

Proposed Selwyn District Plan



Right of Reply Report

Special Purpose Zones: DPZ, KNOZ and PORTZ

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Contents

1. Purpose of Report	3
2. Hearing Panel's Questions to the s42a Reporting Officer and Response	3
3. Reporting Officer's Proposed Provision Amendments	4
Appendix 1: Updated Table of Submission Points	
Appendix 2: Recommended amendments.....	
Appendix 3: Expert Transport Evidence.....	

1. Purpose of Report

- 1.1 The purpose of this report is to respond to the questions raised by the Hearings Panel during Hearing 26: Dairy Processing Zone, Knowledge Zone and Port Zone, and for the Officer to address other matters raised in evidence and to propose any further amendments to the notified version of the Proposed District Plan (PDP) above those recommended in the Officer's s42a evidence report.

2. Hearing Panel's Questions to the s42a Reporting Officer and Response

[1] Is an exclusion in DPZ-R2 of those activities covered by DPZ-R1 necessary?

- 2.1 Fonterra sought an amendment to DPZ-R2 to confirm that activities permitted by DPZ-R1 would not be caught by DPZ-R2. DPZ-R1 provides for Dairy Processing Activities and Facilities, whereas DPZ-R2 manages other General Rural Zone activities, such as rural production and amenity planting. The submitter's concerns relate to some aspects of dairy processing activities that are also rural production activities. Both activities are permitted subject to certain Rule Requirements, but Dairy Processing Activities have specific rule requirements.
- 2.2 I do not consider DPZ-R2 is intended to be more stringent than DPZ-R1, or that it would inadvertently create the need for a consent. In saying this, I note that DPZ-R2 states Rural Production activities are permitted where it complies with GRUZ-R16. However, as there are no additional requirements in GRUZ-R16, the cross-referencing in DPZ-R2 is not necessary. Similarly, the rule requirements in GRUZ-R22 Amenity Planting¹ GRUZ-R25 Shelterbelts² and GRUZ-R26 Conservation Activities relating to airfield height restrictions and are not applicable for the DPZ. The same can also be said of the references to³. I therefore recommend the rule is restructured to remove reference to compliance with these GRUZ rules. The rule should still be subject to NH-REQ7 Wildfire setbacks, as this is also a relevant rule requirement for GRUZ-R25 Shelterbelts. Dairy Processing activities are not otherwise defined in the PDP, therefore are not caught by DPZ-R4.

[2] Amendments to Site Access Rule Requirements

- 2.3 Synlait and Fonterra seek amendments relating to site access provisions, which once triggered would require the upgrade of the intersection they use for State Highway access. Synlait and Fonterra are proposing a different method for calculating traffic movements through the intersection/site, so that the cost to upgrade the intersection does not fall on them should the increase in activity through each intersection not be as a result of activities to and from the sites.
- 2.4 Council's transport expert, Mat Collins, was asked to prepare a report advising if the new approach to calculating traffic through the intersections was an appropriate method and if he agreed that the new approach and provision wording of DPZ-R1, DPZ-REQ8, the deletion of DPZ-R3 and the insertion of DPZ-REQ9 was suitable. Mr. Collins was also asked to comment on amendments sought to removing reference in DPZ-MAT1 which enabled the level of additional traffic generated by the proposed activity to be considered when assessing the suitability of the any amendments or upgrades to the access design.
- 2.5 In summary, Mr Collins states that regarding the Synlait site, he generally supports Ms Rykers' proposed amendments to DPZ-REQ8 and considers that they provide additional clarity and reduce the opportunity for subjectivity during future application of the Rule. Mr Collins recommends some

¹ Mistakenly referenced as GRUZ-R23 in DPZ-R2

² Mistakenly referenced as GRUZ-R26 in DPZ-R2

³ Mistakenly referenced as GRUZ-R27 in DPZ-R2

additional minor amendments for clarity. I agree with Mr Collins in relation to his position on DPZ-REQ8 and I also consider that the amended wording proposed by Ms Rykers to be acceptable, if the amendments recommended by Mr Collins are also incorporated.

