

In the Environment Court of New Zealand  
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa  
Ōtautahi Rohe

**ENV-2026-CHC-**

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Under	the Resource Management Act 1991
In the matter of	an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991
Between	<b>Fonterra Limited</b>  Appellant
And	<b>Timaru District Council</b>  Respondent

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**Notice of appeal by Fonterra Limited against Timaru District Council's decisions on the Timaru Proposed District Plan**

Date: 06/05/2026

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**Appellant's solicitors:**

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**anderson  
lloyd.**

# NOTICE OF APPEAL BY FONTERRA LIMITED AGAINST TIMARU DISTRICT COUNCIL'S DECISIONS ON THE TIMARU PROPOSED DISTRICT PLAN

*Clause 14(1) of Schedule 1, Resource Management Act 1991*

**To** The Registrar  
Environment Court  
Christchurch

## Introduction

1 Fonterra Limited (*Fonterra*) appeals against parts of the decisions on the Timaru Proposed District Plan (*Proposed Plan*), adopted by the Timaru District Council (*Council*) (*Decision*).

## Fonterra's interest in these proceedings

2 Fonterra made a submission and several further submissions on the Proposed Plan.<sup>1</sup>

3 Fonterra is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (*RMA*).

4 Fonterra received notice of the Council's decision on 19 March 2026. The notice directed that the appeal period closes on 6 May 2026.

5 Fonterra's appeal is limited and is mainly focused on the Clandeboye Dairy Manufacturing Precinct. The parts of the decision that Fonterra is appealing are decisions on:

(a) LIGHT-S1;

(b) NOISE-P7, NOISE-R11 (previously R9), NOISE-S3 and NOISE-S4;

(c) GRUZ-S4 (and any other references to "industrial trade waste").

## Reasons for the appeal

6 Fonterra generally supports the Council's decision on the Proposed Plan and considers that much of the decision reflects matters raised in Fonterra's submission, evidence and during the hearings process.

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<sup>1</sup> Submission dated 15 December 2022; Further submissions dated 4 August 2023, 22 August 2023, 18 March 2024. Submitter number 165.

- 7 Fonterra considers that some further revision and refinement is required to the Proposed Plan to ensure it is consistent with higher order planning documents and meets the purpose and requirements of the RMA.
- 8 In light of this position, Fonterra seeks the amendments to the provisions referred to above, as set out in **Appendix A**.
- 9 Fonterra considers that the changes set out above, and described in detail below, are necessary because the parts of the Council's Decision on the Proposed Plan referred to above do not accord with the relevant requirements of the RMA and are contrary to Part 2 of the RMA.
- 10 Without limiting the generality of the reasons above, Fonterra's specific reasons for its appeal points are set out below.

## **Light**

- 11 Fonterra sought in its submission that the exemption of the Port Zone from LIGHT-S1 General lighting standards also apply to Fonterra's Clandeboye Dairy Manufacturing site.<sup>2</sup>
- 12 The Decision records that the Council accepted that the change was appropriate.<sup>3</sup>

*[234] Fonterra [165.103] requested that LIGHT-S1 is amended to exempt the Strategic Rural Industry Zone (now the Clandeboye Dairy Manufacturing Precinct) from the standard in the same way as the Port Zone is excluded. Fonterra [165.104] also consider it appropriate to add their proposed Special Purpose Zone (now the Clandeboye Dairy Manufacturing Precinct) to Table 23 to apply the same standards as apply to the GIZ and Port Zones (amongst others).*

*[235] Ms Tait, the planning witness for Fonterra explained further that there is a resource consent for the Clandeboye site that includes a condition for lighting, and she considered it to be appropriate to include this in the rule. Ms White accepted that change was appropriate in this context and provided drafting changes in her summary statement.*

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<sup>2</sup> Submission 165.103.

