
S42A REPORT WRITER RESPONSE TO MINUTE 35 FOR HEARING 26

DATE: 21 December 2022

HEARING: Special Purpose – Port Zone, Knowledge Zone and Dairy Processing Zone.

HEARING DATE: 29 March 2022

PREPARED BY: Jessica Tuilaepa – Senior Strategy & Policy Planner

Introduction

1. The purpose of this report is to provide a written response to Commissioners [Minute 35](#) relating to Traffic and Access in the Dairy Processing Zone.

Traffic and Access in the Dairy Processing Zone

2. In the PDP as notified, traffic and access to the Fonterra DPZ at Darfield was managed by a Rule (DPZ-R3), and the Synlait DPZ at Dunsandel by a Rule Requirement (DPZ-REQ8). Through submissions, both Dairy Companies sought amendments to these provisions.
3. As discussed in section 7.19 of the [s42a report](#)¹ Fonterra sought to amend the activity status in DPZ-R3 to better align with the Operative District Plan (ODP), which manages new buildings based on access. Although the DPZ site does have access from Auchenflower Road, it also has access from the State Highway.
4. The Operative Plan provisions require, in certain instances, for written approval to be obtained from road and rail requiring authorities, approving of the design of any access from the SH and any SH/local road intersection. All access would also need to comply with the design requirements of Appendix 10 Transport; and secondary access points shall only be used for specified purposes when the primary access is made temporarily unavailable.
5. I considered the current ODP rule to be ultra vires as it required third party approval, thus a new RDIS rule (DPZ-R3) was proposed in the PDP (and supported through the s32 report²) to require a traffic assessment. In my [s42a Report](#) I recommended this submission point³ seeking to align the PDP provisions with the ODP provisions relating to Access Design be rejected.
6. Expert Planning Evidence⁴ provided by Fonterra at the March DPZ hearing sought for DPZ-R3 to be deleted and for a different approach to be taken, similar to that used for the Synlait DPZ, where a combination of site and road traffic effects would be taken into account before an upgrade the intersection is required. Fonterra proposed a new Rule Requirement DPZ-REQ9 to achieve this.

¹ [Special Purpose – Port Zone, Knowledge Zone and Dairy Processing Zone s42a Report](#)

² [Dairy Processing Zone s32 report](#)

³ Fonterra DPR-0370.094

⁴ Link to Susannah Tait [Fonterra Evidence](#)

7. Following the hearing, through my [Right of Reply Report](#) I generally agreed with the submitters evidence⁵ on this provision, which was also supported by Council's independent traffic expert. Although, for consistency related to plan drafting, I proposed the general wording of Fonterra's proposed DPZ-REQ9 become a subset of DPZ-REQ8.
8. The drafting of DPZ-REQ8 as it relates to the Fonterra site, was based on my interpretation of the proposed wording from [Mr Collins expert evidence](#). The panel issued Minute 35, seeking clarification relating to the drafting of this provision as recorded in the [Recommended Amendments \(Appendix 2\)](#) to my Right of Reply Report.
9. In response to Minute 35, Mr Collins has prepared a memo dated 22 December 2022, confirming his expert opinion on the matter (**Appendix A**). Mr Collins outlines in this memo that he still generally agrees with the submitters evidence, that the two-pronged approach is appropriate, however, he suggests amended wording to ensure that the intention of the provision is clear.
10. Having reviewed Mr Collins memo, I agree that the amended wording for DPZ-REQ8 relating to site access to the Fonterra DPZ at Darfield is appropriate, as it will give clarity to plan users as to what level of activity would trigger the need for a resource consent. In the Right of Report I changed my recommendation on this submission point⁶ to be accepted in part.
11. Based on the above, I recommend the text of DPZ-REQ8 should be aligned with the wording proposed by Mr Collins in his memo (Appendix A). I note, as a result of this, no additional amendments are required to [Appendix 1](#) to the Officers Right of Reply Report, however, the version of the recommended amendments to provisions (**Appendix B**) is recommended to be superseded by the version annexed in this report.

⁵ Link to Susannah Tait [Fonterra Evidence](#)

⁶ Fonterra DPR-0370.094

Appendix A – Memo from Traffic Expert

22 December 2022

Jess Tuilaepa
Selwyn District Council
2 Norman Kirk Drive
PO BOX 90, ROLLESTON 7643

Dear Jess

SELWYN PROPOSED DISTRICT PLAN: HEARING 26 - RESPONSE TO MINUTE 35 OF THE HEARING PANEL

Flow Transportation Specialists Ltd (Flow) has been engaged by Selwyn District Council (Council) to provide transport planning and transport engineering advice regarding the Proposed District Plan (PDP).