- 2.6 In relation to the Fonterra site, Mr Collins indicates in his report that he has been unable to ascertain the number of vehicle movements on SH1 that were assumed in the original assessment when the site access was consented. Therefore, his recommendations are made with the assumption that existing traffic flows on SH73 are less than that assumed during the original assessment of the Fonterra site access and should this be the case he generally support Ms Tait's recommendations regarding DPZ-R1, DPZ-R3 and DPZ-REQ9. However, Mr Collins recommends that additional amendments are made to align DPZ-REQ9 with his recommendations regarding DPZ-REQ8. I agree with Mr Collins and Ms Tait that the inclusion of DPZ-REQ9 negates the need for DPZ-R3 as buildings are managed by DPZ-R1 which is now subject to DPZ-REQ9.
- 2.7 The inclusion of DPZ-REQ9, would however, create a new issue in relation to DPZ-R1, which would require compliance with DPZ-REQ8 **and** DPZ-REQ9, which neither site would be able to comply with. As a solution, I consider there should only be reference to DPZ-REQ8 (Site access) and within this Rule Requirement the Fonterra and Synlait Sites are split. The content of each will remain as discussed in relation to DPZ-REQ8 and DPZ-REQ9 above, however, the format is different, as per Appendix 2.
- 2.8 Additionally, Mr Collins states that should the Fonterra site and the Synlait site be subject to TRAN-R8 (High trip generating activities), then he considers that the amendments proposed by Ms Rykers and Ms Tait to DPZ-MAT1 are acceptable, with some minor amendments. But, in the instance that TRAN-R8 does not apply, in his view the amendments overly limit Council's discretion over traffic effects that may be relevant and in the instance that the Fonterra site or the Synlait site generate traffic greater than what has been assessed to date, in his view Council should have discretion over matters identified in TRAN-MAT8. I agree with Mr Collins' assessment of the issues relating to the amendments of DPZ-MAT1. However, based on the TRAN Right of Reply Report recommending that TRAN-R8 no longer applies to the DPZ as the provisions of the DPZ are thought to sufficiently manage this issue, TRAN-R8 and TRAN-MAT8 will likely no longer apply. As such, I recommend that DPZ-MAT1 be amended to ensure that the scope of Council's discretion is maintained as if TRAN-MAT8 was to apply.
- 2.9 Regarding DPZ-MAT1, I consider the amendments proposed by Ms Rykers and Ms Tait to DPZ-MAT1 are acceptable once the amendments recommended by Mr Collins and the relevant matters from TRAN-MAT8 are also incorporated.

3. Reporting Officer's Proposed Provision Amendments

- 3.1 On review of the submitter's evidence and the matters raised at the Hearing the following amendments to the proposed provisions are recommended. Note that the amendments as recommended in the s42a evidence are included but are not shown as underlined text or strikethrough. For a full summary of all the proposed amendments to provisions see **Appendix 2**.

DPZ-R1

- 3.2 *...And this activity complies with the following Rule Requirements...*

DPZ-REQ8 Access Design –~~Synlait~~

Submission scope:

- 3.3 Scope is provided for this proposed amendment through the Fonterra submission point, DPR-370.092.

Reasoning:

- 3.4 The change is explained at paragraphs 2.3-2.6. No s32AA assessment is deemed necessary.

DPZ-R2

- 3.3 Any rural production activity and associated buildings and structures, amenity planting, shelterbelt, and conservation activity

Where:

a. this activity complies with the following rules:

- i. ~~GRUZ-R16 Rural Production~~*
- ii. ~~GRUZ-R22 Amenity Planting~~*
- iii. ~~GRUZ-R25 Shelterbelt~~*
- iv. ~~GRUZ-R26 Conservation Activity~~*
- i. GRUZ-R2 Structures*

Submission scope:

- 3.3 Scope is provided for this proposed amendment through the Fonterra submission point, DPR-370.093.

