules 26.1.20 to 26.1.21 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:
- (a) Traffic safety and efficiency; and
  - (b) Rural amenity values.

## **Landscape Planting**

**E26.3.12** Any activity which does not comply with Rule 26.1.5B shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- (a) The impact of the loss of planting on the amenity of adjoining properties;
- (b) The effectiveness of existing landscape planting to mitigate the adverse effects of buildings and activities on landscape values in the locality of the Dairy Processing Management Area; and
- (c) The use of landform to assist in mitigation of landscape effects.

## **E26.4 DISCRETIONARY ACTIVITIES**

Buildings and activities not located in accordance with Rule 26.1.2 and/or 26.1.3 shall be a discretionary activity.

## **E26.5 NON-COMPLYING ACTIVITIES**

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

## **E26.6 REASONS FOR RULES**

The activities already undertaken at the established dairy plants in the Dairy Processing Management Areas and those which would typically be anticipated or associated with the processing of milk. Dairy processing activities can be anticipated to further develop as value is added to the range of dairy products and from processing of by-products. The list of permitted activities is intentionally limited to activities which are inseparably connected to dairy processing, including testing, storage, handling, packaging, distribution, and innovation.

### **Outline Development Plan, Buildings and Activities – Location and Height**

The location of buildings and parking areas within the DPMA sites 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 one part of the site and 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, low directional signage, signs located adjacent to primary access points and infrastructure servicing the 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, in the case of Synlait, 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 Fonterra Darfield site is provided with considerable setbacks from all boundaries to allow for landscaping and to minimise visual dominance from surrounding vantage points while also providing an appropriate transition or buffer to the wider rural plains.

The use of ODPs therefore effectively manages the extent of dairy processing activities within the DPMA. ~~It is~~They are 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 Areas as a whole and addressed through a-landscape plans. 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 ODPs. 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 ODPs. 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 contained within Appendix 26A 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, t~~The ODP's contained within both Appendix 26A and 26B requires all vehicle parking to be provided within the Height Control Area. This is described further under Parking below.

## **Landscape Planting**

Rule 26.1.5A 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.

Rule 26.1.6 (requiring controlled activity consent to 'landscape planting' but not otherwise affecting planting for amenity or enhancement purposes) is intended to ensure general compliance with the staging of landscape establishment on the Synlait site identified in Appendix 26A and to control details of the plant species, location, timing of planting, height, spacing and maintenance. The purpose of this rule is to ensure that the Synlait Dairy Processing Management Area has a consistent landscape theme and that planting is appropriately established and cared for, ensuring its longevity and effectiveness. In addition, a rule requires exotic species planted on the DPMA boundaries within Appendix 26A to be removed once identified indigenous tree species, planted in accordance with the rules on the ODP, have reached a minimum height of 10m. This requirement to allow indigenous plants to dominate has been agreed with Te Taumutu Rūnanga as a way of expressing cultural values on the site.

No additional landscaping is required on the Fonterra site as it expands due to the comprehensive perimeter landscaping already established on the existing site as identified on the

ODP contained within Appendix 26B. This landscaping is required to be maintained in accordance with Rule 26.1.5B. The only exception to this is if the Central Plains Water Canal is constructed through the site which will create a break in the perimeter planting. Should this occur, additional screen planting is required to be implemented in accordance with Rule 26.1.5B.

### **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 (<5000m<sup>3</sup>) 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 26.2.3 requires the activity to be considered as a controlled activity with Council's control reserved to dust, proximity to waterways, re-vegetation and accidental discovery of archaeological items. A resource consent process ensures appropriate management and environmental outcomes which can be effectively achieved and monitored through a controlled activity consent process without the need for notification or third party approvals. It is acknowledged that earthworks, even at a larger scale, can be appropriately managed in accordance with best practice. In addition, the DPMA is an established and defined site which is well understood in terms of effective management from previous construction activity.

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 sites contained within Appendix 26A and 26B 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 ODPs 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. In the case of Synlait, pPrior 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 26.1.17 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.

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 3.13.1.56). 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 districts 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 have therefore been considered in the setting of the noise limits and layout of each site.** ~~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.

## 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. A requirement to ensure that signs visible from, even if not physically or legally fronting the State Highway, are considered by the New Zealand Transport Agency, ensures that signage does not adversely affect traffic safety and efficiency and accords with current Government guidance applicable at that time. 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.

