

PORT, KNOWLEDGE, AND DAIRY PROCESSING ZONES

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1 Scope of Report

- [1] This Recommendation Report relates to the Special Purpose Zones – Port, Knowledge, and Dairy Processing chapters of the PDP and contains the Hearing Panel’s recommendations to Council on the submissions and further submissions received on those chapters.
- [2] The Hearing Panel members for the Port, Knowledge, and Dairy Processing Zone chapters were:
- Gary Rae (Chair)
 - Nicole Reid
 - Raewyn Solomon
 - Andrew Willis
- [3] The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for this topic were respectively:
- Special Purpose - Port, Knowledge, and Dairy Processing Zone, March 2022, Jessica Tuilaepa
 - Special Purpose - Port, Knowledge, and Dairy Processing Zone, 23 November 2022, Jessica Tuilaepa, which included a statement of expert transportation evidence from Mat Collins from Flow Transportation Specialists.
- [4] Prior to the hearing, the reporting officer also provided a report entitled ‘Officer’s Response to Questions from The Hearings Panel’, dated 25 March 2022.
- [5] The Hearing Panel’s recommended amendments to the notified provisions of the Special Purpose - Port, Knowledge, and Dairy Processing Zone chapters are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [6] We note that some of the numbering of individual clauses in the rule and rule requirement provisions will need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [7] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [8] The hearing for the Special Purpose - Port, Knowledge, and Dairy Processing Zone chapters was held on 29th March 2022. The submitters who appeared at the hearing (either in person or via Zoom) are listed below, together with an identification of whether they were an original submitter, a further submitter, or both.

Sub #	Submitter	Original	Further
DPR-0420	Synlait Milk Limited	✓	✓
DPR-0370	Fonterra Limited	✓	✓

- [9] The submitters had expert witnesses appear on their behalf. The witnesses we heard from are listed in Appendix 2, and tabled statements are also listed in Appendix 2. Copies of all evidence (expert and non-expert) received are held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report.
- [10] Following the hearing, on 31 March 2022 the Panel received from Ms Rykers a proposed amendment to the access rule for the Synlait site which had been submitted as a result of discussions at the hearing.
- [11] The Panel issued Minute 17 on 31 March 2022 directing that the two planners for Fonterra and Synlait (Ms Tait and Ms Rykers) confer and provide to the Panel an agreed rule regarding access with assessment matters that could be applied to access rules for both sites. A response was received from Fonterra on 8 April 2022, which advised that the two planners had agreed on a common set of assessment matters, however they considered that a combined access rule was not appropriate as the two accesses had quite distinct characteristics.
- [12] The officer's Reply Report (together with Mr Collins' traffic assessment) received in November 2022 responded to those rules and assessment matters. However, the Panel had some questions arising from the Reply Report, and in particular we noted that Mr Collins' assessment was incomplete as he was unable to obtain some traffic data relevant to the Fonterra site access and in particular from the time that it had been consented.
- [13] Accordingly, the Panel issued Minute 35 on 24 November 2022 requesting Fonterra provide that data. In response, Mr Metherell (traffic expert for Fonterra) provided a statement of evidence dated 30 November 2022 which included the requested data.
- [14] A written response to Minute 35 was provided by the Section 42A Report author (including comments from Mr Collins) dated 21 December 2022. Fonterra was subsequently invited to comment, and it confirmed that it was satisfied with the recommended amendments to DPZ-REQ8 being aligned to the wording proposed by Mr Collins in his memo¹. This is further addressed later in this Recommendation Report.
- [15] We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether they were represented by expert witnesses.

3 Sub-topic Recommendations

- [16] In this part of the Recommendation Report we assess the submissions by sub-topic, under each of the three Special Purpose Zones, using the same headings as the initial Section 42A Report.

3.1 DPZ – Dairy Processing Zone

3.1.1 Overview

- [17] For the following submitter and its submission point on these provisions we adopt the recommendations and reasons of the Section 42A Report author.

¹ E-mail from Chapman Tripp, Fonterra's counsel, dated 21 February 2023

Sub #	Submitter	Submission Point
DPR-0370	Fonterra Limited	086

- [18] We accept it is appropriate to amend the DPZ-Overview to better describe the general location of the Fonterra dairy processing plant as being in Darfield and not Hororata.

3.1.2 Objectives and Policies

- [19] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0370	Fonterra Limited	087 - 091
DPR-0420	Synlait Milk Limited	013 - 017

- [20] We note that the submitters have substantially supported all the objectives and policies. However, Fonterra sought an amendment to DPZ-P2 to to avoid sensitive activities locating near the Dairy Processing Zone. We understand the basis for the submission but accept the advice in the Section 42A Report that such a policy would need to be located in the zone chapter in which the activity was occurring (i.e. GRUZ), or within a District Wide chapter. The evidence was that the relief sought by the submitter is already provided for elsewhere in the PDP (including in the NOISE chapter). We also note that Ms Tait, Fonterra's planning witness, accepted the recommendation to make no changes to DPZ-O2².
- [21] Whilst not specifically addressed in the Section 42A Report we have considered the Further Submission by Philip J Hindin, who lodged a tabled statement in support of submission points by Synlait (who had supported DPZ-O1 and the associated policies as notified). Mr Hindin's further submission requested certain relief (which was summarised in the Section 42A Report as being *"To disallow the noise control boundary alteration. Require the property generating noise to take full financial responsibility for the costs of compliance and noise reduction within any noise control boundary"*). We consider we cannot grant the relief sought by Mr Hindin as he did not lodge an original submission requesting any specific changes to DPZ-O1 and its associated policies, and his further submission may only support or oppose an original submission.