Reasoning:

- 3.4 The change is explained at paragraphs 2.3-2.6. No s32AA assessment is deemed necessary.

DPZ-R3

- 3.5 ~~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.~~

~~*Where:*~~

~~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.~~

~~*Matters for discretion:*~~

~~2. The exercise of discretion in relation to DPZ-REQ2.1 is restricted to the following matters: a) DPZ-MAT1 Access~~

~~*Activity status when compliance not achieved:*~~

3. When compliance with any of DPZ R3.1 is not achieved: DIS

Submission scope:

- 3.6 Scope is provided for this proposed amendment through the Fonterra submission point DPR-370.094.

Reasoning:

- 3.7 The change is explained at paragraphs 2.3-2.6. No s32AA assessment is deemed necessary.

DPZ-REQ8 Site Access

(Synlait)

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:*

a. The average annual daily traffic volumes on SH1 (east of Heselton Road) as most recently published by the NZTA, do not exceed 15,500 vehicles per day measured at the NZTA's nearest regular telemetry count site; and

b. The average number of weekday afternoon peak hour vehicle movements generated by the Synlait site between its site access on Heselton Road and State Highway 1 will not exceed 220 vehicle movements per hour calculated in accordance with the following requirements:

i. The calculation shall include vehicle movements from the proposed development, any consented development that is not yet built and existing vehicle movements.

ii. Existing vehicle movements from the Synlait site shall be measured by a traffic survey undertaken within the last 12 months, from a Monday to a Thursday on two consecutive non-holiday weeks from the start of September to the end of the second week of December; and

iii. 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.

(Fonterra)

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-SCHED2 a traffic assessment by a suitably qualified expert shall be provided which demonstrates that:*

a. The average annual daily traffic volumes on State Highway 73 (south of the Fonterra access) as most recently published by NZTA, do not exceed 4960⁴ vehicles per day; and

b. 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;

i. The calculation shall include vehicle movements from the proposed development, any consented development that is not yet built and existing vehicle movements;

ii. 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 non-holiday weeks from the start of September to the end of the second week of December; and

⁴ [State highway traffic monitoring – annual average daily traffic \(nzta.govt.nz\)](https://www.nzta.govt.nz/traffic/monitoring/annual-average-daily-traffic/)

iii. 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.

Activity status when compliance not achieved:

2. When compliance with any of DPZ-REQ8.1 DPZ-REQ8.4 is not achieved: RDIS

Matters for discretion:

3. The exercise of discretion in relation to DPZ-REQ8.5 is restricted to the following matters:

a. DPZ-MAT1 Access

Submission scope:

- 3.9 Scope is provided for this proposed amendment through the Synlait submission point DPR-420.026 and Fonterra submission point DPR-370.094.

Reasoning:

- 3.10 The change is explained at paragraphs 2.3-2.6. No s32AA assessment is deemed necessary.

DPZ-MAT1

- 3.11 *1. The effects of any ~~access on traffic efficiency and safety with respect to the road frontage and the wider land transport infrastructure network~~ additional traffic generated by the proposed activity on:*
- a. The site access;*
 - b. The traffic efficiency and safety of: ~~with respect to the road frontage and the wider land transport infrastructure network.~~*
 - i. Heslerton Road including the State Highway 1/Heslerton Road intersection (with respect to the Synlait site); or*
 - ii. The State Highway 73/Fonterra Access Road intersection (with respect to the Fonterra site); 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 Heslerton Road and SH1 with respect to the Synlait site).*
- 2. The outcome of any consultation with NZTA and/or KiwiRail.*
- 3. The suitability of any amendments or upgrades to the access design having particular regard to the level of additional traffic generated by the proposed activity.*

Submission scope:

- 3.12 Scope is provided for this proposed amendment through the Fonterra submission point DPR-370.103.

Reasoning:

- 3.13 The change is explained at paragraphs 2.7-2.9. No s32AA assessment is deemed necessary.