Flow has previously provided advice (Flow reference L1A220421) on the Fonterra Milk Processing Factory at 3/3792 West Coast Road (SH73) in Darfield (Fonterra site). In Minute 35 the Hearing Panel for Hearing 26 requested that Fonterra provide additional data regarding the information gaps I identified in my advice.

I have reviewed the following documents

- ◆ Statement of evidence, Andrew Metherell on behalf of Fonterra Limited, dated 30 November 2022
- ◆ Statement of evidence, Susannah Tait on behalf of Fonterra Limited, dated 16 March 2022.

In summary, I conclude that

- ◆ I generally support Ms Tait's recommendations regarding DPZ-R1, DPZ-R3 and DPZ-REQ9 from her evidence dated 16 March 2022. However, I recommend that amendments are made to DPZ-REQ8 to incorporate the Fonterra Site, and to align the Fonterra Site requirements with my previous recommendations regarding DPZ-REQ8 for the Synlait Site. My recommended wording for the Fonterra Site incorporates the vehicle trip thresholds identified by Mr Metherell.

1 CONSIDERATION OF THE ADDITIONAL INFORMATION

I have reviewed Mr Metherell's statement of evidence. In summary, he considers that

- ♦ the Fonterra access will perform acceptably for any development within the site
 - that generates no more than 170 vehicles in a 30 minute period within the weekday PM peak period; and
 - when the average annual daily traffic volume on SH73 west of Springfield site (NZTA site ID 07300064) does not exceed 2,550 vehicles per day
- ♦ further on-site review may demonstrate that higher traffic volumes (either on the State Highway or from the Fonterra site) can be supported, however Mr Metherell has not undertaken this analysis due to time constraints
- ♦ in absence of further analysis, he considers that a two tier (site generation and state highway volume) threshold similar to the Synlait rule could be adopted
- ♦ he does not consider it appropriate to have a rule that could be triggered by the SH73 traffic volume alone, and both rule thresholds would most appropriately be triggered to generate the need for further assessment, similar to what he has proposed for the DPZ-REQ8 for the Synlait site.

I agree with Mr Metherell on these points.

Returning to the content of my original advice (Flow reference L1A220421), I generally support Ms Tait's recommendations regarding DPZ-R1, DPZ-R3 and DPZ-REQ9 from her evidence dated 16 March 2022. However, I recommend that her DPZ-REQ9 is instead incorporated into DPZ-REQ8, along with my previous recommended amendments for DPZ-REQ8 for the Synlait Site. I consider this will provide additional clarity and reduce the opportunity for subjectivity during future application of the Rule.

I have used the general structure proposed under DPZ-REQ8, and I have adopted the vehicles per hour and vehicles per day thresholds as recommended by Mr Metherell.

My recommended amendments are outlined in ~~green strikethrough~~ for deleted text, back italic underline for relocated text and green underline for new text, in Table 1.

Yours sincerely



Mat Collins
ASSOCIATE

Appendix B – Replacement Appendix 2 Recommended Amendments

Additional changes from those recommended in the Right of Reply are highlighted in green

Appendix 2: Recommended amendments

Dairy Processing Zone Chapter

DPZ-Overview	Synlait Milk Limited and Fonterra Limited have existing dairy processing plants at Dunsandel and Hororata ¹ respectively, located within the Dairy Processing Zone and adjacent to the strategic transport network...	
DPZ -R1	<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 renewable electricity² generation, or car parking...</p> <p>...</p> <p>DPZ-REQ8 Access Design – Synlait³</p>	
DPZ -R2	<p>...</p> <p>Any rural production activity and associated buildings and structures⁴, 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> <p>iii. GRUZ-R25 Shelterbelt</p> <p>iv. GRUZ-R26 Conservation Activity⁵</p> <p>i. GRUZ-R2 Structures;⁶</p> <p>...</p>	
DPZ-R3⁷	<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</p>	<p>Activity status when compliance not achieved:</p> <p>3. When compliance with any of DPZ R3.1 is not achieved: DIS⁹</p>

¹ Fonterra DPR-0370.086

² Synlait DPR-0420.018

³ Synlait DPR-420.026 and Fonterra DPR-370.094

⁴ SDC DPR207.071

⁵ Fonterra DPR-370.093

⁶ SDC DPR207.071

⁷ Fonterra DPR-370.094

⁹ Fonterra DPR-370.094

	<p>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 Access⁸</p>	
DPZ -REQ2	<p>...</p> <p>2. Where located within the Rural Buffer Area:</p> <p>a. Any free-standing sign permitted by DPZ- REQ2.1 shall:</p> <p>i. have a maximum height of 6m above ground level;</p> <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;¹⁰</p> <p>i. Comply with SIGN-R4 and SIGN-REQ1¹¹.</p>	
DPZ-REQ8		
Synlait Site ¹²	<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 SH1 (east of Heselton Road) <u>as most recently published by the NZTA</u>¹³, do not exceed 15,500 vehicles per day measured at <u>the NZTA's</u>¹⁴ nearest <u>regular telemetry</u>¹⁵ 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 Heselton Road and State Highway 1 will not exceed 220 vehicle movements per hour calculated in</u></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. <u>DPZ-MAT1</u> Access</p>