3.1.3 Rules

- [22] For the following submitters and their submission points on the DPZ rules we adopt the recommendations and reasons of the Section 42A Report author including in the Reply Report and in the Response to Minute 35 dated 21 December 2022.

Sub #	Submitter	Submission Points
DPR-0207	SDC	031
DPR-0370	Fonterra Limited	092 - 094
DPR-0370	Fonterra Limited	095
DPR-0420	Synlait Milk Limited	018, 030

- [23] In response to the submission point by Synlait, we accept that it is appropriate to amend DPZ-R1 to replace 'energy generation' with 'renewable electricity generation'. This is

² Ms Tait, paragraph 19

consistent with the Panel's Recommendation in relation to the Energy and Infrastructure chapter.

- [24] We also accept the submission point of SDC to amend DPZ-R2 to clarify that any building or structure associated with rural production is also intended to be a permitted activity where it complies with the bulk and location requirements of the General Rural Zone. Fonterra had lodged a further submission point opposing SDC's submission on DPZ-R2. Ms Tait, expert planner for Fonterra, in evidence supported the amendment sought by SDC but, in addressing a further submission by Fonterra, requested a further amendment to the rule in order to clarify that dairy processing activities permitted in terms of DPZ-R1 will not be caught by DPZ-R2 in the event they might be deemed "rural production activities".
- [25] The Section 42A Report author considered DPZ-R2 is not intended to be more stringent than DPZ-R1, or that it would inadvertently create the need for a consent, but nevertheless recommended that it was not necessary to change DPZ-R2. We consider that the amended wording would make this clearer. However there appears to be no scope to make Ms Tait's recommended amendments as Fonterra's original submissions requested no changes to DPZ-R2.
- [26] Ms Tait confirmed that Fonterra accepted the Section 42A Report author's recommendation to retain Non-Complying Activity status for 'any other activity' in DPZ-R4³. Accordingly, we accept there is no need to amend this rule.
- [27] A submission from Fonterra sought to amend the activity status in DPZ-R3 to better align with the relevant rule in the operative district plan relating to access to the Fonterra site. However, as pointed out in the Section 42A Report, the current rule may be ultra vires as it requires third party approval from road and rail authorities. The Section 42A Report had accordingly recommended this submission point be rejected.
- [28] Ms Tait, in her evidence at the hearing, pointed to inconsistencies in the way that access is managed to the Fonterra and Synlait sites. She recommended that DPZ-R3 be deleted and that a different approach be taken, similar to that used for the Synlait DPZ site, whereby a combination of site and road traffic effects would be taken into account before an upgrade to the intersection is required. Fonterra proposed a new rule requirement DPZ-REQ9 to achieve this.
- [29] In the Reply Report the officer generally agreed with this, and this was also supported by Mr Collins in independent traffic evidence for the Council. It was however proposed by the officer that, for consistency related to plan drafting, the general wording of Fonterra's proposed DPZ-REQ9 should become a subset of DPZ-REQ8 (i.e. currently the proposed access rule for the Synlait access).
- [30] In the responses to Minute 35 it was confirmed that the Section 42A Report author and Mr Collins supported the two-pronged approach to managing access at the Fonterra site. Clarification was also provided as to the wording of the rule recommended by the reporting officer. The Panel invited comments from Fonterra on the recommended wording of the

³ Ms Tait, paragraph 21

amended rule requirement and as noted earlier in this report the Panel was satisfied with that wording.

- [31] We accept that the deletion of DPZ-R3, and the amendments to DPZ-REQ8 are appropriate to provide consistency in the approach to managing, and assessing, any required upgrades to access to both the Fonterra and Synlait sites. In terms of s32AA of the RMA, we agree with the advice in the Reply Report no assessment is required, but we also consider that this is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [32] In relation to DPZ-R4, we note that Ms Tait's evidence confirms Fonterra's acceptance of the Section 42A Report's recommendation to retain the rule without amendment.

3.1.4 Rule Requirements

- [33] For the following submitters and their submission points on the Rule Requirements we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report and in the Response to Minute 35 dated 21 December 2022.

Sub #	Submitter	Submission Points
DPR-0370	Fonterra Limited	097
DPR-0370	Fonterra Limited	098 - 102
DPR-0420	Synlait Milk Limited	019 - 025
DPR-0420	Synlait Milk Limited	026

- [34] The issues regarding management of site accesses to Fonterra and Synlait sites have been addressed in the previous section of this report. Our recommendations, based on the agreed expert evidence, was to delete DPZ-R3 (relating to the Fonterra site) and to amend DPZ-REQ8 so that it provided for access to both sites.
- [35] We have also accepted there is a need to make some changes to DPZ-REQ8 specifically as they relate to the Synlait site. Whilst Synlait's submission had been initially to exclude the Heslerton Road/SH1 intersection from being subject to DPZ-REQ8, Ms Rykers, Synlait's expert planner, in evidence recommended some changes to the notified rule requirement to provide additional clarity and reduce the opportunity for subjectivity during future application of the rule requirement. The officer's Reply Report supported those changes, subject to some minor wording amendments based on Mr Collins' advice. We accept the general consensus between experts in this regard. We note that in order to conform with the National Planning Standards, these areas need to be shown as specific control areas, and so we recommend that the Synlait site be shown on the planning maps and identified in provisions as SCA-AC2 – Synlait Access Management and that the Fonterra site be shown and identified as SCA-AC3 – Fonterra Access Management.