<sup>3</sup> See < [https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0010/1114768/Part-7-Decision-ASW,-EW,-LIGHT,-NOISE,-SIGNS,-TEMP,-RELO,-HPL,-PA.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0010/1114768/Part-7-Decision-ASW,-EW,-LIGHT,-NOISE,-SIGNS,-TEMP,-RELO,-HPL,-PA.pdf)>

- 13 The Decision then adopts Ms White's analysis and recommendations,<sup>4</sup> however the exemption for the Clandeboye Dairy Manufacturing Precinct has not been recorded in the final provisions.
- 14 This appears to be an oversight rather than a substantive decision to take a different approach – Fonterra seeks that the exemption be reflected in the final provisions.

## Noise

- 15 In its submission, Fonterra sought the inclusion of a noise control boundary (*NCB*) for the Clandeboye site. The submission records that Fonterra has worked closely with its noise consultants to develop NCBs for most of its manufacturing sites throughout New Zealand and an NCB is an effective way of managing noise (and expectations associated with noise) for a large noise generating activity.
- 16 Fonterra's proposed noise management included restrictions on sensitive activities within the NCB, and noise emission standards appropriate to the operational requirements and the environmental factors of Clandeboye site. The decision adopts Fonterra's proposal to include a NCB for the Clandeboye site.<sup>5</sup> Fonterra supports that part of the Decision and is not appealing the inclusion of the NCB or Rule NOISE-R10 "*Noise from the Clandeboye Dairy Manufacturing Precinct*".
- 17 The Clandeboye Dairy Manufacturing Precinct and Clandeboye Noise Control Boundary have been widely incorporated into the NOISE provisions, including NOISE-O2 Reverse Sensitivity and NOISE-P5 Reverse Sensitivity. Fonterra therefore considers that the decision not to include the Clandeboye Noise Control Boundary in NOISE-P7 Noise sensitive activities within noise control boundaries creates internal inconsistencies within the NOISE chapter.
- 18 The Clandeboye Noise Control Boundary has been included within the scope of what is now NOISE-R11. (*Any new building for use by a noise sensitive activity and alterations to existing buildings for use by a noise sensitive activity (not listed in NOISE-R14)*). Fonterra supports the inclusion of the NCB, but appeals:
  - (a) The restricted discretionary activity status for when compliance is not achieved within PER-1.1 or PER-2, which Fonterra considers is

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<sup>4</sup> At [242].

<sup>5</sup> See <[https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0010/1114768/Part-7-Decision-ASW,-EW,-LIGHT,-NOISE,-SIGNS,-TEMP,-RELO,-HPL,-PA.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0010/1114768/Part-7-Decision-ASW,-EW,-LIGHT,-NOISE,-SIGNS,-TEMP,-RELO,-HPL,-PA.pdf)> at [281] to [291].

inappropriately enabling, in contrast with the objectives and policies of the Chapter that seek to avoid reverse sensitivity; and

- (b) The new PER-3 exempting alterations to existing buildings within the Clandeboye NCB.
- 19 And (in terms of consequential amendments) appeals the inclusion of matters of discretion in NOISE-S3 and NOISE-S4.
- 20 Fonterra considers that its proposed amendments are necessary to enable:
- (a) the continued operation and use of the Clandeboye Site; and
  - (b) the wellbeing and amenity of people through the management of potentially adverse noise effects by requiring new noise sensitive activities to implement appropriate sound insulation.

### **General Rural Zone**

- 21 Fonterra is generally supportive of the provisions of the General Rural Zone that appropriately provides for primary production and the activities that support primary production, such as rural industry.<sup>6</sup>
- 22 GRUZ-S4 includes a setback for new sensitive activities of 250 metres from the boundary of any area used to discharge waste generated from the Clandeboye Dairy Manufacturing Precinct. Fonterra supports and does not appeal this inclusion but seeks that the wording is corrected to refer to industrial and trade waste, consistent with Fonterra's relief sought.
- 23 As noted in the evidence of Susannah Tait for Fonterra,<sup>7</sup> the definition in the National Planning Standards and Proposed Plan is industrial and trade waste, not industrial trade waste.