⁸ Fonterra DPR-370.094

¹⁰ Synlait DPR-0420.020 and Fonterra DPR-0370.097

¹¹ Synlait DPR-0420.020 and Fonterra DPR-0370.097

¹² Synlait DPR-0420.020

¹³ Synlait DPR-0420.020

¹⁴ Synlait DPR-0420.020

¹⁵ Synlait DPR-0420.020

	<p>accordance with the following requirements:</p> <p>i. The calculation shall include vehicle movements from the proposed development, any consented development that is not yet built and existing vehicle movements.¹⁶</p> <p>ii. Existing vehicle movements from the Synlait site shall be measured by a traffic survey undertaken within the last 12 months, from a¹⁷ 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</p> <p>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.¹⁸</p>	
Fonterra Site ¹⁹	<p>4. 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:</p> <p>a. 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</p> <p>b. The average number of weekday peak hour vehicle movements generated by the Fonterra site between its site access</p>	<p>Activity status when compliance not achieved:</p> <p>5. When compliance with any of DPZ-REQ8.4 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>6. The exercise of discretion in relation to DPZ-REQ8.5 is restricted to the following matters:</p> <p>a. DPZ-MAT1 Access²¹</p>

¹⁶ Synlait DPR-420.026

¹⁷ Synlait DPR-420.026

¹⁸ Synlait DPR-420.026

¹⁹ Synlait DPR-420.026 and Fonterra DPR-370.094

²¹ Synlait DPR-420.026 and Fonterra DPR-370.094

	<p>and State Highway 73 will not exceed 170 vehicle movements per 30 minute calculated in accordance with the following requirements</p> <ol style="list-style-type: none"> 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 <p>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.²⁰</p>	
DPZ-MAT1	<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 additional traffic generated by the proposed activity on: <ol style="list-style-type: none"> a. The site access; b. The traffic efficiency and safety of: with respect to the road frontage and the wider land transport infrastructure network; <ol style="list-style-type: none"> 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).²² 2. The outcome of any consultation with NZTA and/or KiwiRail. 3. The suitability of any amendments or upgrades to²³ the access design having particular regard to the level of additional traffic generated by the proposed activity. 	

²⁰ Synlait DPR-420.026 and Fonterra DPR-370.094

²² Fonterra DPR-370.103

²³ Fonterra DPR-370.103

DPZ -SCHED1	Amend the DPZ-SCHED1 as shown in Appendix 2 to depict the extent of the Synlait 'Inner Noise Zone' ²⁴ .
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Knowledge Zone Chapter

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> ²⁵
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</u> <u>research activities and rural sector commercial activities.</u> ²⁶
KNOZ-O2	The scale and proportion of buildings and spaces in the Knowledge Zone reflects the characteristics of high density <u>tertiary education, and</u> <u>research activities and rural sector commercial activities</u> ²⁷ , including associated accommodation activities.
KNOZ-P1	Enable <u>tertiary education, and</u> <u>research activities and rural sector commercial activities</u> ²⁸ to establish and operate.
KNOZ-P2	Provide for activities within the Knowledge Zone which are compatible with, <u>and</u> support tertiary education, and research activities <u>and rural sector commercial activities.</u> ²⁹
KNOZ-P3	Avoid activities that: 1. are incompatible with the efficient and effective operation of <u>tertiary education, and</u> <u>research activities and rural sector commercial activities</u> ³⁰ , or
KNOZ-R8	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> ³¹ . <u>i. By persons not associated with a tertiary education or research activity; and</u> <u>ii. For less than 30 days per calendar year.</u> ³² And this activity complies with the following rule requirements:
KNOZ-REQ3	1. Any building <u>or structure</u> ³³ shall comply with the height in relation to boundary <u>A</u> requirements in <u>APP3</u> ³⁴

²⁴ Synlait DPR-0420.027

²⁵ Lincoln University DPR-0434.003

²⁶ Lincoln University DPR-0205.006, Plant and Food and Landcare DPR-0213.006 and AgResearch DPR-0342.022

²⁷ Lincoln University DPR-0205.007, Plant and Food and Landcare DPR-0213.007 and AgResearch DPR-0342.023

²⁸ Lincoln University DPR-0205.008 Plant and Food and Landcare DPR-0213.008 and AgResearch DPR-0342.024