3.1.5 Matters for Control or Discretion

- [36] For the following submitter and its submission points we adopt the recommendations and reasons of the Section 42A Report author as outlined in the Reply Report.

Sub #	Submitter	Submission Points
DPR-0370	Fonterra Limited	103, 104

- [37] We note that whilst the submitter had originally supported DPZ-MAT1 as notified, some changes have been agreed between the experts (i.e. planners and traffic witnesses for Fonterra, Synlait and SDC) in response to the Panel's Minute 17. We consider these changes to be within scope of the other submissions made by those submitters specifically on site access for the Fonterra and Synlait sites, and they may be considered as consequential changes to the assessment matter that relates only to those sites. No further S32AA evaluation is therefore required.

3.1.6 Schedules and Maps

- [38] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author. The submissions support the extent of the DPZ as shown on the Maps. We also note that DPZ-SCHED1 (the Outline Development Plan for the Synlait dairy processing plant) should have the Noise Control Overlay amended to show the Synlait 'Inner Noise Zone' as consistent with the recommendations of the Noise Hearing Panel, and also that the alignment of the CPW-1 designation should be clarified in DPZ-SCHED2 as requested by Fonterra as consistent with the Designations Panel's recommendations.
- [39] In respect of the Synlait 'Inner Noise Zone', we record that this is more appropriately reflected as an overlay, rather than a zone and therefore recommend that it be known and shown as the Dairy Processing Zone Inner Noise Overlay.

Sub #	Submitter	Submission Points
DPR-0370	Fonterra Limited	001, 096
DPR-0420	Synlait Milk Limited	012, 027

3.2 KNOZ – Knowledge Zone

3.2.1 Definition – Tertiary Education

- [40] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0205	Lincoln University	063, 062, 058, 003
DPR-0213	Plant and Food & Landcare	025, 024, 022
DPR-0342	AgResearch	004, 003
DPR-0378	MoE	005, 006
DPR-0422	NCFF	048

- [41] In response to submissions the Section 42A Report author supported the requested changes to amend the definition of 'Tertiary Education' to include reference to associated ancillary activities. The officer also recommended correcting an error in the definition of 'High Industrial Technology Activity' and recommended deleting the (redundant) definition of 'Tertiary Education Provider' by way of clause 16(2) amendments.
- [42] The scale of changes does not warrant a Section 32AA assessment.

3.2.2 Objectives

- [43] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0205	Lincoln University	006, 007
DPR-0213	Plant and Food & Landcare	006, 007
DPR-0342	AgResearch	022, 023
DPR-0378	MoE	034

[44] In response to submissions the Section 42A Report author supported the requested changes to amend KNOZ-O1 and KNOZ-O2 to reference 'tertiary education' and 'rural sector commercial activities' and to amend KNOZ-O2 to reference 'tertiary education' and 'rural sector commercial activities'.

[45] We agree that those changes are appropriate, and no assessment is required in terms of s32AA of the RMA.

3.2.3 Policies

[46] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0205	Lincoln University	008 - 010
DPR-0213	Plant and Food & Landcare	008 - 010
DPR-0342	AgResearch	024 - 026
DPR-0378	MoE	035, 036

[47] In response to submissions the Section 42A Report author supported the requested changes to amend KNOZ-P1, KNOZ-P2 and KNOZ-P3 to reference 'tertiary education' and 'rural sector commercial activities'.

[48] We agree that those changes are appropriate, and no assessment is required in terms of s32AA of the RMA.

3.2.4 Rules

[49] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0205	Lincoln University	011 - 016
DPR-0213	Plant and Food & Landcare	011 - 016
DPR-0342	AgResearch	027 - 046
DPR-0378	MoE	037
DPR-0455	Paul & Fay McOscar	014

[50] We acknowledge there is substantial support for the KNOZ rules from submitters. We accept the Section 42A Report author's recommendations to make some clause 16(2) amendments to rules and in particular to amend KNOZ-R8 to remove the frequency restriction on visitor accommodation activities. No assessment is required in terms of s32AA of the RMA.

3.2.5 Rule Requirements

[51] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0126	Foster Commercial	021
DPR-0207	SDC	072, 073
DPR-0342	AgResearch	047 - 052

- [52] We accept the Section 42A Report author's recommendations to make some clause 16(2) amendments to rules and in particular to amend KNOZ-REQ3 to clarify 'Height in Relation to Boundary A' applies and to amend KNOZ-REQ4 to include a reference to 'structures'. No assessment is required in terms of s32AA of the RMA.

3.2.6 *Matters for Control or Discretion*

- [53] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0101	Chorus	048
DPR-0342	AgResearch	053 - 055

- [54] We accept the Section 42A Report author's recommendations in response to a submission by Chorus to amend KNOZ-MAT1 to consider the potential impact on important infrastructure when assessing an application for an over height building.