### **Relief**

- 24 Fonterra seeks the following relief:
- (a) Amendments to LIGHT-S1, NOISE-P7, NOISE-R11 (previously R9), NOISE-S3, NOISE-S4 and GRUZ-S4 as set out in **Appendix A**; and

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<sup>6</sup> See <[https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0006/1114764/Part-3-Decision-Rural,-Urban,-MPZ,-OSZ.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0006/1114764/Part-3-Decision-Rural,-Urban,-MPZ,-OSZ.pdf)>.

<sup>7</sup> See <[https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0019/902314/Sub165-Timaru-PDP-Hearing-B-Susannah-Tait-planning.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0019/902314/Sub165-Timaru-PDP-Hearing-B-Susannah-Tait-planning.pdf)> at [7.14]-[7.16].

- (b) Any further or consequential changes necessary to address the matters set out in this notice of appeal.

## Documents

25 The following documents are attached to this notice:

- (a) A copy of Fonterra's submission and combined further submissions (**Appendices B and C**);
- (b) A copy of the relevant parts of the Decision (**Appendix D**).<sup>8</sup> other decision parts are at:

<https://www.timaru.govt.nz/services/planning/district-plan/proposed-district-plan/hearings-information/post-hearings-final-decision>

- (c) A list of names and addresses of persons to be served with a copy of this notice (**Appendix E**).

Signed for and on behalf of Fonterra Limited by its solicitors and authorised agents Anderson Lloyd



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Ben Williams / Rachel Robilliard  
Counsel for the Appellant  
6 May 2026

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<sup>8</sup> Decision Part 3 (Rural) (pages 1-48); and Decision Part 7 (Light and Noise) (pages 1-3 and 31-72).

This document is filed by Ben Williams, solicitor for the Appellant, of the firm Anderson Lloyd. The address for service of the Appellant is Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011.

Documents for service on the filing party may be left at that address for service or may be:

- (a) posted to the solicitor at PO Box 13831, Christchurch 8141; or
- (b) left for the solicitor at a document exchange for direction to DX Box WX10009 Christchurch; or
- (d) emailed to the solicitor at ben.williams@al.nz | rachel.robilliard@al.nz.

### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, -

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

#### *How to obtain copies of documents relating to appeal*

If the copy of this notice served on you does not attach a copy of the appellant's submission (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

## APPENDIX A - FONTERRA'S RELIEF SOUGHT

Changes are shown against the Decision in underline and ~~strikethrough~~.

Provision	Amendment sought
LIGHT-S1	In the left column add <i>All zones (excluding the Port Zone <u>and the Clandeboye Dairy Manufacturing Precinct</u>)</i>
NOISE-P7	Amend the policy as follows:  <i>Within the Airport Noise Control Boundary Overlay, <u>Clandeboye Noise Control Boundary</u>, Port Noise Inner Control Boundary Overlay...</i>
NOISE-R9 (now R11)	In the right column:  <i>Activity status when compliance not achieved with PER-1.1 or PER-2: <u>Non-complying Restricted Discretionary</u></i>  <i><del>Matters of discretion are restricted to:</del></i>  <i><del>1. the matters of discretion of any infringed standard.</del></i>  <i><del>2. for activities in breach PER-2, the matters of discretion of NOISE-S3</del></i>  In the middle column:  ...  <i><del>PER-3 The alterations are to a building existing at the date of notification of the proposed District Plan within the Clandeboye Noise Control Boundary.</del></i>
NOISE-S3 and NOISE-S4	Delete the matters of discretion (consequential amendment to the above).
GRUZ-S4	Amend the standard as follows:  ...  4. No new sensitive activity may be established within 250m from the boundary of any area used for the discharge of industrial <u>and</u> trade waste generated by PREC#8 - Clandeboye Dairy Manufacturing Precinct; and  ...