²⁹ Lincoln University DPR-0205.009 Plant and Food and Landcare DPR-0213.009 and AgResearch DPR-0342.025

³⁰ Lincoln University DPR-0205.010, Plant and Food and Landcare DPR-0213.010 and AgResearch DPR-0342.026

³¹ Lincoln University DPR-0205.012

³² Lincoln University DPR-0205.012

³³ SDC DPR207.071

³⁴ SDC DPR207.071

KNOZ-MAT1	...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. ³⁵
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³⁵ Chorus DPR-0101.048

Port Zone Chapter

PORTZ-Overview	<p>The Port Zone is an inland port area, located in Rolleston. There are two Port Zone areas, one³⁶ at the eastern edge of the township's industrial area, to the north of the State Highway. The inland ports are considered important infrastructure³⁷. The zone 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 on the Rolleston industrial area adjoining the Midland Railway line and is surrounded by industrial activities. The inland ports are considered important infrastructure.³⁸</p> <p>The purpose of the Port Zone ... includes logistics storage, stacking, and handling of containers.³⁹ Because of the scale and nature of activities ..., including noise, traffic volumes (including rail)⁴⁰, visual dominance, and shading from large-scale structures. These effects need to be managed ...within adjoining zones. Sensitive Activities⁴¹ within the zone also need to be controlled...</p>
PORTZ-P2	Provide for other a range of⁴² industrial activities within the Port Zone, where such activities do not adversely affect port activities.
PORTZ-P3	Avoid activities locating within the zone that would adversely affect⁴³ the efficient operation of port activities, including those likely to result in reverse sensitivity effects. ⁴³
PORTZ-P4	<p>Recognise the functional and operational requirements of activities within the Port Zone, while managing their adverse effects by:</p> <ol style="list-style-type: none"> 1. Limiting controlling⁴⁴ building coverage; 2. Ensuring an appropriate level of separation is achieved at the interface with other zones and roads; and 3. Limiting controlling⁴⁵ the height of buildings and structures.
PORTZ-R5	<p>Amend as follows:</p> <p>Activity Status:CON</p> <ol style="list-style-type: none"> 1. Any noise sensitive activity. <p>Where:</p> <ol style="list-style-type: none"> a. The noise sensitive activity is a residential activity that is for custodial on-site security purposes. <ol style="list-style-type: none"> a. It located outside of the 55 dBA LAeq Noise Control Overlay,⁴⁶ <p>And this activity complies with the following rule requirements:</p> <p>PORTZ-REQ1 Servicing</p> <p>PORTZ-REQ4 Setback</p>

³⁶ MetroPort DPR-0068.023

³⁷ MetroPort DPR-0068.023

³⁸ MetroPort DPR-0068.023

³⁹ MetroPort DPR-0068.023

⁴⁰ MetroPort DPR-0068.023

⁴¹ MetroPort DPR-0068.023

⁴² LPC DPR-0453.024

⁴³ LPC DPR-0453.025

⁴⁴ MetroPort DPR-0068.30 and LPC DPR-0453.026

⁴⁵ MetroPort DPR-0068.30 and LPC DPR-0453.026

⁴⁶ LPC DPR-0453.027 Metroport DPR-0068.032

	<p>PORTZ–REQ5 Landscaping - Road boundaries</p> <p>PORTZ–REQ6 Landscaping - Rural boundaries</p> <p>PORTZ–REQ7 Building Coverage</p> <p>Matters of control:</p> <p>2. The exercise of control in relation to PORTZ-R5.1.a is reserved over the following matters:</p> <p>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.</p> <p>Activity status when compliance not achieved: N/A/NC⁴⁷</p>
PORTZ-REQ3	1. Any building or structure shall comply with the Height in Relation to Boundary A requirement in APP3 . ⁴⁸
PORTZ-MAT1	<p>3. Whether the intrusion is necessary due to the functional and operational⁴⁹ requirements of an activity.</p> <p>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.⁵⁰</p>
PORTZ-MAT2	7. Whether the intrusion is necessary due to the functional and operational ⁵¹ requirements of an activity.
PORTZ-MAT3	3. Whether the intrusion is necessary due to the functional and operational ⁵² requirements of an activity.

APP3

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. ⁵³
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⁴⁷ LPC DPR-0453.027 Metroport DPR-0068.032

⁴⁸ Foster DPR-0126.022

⁴⁹ LPC DPR-0453.043 DPR-0453.044 DPR-0453.045

⁵⁰ Chorus DPR-0101.048

⁵¹ LPC DPR-0453.043 DPR-0453.044 DPR-0453.045

⁵² LPC DPR-0453.043 DPR-0453.044 DPR-0453.045

⁵³ LPC DPR-0453.038 MetroPort DPR-0068