3.2.7 *New Provisions*

- [55] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0205	Lincoln University	001, 002
DPR-0367	Orion ⁴	135 - 140

- [56] In relation to Orion's submission points, we concur with the Section 42A Report author that Important Infrastructure is currently managed through provisions located in the SD and EI chapters, and additional support is not required in the KNOZ chapter.
- [57] We have considered the statement by Mr Osborne, planner for Lincoln University, who requested that the NZ Cricket's facilities at Lincoln University are specifically provided for. However, we agree with the Section 42A Report author that those facilities are clearly 'Recreational Facilities' and accordingly are recognised as a subset of 'Community Facilities', and as a consequence are already permitted in the zone by KNOZ-R10. We heard no evidence that there has been any issue, or that one is likely to arise, the status of the cricket facilities being operated in this zone.

3.3 **PORTZ – Port Zone**

3.3.1 *Definition – Port Activities*

- [58] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in no changes to the definition of 'Port Activities'.

⁴ Commissioner Reid recused herself from consideration of the Orion submissions due to a conflict of interest.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort	004
DPR-0358	RWRL	042
DPR-0363	IRHL	041
DPR-0374	RIHL	047
DPR-0384	RIDL	049
DPR-0453	LPC	010

3.3.2 Overview

- [59] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort	020
DPR-0453	LPC	023

- [60] We agree it is appropriate, in response to the submission of MetroPort, to amend the PORTZ-Overview to refer to the activities on the MetroPort site and elaborate on the activities undertaken within the PORTZ. No assessment is required under S32AA of the RMA for this scale of change.

3.3.3 Objectives

- [61] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in no changes to the objectives in this chapter.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort	024 - 026
DPR-0453	LPC	021 - 023

- [62] No assessment is required in terms of s32AA of the RMA.

3.3.4 Policies

- [63] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort	027 - 030
DPR-0453	LPC	024 - 026

- [64] This results in some minor wording changes to PORTZ-P2, PORTZ-P3 and PORTZ-P4 to improve grammar and clarity as requested by the submitters. No assessment is required in terms of s32AA of the RMA.

3.3.5 Rules

- [65] For all but one of the submitters and their submission points on the proposed PORTZ rules we adopt the recommendations and reasons of the Section 42A Report author, as explained further below.
- [66] Consequently, for the following submitters and submission points our recommendations are set out below.

Sub #	Submitter	Submission Points	Accept	Accept in part	Reject
DPR-0068	MetroPort	031	✓		
DPR-0068	MetroPort	032		✓	
DPR-0378	MoE	039	✓		✓
DPR-0439	Rayonier	017			✓
DPR-0453	LPC	027 - 035	✓		

- [67] PORTZ-R5 as notified provides that ‘noise sensitive activities’ are a non-complying activity in the PORTZ with the exception being custodial dwellings which are a controlled activity. The submitter LPC requested a change in the activity status of all noise sensitive activities in PORTZ-R5 from CON to NC (i.e. with no exception for custodial dwellings).
- [68] Mr Bonis, in planning evidence for LPC and Midlands Port, said that custodial dwellings are noise sensitive activities and are therefore not appropriate within the PORTZ. He also said there is substantial investment in security provision at Midland Port (and presumably MetroPort) without the need for custodial dwellings for security purposes.
- [69] The Section 42A Reporting author recommended the LPC submission is accepted in part, with PORTZ-R5 to be amended to preclude custodial dwellings within the Port 55dB Noise Control Overlay.
- [70] Mr Bonis’ response was that, as Midland Port has the 55dB contour extending over the majority of the site, and as there is no intention by LPC to provide for a custodial unit for security purposes, a tidier solution is simply to have the default status for all Noise Sensitive Activities be non-complying.
- [71] We accept Mr Bonis’ recommendation as being more certain and the wording will improve clarity. We acknowledge the expert planners are in substantial agreement with the only difference being the method to be used to achieve a similar outcome. The scale of change does not require a S32AA assessment.

3.3.6 Rule Requirements

- [72] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort	033 - 036
DPR-0126	Foster Commercial	022
DPR-0453	LPC	036 - 042

- [73] These result in changes to PORTZ-REQ3 and APP3 to clarify height in relation to boundary requirements and were accepted by Mr Bonis for the submitters⁵. The scale of change does not require a S32AA assessment.

3.3.7 Matters for Control or Discretion

- [74] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0101	Chorus	049

⁵ Mr Bonis, para 16.16

Sub #	Submitter	Submission Points
DPR-0453	LPC	043 - 045

- [75] The changes to PORTZ-MAT1 will appropriately include consideration of operational requirements and potential impact on important infrastructure, and for PORTZ-MAT2 and PORTZ-MAT3 will appropriately include consideration of operational matters.

3.3.8 Maps

- [76] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that this results in no change to the notified Planning Maps.