	[along with any other consequential amendments to refer to "industrial <u>and</u> trade waste"]
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## APPENDIX B – FONTERRA'S SUBMISSION



# FONTERRA LIMITED

## SUBMISSIONS ON THE PROPOSED TIMARU DISTRICT PLAN

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**To:** Timaru District Council  
**Submitter:** **Fonterra Limited**  
**Contact:** Suzanne O'Rourke, National Environmental Policy Manager

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### 1. OVERVIEW OF SUBMISSION

- 1.1. Fonterra Limited ("**Fonterra**") generally supports the direction of Timaru District Council's ("**Council**") Proposed District Plan ("**PDP**") subject to the comments which are outlined in this document.
- 1.2. Fonterra's submission relates to the whole proposal. The general and specific provisions of the proposal that Fonterra's submission relates to and the reasons for Fonterra's submission are set out below and in **Attachment A**.
- 1.3. This submission provides:
  - a. an overview of Fonterra in the Timaru District (**Section 2**);
  - b. specific comments on the Special Purpose Zone – Strategic Rural Industry (**SPZ-SRI**) sought by Fonterra (**Section 3** and **Attachments B and C**);
  - c. specific comments on the Noise Control Boundary (**NCB**) sought by Fonterra (**Section 4** and **Attachment D**);
  - d. an overall conclusion (**Section 5**).
- 1.4. I confirm that I am authorised on behalf of Fonterra to make this submission.
- 1.5. Fonterra could not gain an advantage in trade competition through this submission.
- 1.6. Fonterra wishes to be heard in support of the submission.

- 1.7. If others are making a similar submission, Fonterra will consider presenting a joint case with them at a hearing.

## 2. FONTERRA IN THE TIMARU DISTRICT

- 2.1 Fonterra owns and operates the Clandeboye manufacturing site (**Clandeboye site**) located near Temuka in the Timaru District.
- 2.2 The Clandeboye site is Fonterra's key asset within the Timaru District. The site processes up to 13 million litres of milk per day and is one of Fonterra's largest manufacturing sites, employing over 1000 staff. An image showing Fonterra's landholdings at Clandeboye is contained in **Figure 1** below.



**Figure 1: Fonterra's landholdings at Clandeboye**

- 2.3 The site has been in operation since 1904 and now processes approximately 40% of Fonterra's South Island milk into cheddar, mozzarella, whey protein concentrate, butter, whole milk powder, skim milk powder, anhydrous milk fat and milk protein concentrate.
- 2.4 More than 10,000 containers are filled each year ready to be shipped domestically, as well as internationally to more than 50 countries, including the United States, China, Algeria, Bahrain, Africa, the Middle East, Indonesia and Australia.
- 2.5 The Clandeboye operation relies heavily on the roading and rail network within the district. Temuka is a key rail hub for the unloading and loading of products which are ferried to and from the plant via trucks. Clandeboye also has a fleet of 75 tankers which pick-up and transfer milk to the plant from a wide area

within Timaru District and beyond. In total there are 118 farms in Timaru District that supply milk to the Clandeboye factory.

- 2.6 In addition to the cool and dry storage onsite, Fonterra also has third party cool store and storage facilities at the Port of Timaru and product facilities at Temuka.