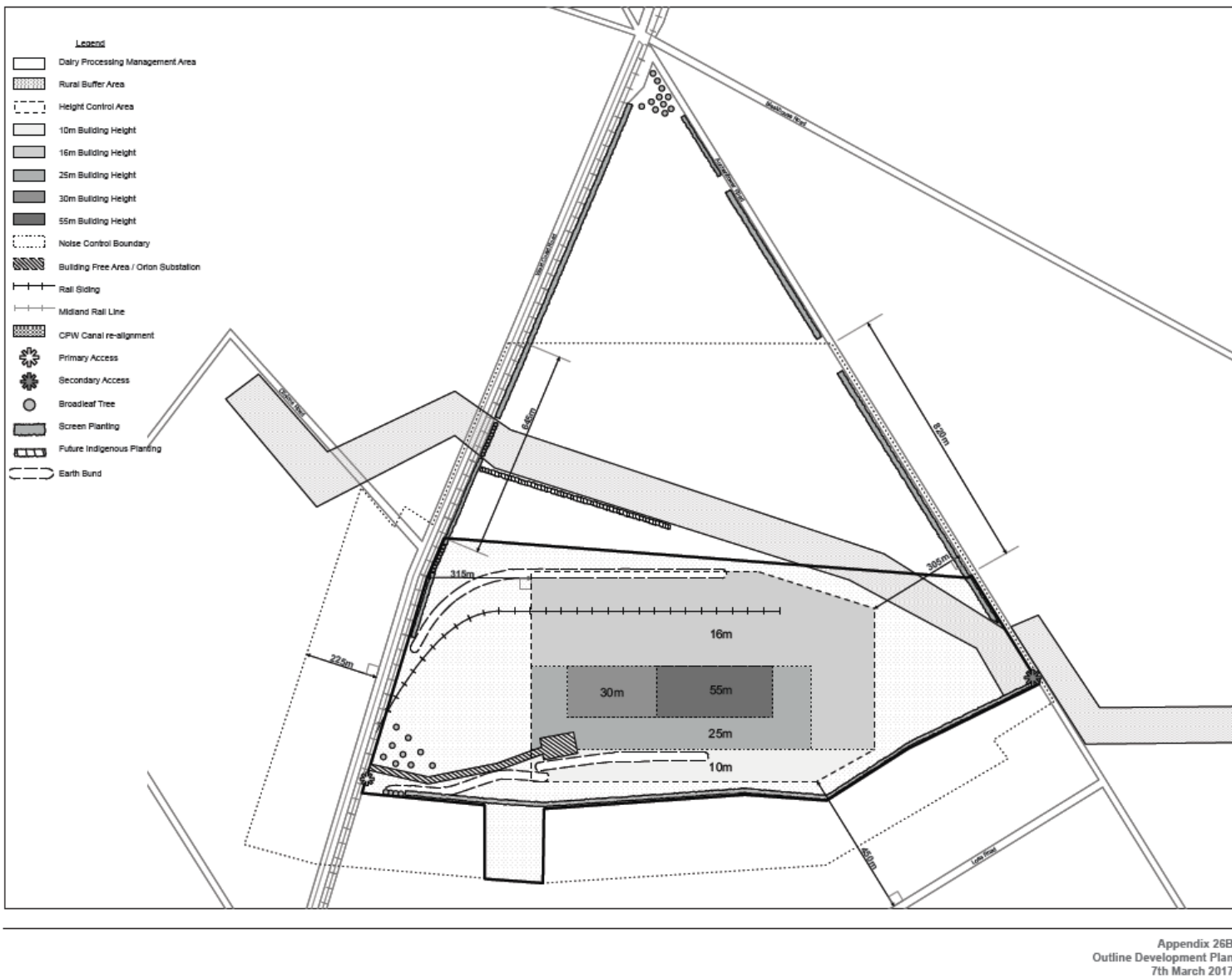
## Construction Activities

Rule 26.2.5 provides a mechanism for further control over the management of large scaled construction works through a resource consent for a controlled activity. 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. A controlled activity consent ensures 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 certainty and the flexibility to deal with construction projects which are of larger scale and potential environmental effect. The majority of the matters of control are however subject to other regulatory processes for building consent and health and safety. Accordingly, there is no requirement for third party approvals or notification of an application.

# APPENDIX 26B

## FONTERRA DARFIELD PROCESSING MANAGEMENT AREA - ODP



### Condition 16 of RC 115199

16. The emergency access road shall be used only for farm activities and emergency situations. If the road is to be used by any heavy vehicles during the emergency situation (other than emergency services) the consent holder shall;
- (a) Within 2 hours of the road being used, start a dust mitigation program which shall extend for 100 metres either side of any residential property the heavy vehicles pass on Loes, Auchenflower and Homebush roads. Dust suppression will continue until the use of the road(s) cease.
  - (b) Within 1 hour inform Selwyn District Council of why the road is being used.
  - (c) If the use of the road is expected to last longer than 4 hours, the consent holder shall take reasonable steps to inform neighbours of how long the road is expected to be used.

**Advisory note:** Nothing in this condition 16 shall prevent use of the emergency access road by the consent holder as a part of the farming operations on the property owned by the consent holder.