Sub #	Submitter	Submission Points
DPR-0068	MetroPort	037
DPR-0453	LPC	019

3.3.9 Non-Notification Clauses

- [77] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0358	RWRL	409, 411, 431
DPR-0363	IRHL	451, 453, 455
DPR-0374	RIHL	497, 499, 501
DPR-0384	RIDL	530, 532, 534

- [78] These submitters have requested additional non-notification clauses in the DPZ, KNOZ and PORTZ chapters. The Section 42A Report advises that notification requirements of both Rules and Rule Requirements were considered at the time of drafting, and where appropriate non-notification clauses were included.
- [79] We agree that it is not appropriate to preclude limited or public notification for controlled and restricted discretionary activities on a chapter wide basis. The RMA contains a specific process for determining notification on a case-by-case basis and in our view that statutory process should only be circumvented where there is absolute certainty that potential adverse effects will not affect any other party. Having made this finding, we assess requests for non-notification for individual rules on their merits but in this case concur with the officer that they are not appropriate in such a broad fashion, and unsubstantiated by evidence, across all rules in these chapters.

3.4 Anticipated Development Outcomes of the DPZ, KNOZ and PORTZ

- [80] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author, noting that this results in no change to the provisions as notified.

Sub #	Submitter	Submission Point
DPR-0353	HortNZ	188

- [81] We agree that the development outcomes anticipated in these zones are suitably described in the notified provisions.

4 Other Matters

- [82] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
 - the Hearing Panels considering rezoning requests, and
 - the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP
- [83] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair⁶ and Deputy Chair⁷ of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.
- [84] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.
- [85] There are no other matters arising from our consideration of the submissions and further submissions or that arose during the hearing.

⁶ Who is also the Chair of the IHP.

⁷ Who chaired one stream of hearings.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

Map Layer	Description of recommended amendment
Specific Control Areas: Access	<ul style="list-style-type: none"> Insert a new SCA-AC2 over the Dairy Processing Zone at Synlait Insert a new SCA-AC3 over the Dairy Processing Zone at Fonterra.

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

Relationship between Spatial Layers

HPW27-Specific Control Areas Descriptions		
Name	Code	Description
...
Synlait Access Management	SCA-AC2	An area subject to controls to manage access to the Dairy Processing Zone at Synlait.
Fonterra Access Management	SCA-AC3	An area subject to controls to manage access to the Dairy Processing Zone at Fonterra.

Interpretation

Definitions	
TERTIARY EDUCATION	The use of land and/or buildings for the purpose of facilitating tertiary education, training, development and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, community, staff and student facilities, conferencing, accommodation, retail and recreational facilities. <u>It includes ancillary use of facilities by persons not associated with a tertiary education or research activity.</u> ⁸

⁸ DPR-0434.003 Lincoln University

Part 3 – Area Specific Matters

Special Purpose Zones

DPZ – Dairy Processing Zone

DPZ-Overview

Synlait Milk Limited and Fonterra Limited have existing dairy processing plants at Dunsandel and Hororata⁹ respectively, located within the Dairy Processing Zone and adjacent to the strategic transport network...

DPZ-Rules

DPZ-R1	Dairy Processing Activities and Facilities	
	<p>...</p> <p>2. Any activity ancillary to an activity listed in DPZ-R1.1, limited to:</p> <p>...</p> <p>b. Infrastructure for roading, wastewater, sewerage, stormwater, water supply, energy <u>renewable electricity</u>¹⁰ generation, or car parking...</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p>DPZ-REQ8 Access Design – Synlait and Fonterra¹¹</p>	...
DPZ-R2	General Rural Zone Activities	
	<p>...</p> <p>1. Any rural production activity <u>and associated buildings and structures</u>¹², amenity planting, shelterbelt, and conservation activity</p> <p>Where:</p> <p>a. This activity complies with the following rules:</p> <p>i. GRUZ R16 Rural Production</p> <p>ii. GRUZ R22 Amenity Planting</p>	...

⁹ DPR-0370.086 Fonterra

¹⁰ DPR-0420.018 Synlait

¹¹ DPR-0420.026 Synlait and DPR-0370.094 Fonterra

¹² DPR-0207.071 SDC

	iii. GRUZ-R25 Shelterbelt iv. GRUZ-R26 Conservation Activity ¹³ i. GRUZ-R2 Structures ; ¹⁴ ...	
DPZ-R3	New Buildings and Additions to Buildings — Fonterra	
	<p>Activity status: RDIS</p> <p>1. Prior to the issue of a building consent for any new building and/or any addition to an existing building (excluding any buildings for ancillary activities specified in DPZR1) which will increase the capacity for milk processing or storage on a site subject to the Outline Development Plan in DPZ-SCHED2.</p> <p>Where:</p> <p>a) A traffic assessment by a suitably qualified expert is provided to address 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 DPZ-SCHED2.</p> <p>Matters for discretion:</p> <p>2. The exercise of discretion in relation to DPZ-REQ2.1 is restricted to the following matters: a) DPZ-MAT1 Access¹⁵</p>	<p>Activity status when compliance not achieved:</p> <p>3. When compliance with any of DPZ-R3.1 is not achieved: DIS¹⁶</p>

DPZ-Rule Requirements

DPZ-REQ2	Location of Activities and Buildings	
	... 2. Where located within the Rural Buffer Area: a. Any free-standing sign permitted by DPZ-REQ2.1 shall: i. have a maximum height of 6m above ground level;	...