### 3 STRATEGIC RURAL INDUSTRY ZONE

- 3.1 Fonterra is concerned that the proposed General Industry Zone (**GIZ**) is a poor fit for their site, in particular the zone policy framework does not account for the special characteristics of the Clandeboye site.
- 3.2 Given the nature and scale of the activities that occur at the Clandeboye site, and the essential nature of the site for the surrounding primary production, it is essential that any maintenance, repairs and minor upgrades of the site is not encumbered by uncertainty in the Plan. If the site is reliant on resource consents for almost any development or changes on-site, the development and up-grading of any plant would require considerable lead-in-time and finance to prepare applications, with the accompanying uncertainty as to whether or not any application would be successful. This continuous and ad hoc consenting creates uncertainty for the community, Council and stakeholders as to the maximum development envelope of the site.
- 3.3 A resource consent led process for the on-going development of the site, with its inherent costs and uncertainties, undermines the potential efficiency of the rural production continuum. Given the scale and economic importance of the Clandeboye site within the district and region, a primary reason for including a new zone is to reduce the time, cost and uncertainties associated with consenting maintenance, upgrading, consolidation and development of the long-established site.
- 3.4 Given the above, Fonterra considers that there is significant benefit to Council, the community and their operations, to provide for the Clandeboye site in a “specific” new zone, being the SPZ-SRI. It is anticipated that this new zone will have wider application than the Clandeboye site, although it is the responsibility of individual sites to pursue the zoning and demonstrate the need or benefit of the zone to their site and operations.
- 3.5 The proposed SPZ-SRI provisions, set out in **Attachment B**, are intended to enable the continued operation and future development of strategic rural industrial activities in the Timaru District. Additionally, the provisions would reduce reliance on resource consent processes, particularly for minor developments, by recognising that the effects of these activities, while needing to be managed, are anticipated in these specific locations. The SPZ-SRI will provide strategic rural industrial activities with both the flexibility to operate and the ability to expand existing activities, while also providing both Council and the surrounding community realistic expectations for the site in the long term.
- 3.6 The site is an established feature within the environment. It is appropriate that the Plan recognises this through providing for the continuation of this activity by way of an appropriate policy and rule framework. Although resource consents for the site have been approved previously, the GIZ policy context in the Plan does not recognise the significance of this site and activity. The GIZ policy emphasis on amenity and character creates uncertainty over time that future redevelopment and expansion will not be consented, unless there is more explicit policy support in the Plan.
- 3.7 Equally significant for this site is the need to manage (and restrict) the development of sensitive activities in close proximity to the sites. If not managed sufficiently, sensitive activities in proximity to the site have the potential to adversely impact the future operation and development of the site, with flow on effects to the community, economy and environment.
- 3.8 Inclusion of a SPZ-SRI would significantly limit, or potentially remove the need for, changes to the GIZ and related provisions to include exemptions from and amendments to provisions that are not relevant

to the site. If Fonterra's submissions seeking a new SPZ-SRI zoning for the Clandeboye site are not accepted, Fonterra seeks that alternative relief is provided through the General Industry Zone provisions of similar effect to the provisions (and exemptions) proposed for the SPZ-SRI, which may include a precinct over the land shown in Attachment C.

## 4 NOISE CONTROL BOUNDARY

- 4.1 Fonterra has worked closely with its noise consultants to develop NCBs for most of its manufacturing sites throughout New Zealand. A NCB is an effective way of managing noise (and expectations associated with noise) for a large noise generating activity. Fonterra's proposed noise management includes restrictions on sensitive activities within the NCB, and noise emission standards appropriate to the operational requirements and the environmental factors of Clandeboye site.
- 4.2 Fonterra is seeking to have the new noise provisions inserted into the Noise chapter of the PDP, as set out in **Attachment A**. The extent of the proposed NCB is provided in **Attachment D**.

## 5 CONCLUSION

- 5.1 Fonterra generally supports the PDP, subject to amendments to address a number of concerns. Fonterra considers the PDP requires amendment as set out in **Attachment A** (or amendment that would otherwise give effect to the relief which Fonterra seeks in this submission). The PDP as notified:
- a. will not promote sustainable management of resources and will not achieve the purpose of the RMA;
  - b. is contrary to Part 2 and other provisions of the RMA;
  - c. will not enable the social and economic well-being of the community;
  - d. will not meet the reasonable foreseeable needs of future generations;
  - e. will not achieve integrate management of the effects of use, development or protection of land and associated resources of the Timaru District;
  - f. will not enable the efficient use and development of Fonterra's assets and operations, and of those resources; and
  - g. does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions in relation to other means.
- 5.2 Fonterra therefore seeks the following decision from the Council:
- a. The relief as set out above and in **Attachments A, B, C, and D**.
  - b. Any other similar relief that would deal with Fonterra's concerns set out in this submission.
  - c. Insertion of clear cross-references into other parts of the plan where appropriate.

Signed:



Dated: 15 December 2022

**ATTACHMENT A**

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
<b>PLANNING MAPS</b>				
	New Strategic Rural Industry Zone	Support	Fonterra is proposing a new SPZ-SRI for their Clandeboye site.	Amend the zoning of the land shown in <b>Attachment C</b> to Strategic Rural Industry Zone.  Alternatively, if this requested new SRIZ is not accepted, Fonterra seeks that the GIZ be extended to include all of the land shown in Attachment C.  Alternative relief may be considered by Fonterra through this process.
	Proposed General Industry Zone	Oppose	Subject to consideration of the new SPZ-SRI, Fonterra opposes the proposed GIZ of their Clandeboye manufacturing site.	Rezone the land shown in <b>Attachment C</b> with the SPZ-SRI.  Alternatively, if this requested new SRIZ is not accepted, Fonterra seeks that the GIZ be extended to include all of the land shown in Attachment C.
	Proposed General Rural Zone	Oppose	Subject to consideration of the new SPZ-SRI, Fonterra opposes the proposed General Rural Zone (GRUZ) of some of their landholding near the Clandeboye manufacturing site.	Rezone the land shown in <b>Attachment C</b> with the SPZ-SRI.  Alternatively, if this requested new SRIZ is not accepted, Fonterra seeks that the GIZ be extended to include all of the land shown in Attachment C.
	Proposed General Industry Zone	Support	Fonterra supports the General Industry zoning of 110 Donahue Road.	Retain the General Industry zoning of 110 Donahue Road.
	Proposed Height Specific Control Area	Oppose	Subject to consideration of the new SPZ-SRI, Fonterra opposes the proposed Height Specific Control Area overlay on their Clandeboye manufacturing site.	Replace the Height Specific Control Area with the SPZ-SRI.
	New Noise Control Boundary	Support	In order to effectively manage noise sensitive activities in close proximity to the Clandeboye site, Fonterra propose a new NCB overlay.	Insert new Fonterra Clandeboye NCB overlay onto the planning maps. The extent of the proposed NCB is shown in <b>Attachment D</b> .

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
	Kotuku Place	Oppose	Given the role of Kotuku Place, Fonterra consider that the Regional Arterial status of Kotuku Place should be removed and the regional arterial overlay continued on Canal Road to the intersection of Canal Road / Rolleston Road / Milford Clandeboye Road.	Remove the Regional Arterial status shown on Kotuku Place and extend the Regional Arterial status along Canal Road to the intersection of Canal Road / Rolleston Road / Milford Clandeboye Road.
	Specific Control Areas – PORTZ Height Specific Control Area	Oppose	As the PORTZ Height Specific Control Area overlay has no associated rules, Fonterra considers that the control overlay can be deleted.	Delete the Port Zone Height Specific Control Area overlay.
	General Industrial zoning of 2 and 2a King St and 6 King St, Temuka	Support	Fonterra considers the proposed zoning of these Temuka sites is appropriate.	Maintain the General Industrial zoning of 2 and 2a King St and 6 King St, Temuka
<b>FOREWORD OR MIHI</b>				
	Foreword or Mihi	Support in part	The District Plan is not intended to manage activities 'so they do not affect the environment'. The District Plan is intended to manage adverse effects on the environment.	Amend the Foreword or Mihi as follows: <i>'...It provides a framework that enables expected activities and manages <u>the potential adverse effects of other activities so they do not affect on the environment.</u></i>
<b>DESCRIPTION OF THE DISTRICT</b>				
	Description of the District - Settlement Patterns, Growth and Development	Support	Fonterra supports recognition of the adverse effects (by way of reverse sensitivity effects) that rural lifestyle development has on the rural environment.	Retain as notified.
	Description of the District – Business Zones and Centres	Support	Fonterra supports recognition of the Clandeboye site.	Retain as notified.