¹³ DPR-0370.093 Fonterra¹⁴ DPR-0207.071 SDC¹⁵ DPR-0370.094 Fonterra¹⁶ DPR-0370.094 Fonterra

	<p>ii. be setback 20m from any site boundary adjoining the state highway, 10m from any boundary adjoining a road other than the state highway, and 5m from any site boundary adjoining the Rural Zone;¹⁷</p> <p>i. Comply with SIGN-R4 and SIGN-REQ1¹⁸.</p>	
DPZ-REQ8	Access Design - Synlait and Fonterra	
<u>SCA-AC2</u> ¹⁹	<p>1. Prior to the issue of a building consent for any new building and/or addition to an existing building (excluding any buildings for ancillary activities specified in DPZ-R1) which will increase the capacity for milk processing or storage on a site subject to the Outline Development Plan in DPZ-SCHED1 a traffic assessment by a suitably qualified expert shall be provided which demonstrates that:</p> <p>a. The average annual daily traffic volumes on State Highway 1 (east of Heslerton Road) <u>as most recently published by NZTA</u>²⁰, do not exceed 15,500 vehicles per day measured at <u>the NZTA's</u>²¹ nearest <u>regular telemetry</u>²² count site; and</p> <p>b. The average number of weekday afternoon peak hour vehicle movements <u>generated by the Synlait site between its site access on Heslerton Road and State Highway 1 will not exceed 220 vehicle movements per hour calculated in accordance with the following requirements:</u></p> <p>i. <u>The calculation shall include vehicle movements from the proposed development, any consented development that is not yet built and existing vehicle movements.</u>²³</p> <p>ii. <u>Existing vehicle movements from the Synlait site shall be measured by a traffic survey undertaken within the last 12 months, from a</u>²⁴ Monday to a Thursday on two consecutive</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of DPZ-REQ8.1 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to DPZ-REQ8.3 is restricted to the following matters:</p> <p>a. DPZ-MAT1 Access</p>

¹⁷ DPR-0420.020 Synlait and DPR-0370.097 Fonterra

¹⁸ DPR-0420.020 Synlait and DPR-0370.097 Fonterra

¹⁹ DPR-0420.026 Synlait

²⁰ DPR-0420.026 Synlait

²¹ DPR-0420.026 Synlait

²² DPR-0420.026 Synlait

²³ DPR-0420.026 Synlait

²⁴ DPR-0420.026 Synlait

	<p>non-holiday weeks from the start of September to the end of the second week of December; and</p> <p>iii. <u>The afternoon peak hour shall be calculated by taking those vehicle movements in the busiest one hour (to the nearest 15 minutes) recorded between 4pm and 6pm on each surveyed day, and then averaged to provide a final number.</u></p> <p>²⁵</p>	
SCA-AD3 ²⁶	<p>4. <u>Prior to the issue of a building consent for any new building and/or addition to an existing building (excluding any buildings for ancillary activities specified in DPZ-R1) which will increase the capacity for milk processing or storage on a site subject to the Outline Development Plan in DPZ-SCHED2 a traffic assessment by a suitably qualified expert shall be provided which demonstrates that:</u></p> <p>a. <u>The average annual daily traffic volumes on State Highway 73 west of Springfield as most recently published by NZTA, does not exceed 2,550 vehicles per day measured at NZTA's nearest regular count site; and</u></p> <p>b. <u>The average number of weekday peak hour vehicle movements generated by the Fonterra site between its site access and State Highway 73 will not exceed 170 vehicle movements per 30 minute calculated in accordance with the following requirements</u></p> <p>i. <u>The calculation shall include vehicle movements from the proposed development, any consented development that is not yet built and existing vehicle movements.</u></p> <p>ii. <u>Existing vehicle movements from the Fonterra site shall be measured by a traffic survey undertaken within the last 12 months, from a Monday to a Thursday on two consecutive</u></p>	<p><u>Activity status when compliance not achieved:</u></p> <p>5. <u>When compliance with any of DPZ-REQ8.4 is not achieved: RDIS</u></p> <p><u>Matters for discretion:</u></p> <p>6. <u>The exercise of discretion in relation to DPZ-REQ8.5 is restricted to the following matters:</u></p> <p>a. <u>DPZ-MAT1 Access</u>²⁸</p>

²⁵ DPR-0420.026 Synlait

²⁶ DPR-0420.026 Synlait and DPR-0370.094 Fonterra

²⁸ DPR-0420.026 Synlait and DPR-0370.094 Fonterra

	<p><u>non-holiday weeks from the start of September to the end of the second week of December; and</u></p> <p>iii. <u>The peak 30 minutes shall be calculated by taking those vehicle movements in the busiest 30 minutes (to the nearest 15 minutes) recorded between 7am and 9am and 4pm and 6pm on each surveyed day, and then averaged to provide a final number.</u>²⁷</p>	
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DPZ-Matters for Control or Discretion

DPZ-MAT1	Access
	<ol style="list-style-type: none"> 1. The effects of any access on traffic efficiency and safety with respect to the road frontage and the wider land transport infrastructure network <u>additional traffic generated by the proposed activity on:</u> <ol style="list-style-type: none"> a. The site access; b. The traffic efficiency and safety of: <ol style="list-style-type: none"> i. Heselton Road including the State Highway 1/Heselton Road intersection (with respect to PREC14 – Synlait Access Management Precinct); or ii. The State Highway 73/Fonterra Access Road intersection (with respect to PREC15 Fonterra Access Management Precinct); and c. The wider land transport infrastructure network, having particular regard to the design and extent of any intersection improvements planned, under construction or implemented by NZTA for Heselton Road and State Highway 1 with respect to the Synlait site). 2. The outcome of any consultation with NZTA and/or KiwiRail. 3. The suitability of <u>any amendments or upgrades to</u>²⁹ the access design having particular regard to the level of additional traffic generated by the proposed activity.
<u>SCA-AC2</u>	<ol style="list-style-type: none"> 4. <u>The traffic efficiency and safety of Heselton Road including the State Highway 1/Heselton Road intersection</u>³⁰ 5. <u>The wider land transport infrastructure network, having particular regard to the design and extent of any intersection improvements planned, under construction or implemented by NZTA for Heselton Road and State Highway 1.</u>³¹
<u>SCA-AC3</u>	<ol style="list-style-type: none"> 6. <u>The traffic efficiency and safety of the State Highway 73/Fonterra Access Road intersection.</u>³²

²⁷ DPR-0420.026 Synlait and DPR-0370.094 Fonterra²⁹ DPR-0370.103 Fonterra and DPR-0420.026 Synlait³⁰ DPR-0370.103 Fonterra and DPR-0420.026 Synlait³¹ DPR-0370.103 Fonterra and DPR-0420.026 Synlait³² DPR-0370.103 Fonterra and DPR-0420.026 Synlait

DPZ-Schedules

- Amend the DPZ-SCHED1 to depict the extent of the Synlait 'Inner Noise Zone'³³, to be shown as the Dairy Processing Zone Inner Noise Overlay.

KNOZ – Knowledge Zone

KNOZ-Objectives and Policies

KNOZ-Objectives	
KNOZ-O1	The Knowledge Zone contributes to the social and economic wellbeing of the District, region and nation by providing primarily for <u>tertiary education, and research activities and rural sector commercial activities</u> . ³⁴
KNOZ-O2	The scale and proportion of buildings and spaces in the Knowledge Zone reflects the characteristics of high density <u>tertiary education, and research activities and rural sector commercial activities</u> ³⁵ , including associated accommodation activities.
KNOZ-Policies	
KNOZ-P1	Enable <u>tertiary education, and research activities and rural sector commercial activities</u> ³⁶ to establish and operate.
KNOZ-P2	Provide for activities within the Knowledge Zone which are compatible with <u>and support tertiary education, and research activities and rural sector commercial activities</u> . ³⁷
KNOZ-P3	Avoid activities that: 1. are incompatible with the efficient and effective operation of <u>tertiary education, and research activities and rural sector commercial activities</u> ³⁸ ; or

KNOZ-Rules

KNOZ-R8	Visitor Accommodation	
	1. Visitor accommodation, Where: a. The visitor accommodation activity relates to the use of an existing student or staff accommodation building <u>by persons not associated with a tertiary education or research activity</u> ³⁹

³³ DPR-0420.027 Synlait

³⁴ DPR-0205.006 Lincoln University, DPR-0213.006 Plant and Food and Landcare and DPR-0342.022 AgResearch

³⁵ DPR-0205.007 Lincoln University, DPR-0213.007 Plant and Food and Landcare and DPR-0342.023 AgResearch

³⁶ DPR-0205.008 Lincoln University, DPR-0213.008 Plant and Food and Landcare and DPR-0342.024 AgResearch

³⁷ DPR-0205.009 Lincoln University, DPR-0213.009 Plant and Food and Landcare and DPR-0342.025 AgResearch

³⁸ DPR-0205.010 Lincoln University, DPR-0213.010 Plant and Food and Landcare and DPR-0342.026 AgResearch

³⁹ DPR-0205.012 Lincoln University

	<p>i. By persons not associated with a tertiary education or research activity; and</p> <p>ii. For less than 30 days per calendar year.⁴⁰</p> <p>And this activity complies with the following rule requirements:</p>	
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KNOZ-Rule Requirements

KNOZ-REQ3	Height in relation to boundary
	<p>1. Any building <u>or structure</u>⁴¹ shall comply with the height in relation to boundary <u>A</u> requirements in APP3⁴²</p> <p>...</p>

KNOZ- Matters for Control or Discretion

KNOZ-MAT1	Height
	<p>...</p> <p>4. <u>Whether any reverse sensitivity effects impact on important infrastructure are likely to arise where the zone height standard is exceeded by more than 2m.</u>⁴³</p>

PORTZ – Port Zone

PORTZ-Overview
<p>The Port Zone is an inland port area, located in Rolleston. There are two Port Zone areas, one⁴⁴ at the eastern edge of the township's industrial area, to the north of the State Highway. The inland ports are considered important infrastructure⁴⁵. The first area is located adjacent to the railway line at its southern end and adjoining the rural area at its northern and eastern boundaries. The second area is on the western side of the Rolleston industrial area adjoining the Midland Railway line and is surrounded by industrial activities. The inland ports are considered important infrastructure.⁴⁶</p>

⁴⁰ DPR-0205.012 Lincoln University

⁴¹ DPR-0207.071 SDC

⁴² DPR-0207.071 SDC

⁴³ DPR-0101.048 Chorus

⁴⁴ DPR-0068.023 MetroPort

⁴⁵ DPR-0068.023 MetroPort

⁴⁶ DPR-0068.023 MetroPort

The purpose of the Port Zone ... includes logistics storage, stacking, and handling of containers.⁴⁷ Because of the scale and nature of activities ..., including noise, traffic volumes (including rail)⁴⁸, visual dominance, and shading from large-scale structures. These effects need to be managed ...within adjoining zones. Sensitive Activities⁴⁹ within the zone also need to be controlled...

PORTZ-Objectives and Policies

PORTZ-Policies	
PORTZ-P2	Provide for other a range of ⁵⁰ industrial activities within the Port Zone, where such activities do not adversely affect port activities.
PORTZ-P3	Avoid activities locating within the zone that w could adversely a ffect the efficient operation of port activities, including those likely to result in reverse sensitivity effects. ⁵¹
PORTZ-P4	Recognise the functional and operational requirements of activities within the Port Zone, while managing their adverse effects by: <ol style="list-style-type: none"> 1. Limiting Controlling⁵² building coverage; 2. Ensuring an appropriate level of separation is achieved at the interface with other zones and roads; and 3. Limiting Controlling⁵³ the height of buildings and structures.

PORTZ-Rules

PORTZ-R5	Noise Sensitive Activities	
	<p>Amend as follows:</p> <p>Activity Status: CON NC</p> <p>1. Any noise sensitive activity.</p> <p>Where:</p> <p>a. The noise sensitive activity is a residential activity that is for custodial on site security purposes.</p> <p>And this activity complies with the following rule requirements:</p> <p>PORTZ-REQ1 Servicing</p> <p>PORTZ-REQ4 Setback</p> <p>PORTZ-REQ5 Landscaping Road boundaries</p> <p>PORTZ-REQ6 Landscaping Rural boundaries</p>	<p>Activity status when compliance not achieved: N/A</p> <p>3. When compliance with any of GIZ R2.1a or GIZ R2.1.b is not achieved: NC</p> <p>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to GIZ Rule Requirements⁵⁴</p>

⁴⁷ DPR-0068.023 MetroPort

⁴⁸ DPR-0068.023 MetroPort

⁴⁹ DPR-0068.023 MetroPort

⁵⁰ DPR-0453.024 LPC

⁵¹ DPR-0453.025 LPC

⁵² DPR-0068.030 MetroPort and DPR-0453.026 LPC

⁵³ DPR-0068.030 MetroPort and DPR-0453.026 LPC

⁵⁴ DPR-0453.027 LPC and DPR-0068.032 MetroPort

	PORTZ-REQ7 Building Coverage Matters of control: 2. The exercise of control in relation to PORTZ-R5.1.a is reserved over the following matters: a. The removal of, or other method to be used to dispose of, or convert the use of, the residential unit in the event of it no longer being required for security purposes.	
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PORTZ-Rule Requirements

PORTZ-REQ3	Height in relation to boundary
	1. Any building <u>or structure</u> ⁵⁵ shall comply with the height in relation to boundary <u>A</u> requirements in <u>APP3</u> ⁵⁶ ...

PORTZ- Matters for Control or Discretion

PORTZ-MAT1	Height
	... 3. Whether the intrusion is necessary due to the functional <u>and operational</u> ⁵⁷ requirements of an activity. <u>4. Whether any reverse sensitivity effects impact on important infrastructure are likely to arise where the zone height standard is exceeded by more than 2m.</u> ⁵⁸
PORTZ-MAT2	Height in relation to boundary
	... 7. Whether the intrusion is necessary due to the functional <u>and operational</u> ⁵⁹ requirements of an activity.
PORTZ-MAT3	Setbacks
	... 3. Whether the intrusion is necessary due to the functional <u>and operational</u> ⁶⁰ requirements of an activity.

⁵⁵ DPR-0207.071 SDC

⁵⁶ DPR-0207.071 SDC

⁵⁷ DPR-0453.043, 044 and 045 LPC

⁵⁸ DPR-0101.048 Chorus

⁵⁹ DPR-0453.043, 044 and 045 LPC

⁶⁰ DPR-0453.043, 044 and 045 LPC

Part 4 – Appendices

APP3 – Height in relation to boundary

APP3

...Please note there are no HRTB requirements where the PORTZ adjoins the GIZ and HRTB is measured only along internal boundaries, not road boundaries.⁶¹

⁶¹ DPR-0453.038 LPC and DPR-0068.034 MetroPort

Appendix 2: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
DPR-0370	Fonterra	Ben Williams Susannah Tait Suzanne O'Rourke	Legal Planning Company
DPR-0420	Synlait	Ewan Chapman Nicola Rykers Yves Denicourt Andrew Metherell	Legal Planning Environmental Traffic

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0080	Philip J Hindin	Phil Hindin	Landowner
DPR-0205 DPR-0434	Lincoln University	Hamish Osborne	Planning
DPR-0213	NZ Institute for Plant and Food Research Ltd	Hamish Osborne	Planning
DPR-0342	AgResearch Limited	Graeme Mathieson	Planning
DPR-0367	Orion NZ Limited	Melanie Foote	Planning
DPR-0453	Lyttelton Port Company Ltd	Matt Bonis Memorandum Of Counsel	Planning Legal