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
	Description of the District – Rural areas	Oppose in part	<p>Fonterra considers that strategic rural industry should be highlighted in this section of the Plan. Also, as drafted the Plan suggests that a ‘balance’ is required between rural lifestyle and rural activities. Fonterra does not support this and seeks amendments.</p>	<p>Amend section as follows:</p> <p><i>Rural areas are dominated by agricultural land use, with some areas of horticulture and viticulture. Farming is largely pastoral, with sheep and beef farms dominating in the steeper or higher altitude areas and dairy farms occupying much of the plains, particularly at Rangitata Island. <u>Rural industry, including strategic rural industry, has a functional and operational need to locate in rural areas to support primary production activities.</u></i></p> <p><i>In recent years, rural lifestyle blocks have gained popularity, and subdivisions to supply this property market has resulted in the fragmentation of rural land, and the loss of productive land to rural residential use. This increase in rural residential activities, and urban creep into areas that have traditionally been farmed can, in some locations, cause conflict between landowners. New residential land uses may be <u>incompatible with impacted by</u> existing farming activities <u>and rural industry</u> occurring in the working rural environment. <u>Rural lifestyle development should be restricted. A balance is needed between these activities</u> to maintain the ability of farming activities <u>and rural industry</u> to continue in a rural environment.</i></p> <p><i>Furthermore, the district contains a large proportion of high class productive, or versatile, soils. These are the soils classified as Class 1, <del>to</del> 2 <u>and 3</u> under the Land Use Capability (LUC) classification system and are highly productive for a range of primary <u>production activities industries.</u> These soils tend to be concentrated around townships and urban areas because towns were</i></p>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<i>historically established in areas where the resources supported agriculture and growth. As a result, urban sprawl and changes in land use on the fringe of urban areas can reduce the availability of versatile soils for productive uses.</i>
<b>DEFINITIONS</b>				
	Hazardous facilities	Oppose	Fonterra does not consider that there is any need for this definition to exist, as the provisions relating to 'hazardous facilities' should be deleted.	Delete this definition (in response to amendments recommended to the chapter).
	Height	Oppose	The definition should provide for appropriate exemptions.	<p>Amend the definition as follows:</p> <p><i>means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.</i></p> <p><u><i>For the purposes of this definition, the measurement of height shall not include lift towers, stairwells, skylights, antennae, or plant rooms, chimneys, flues, flagpoles, aerials or other such projections which;</i></u></p> <p><i>a. do not exceed the maximum permitted height by more than 15% of the height limit for the zone,</i>  <i>b. or 2.5m, whichever is the lesser; and</i>  <i>c. do not exceed more than 10% of the area of the footprint of the building, or 50m<sup>2</sup>, whichever is the lesser.</i></p>
	Light Sensitive Areas	Oppose in part	It is inappropriate that the Rural Lifestyle Zone is protected by this definition. As a rural zone, it	Amend the definition as follows:

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
			should not be protected from typical rural effects, including light.	<p><i>Includes land in the following areas outside of the Port Zone:</i></p> <ul style="list-style-type: none"> <li>a. <i>Wāhi tapu, Wāhi taoka and Wai taoka Overlays</i></li> <li>b. <i>Significant Natural Areas Overlay</i></li> <li>c. <i>Outstanding Natural Landscapes Overlay</i></li> <li>d. <i>Visual Amenity Landscape Overlay</i></li> <li>e. <del><i>the Rural Lifestyle Zone;</i></del> and</li> <li>f. <i>the Natural Open Space Zone.</i></li> </ul>
	Noise sensitive activity	Oppose in part	<p>Fonterra is concerned to ensure that all noise sensitive activities are captured by the definition of 'noise sensitive activities.' Community facilities are also sensitive to noise and likely to give rise to reverse sensitivity effects. Fonterra therefore seeks that 'community facilities' are included in the definition.</p> <p>The National Planning Standards define as: <i>'means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.'</i></p> <p>As 'community facility' is more fulsome than those activities already described in the 'noise sensitive activity' definition and provides more generally for the congregation of people it is appropriate to acknowledge 'community facility' as being sensitive to noise.</p> <p>Fonterra would also be agreeable to the term 'place of assembly' instead of 'community facility'</p>	<p>Amend as follows:</p> <p><i>Noise sensitive activity means:</i></p> <p>...</p> <p><i><u>f. Community facility</u></i></p>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
			as it is acknowledged that this is already a term defined in the PDP.	
	Regionally Significant Infrastructure	Support	Fonterra support the inclusion of the Port in the definition.	Retain the Port Zone in the Regionally Significant Infrastructure definition.
	Reverse sensitivity	Support	Fonterra supports the definition of reverse sensitivity proposed.	Retain as notified.
	Rural industry	Support	Fonterra supports the definition of rural industry proposed.	Retain as notified.
	Rural residential development	Oppose	Fonterra opposes the definition of rural residential development. The National Planning Standards provide for a Rural Lifestyle Zone (as does the PDP) and Fonterra considers that the District Plan wording regarding this category of development should be consistent. As such, all references to rural residential should be amended to rural lifestyle.	Amend the definition as follows: <i>Rural <del>residential</del> <u>lifestyle</u> development:</i> ...
	Sensitive activity	Oppose	Fonterra opposes the exception in (b), particularly that 'place of assembly' is not considered sensitive in relation to noise. Places of assembly (including community facilities) are sensitive to noise and likely to give rise to reverse sensitivity effects.  It is also noted that the numbering is confusing and needs amending.	Amend the definition as follows: <i>Sensitive activity means:</i> <ol style="list-style-type: none"><li>1. Residential activities;</li><li>2. Education facilities and preschools;</li><li>3. Guest &amp; visitor accommodation;</li><li>4. Health care facilities which include accommodation for overnight care;</li><li>5. Hospitals;</li><li>6. Marae (building only); or</li><li>7. Place of assembly.</li></ol> <i>except that:</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<p>a. <del>subclause f.6 and 7</del> above is not applicable in relation to electronic transmission</p> <p>b. <del>subclause g. above is not applicable in relation to noise or electronic transmission.</del></p>
	Strategic rural industry activities	Oppose	Fonterra considers that it is appropriate to define strategic rural industry activities.	<p>Add a definition as follows:</p> <p><i><u>Strategic rural industry activities means: any activity that is associated with the processing, testing, storage, handling, packaging or distribution of products manufactured at sites in the Special Purpose Zone – Strategic Rural Industry.</u></i></p>
	Wastewater	Support	Fonterra supports the definition of wastewater.	Retain as notified.
<b>NATIONAL DIRECTION INSTRUMENTS</b>				
	National Policy Statements and New Zealand Coastal Policy Statement	Oppose in part	This section should refer to the most recent versions of National Policy Statements. Also, the Plan should be reviewed against the National Policy Statement for Highly Productive Land 2022.	<p>Amend this section as follows:</p> <p>...</p> <p><i><u>National Policy Statement on Urban Development Capacity 2016-2020</u></i></p> <p>...</p> <p><i><u>National Policy Statement on Highly Productive Land 2022</u></i></p>
<b>STRATEGIC DIRECTION</b>				
	SD-O1	Support in part	Fonterra generally supports SD-O1 but consider that it is appropriate to recognise reverse sensitivity effects when providing for further rural lifestyle development.	<p>Amend the strategic direction as follows:</p> <p>...</p> <p><i>ii. limited rural lifestyle development opportunities are provided where they concentrate and are attached to existing urban areas, achieve a</i></p>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<i>coordinated pattern of development, <u>avoid reverse sensitivity effects on existing and permitted rural activities</u> and are capable of efficiently connecting to reticulated sewer and water infrastructure; and</i> ...
	SD-O2	Support in part	Fonterra generally supports SD-O2 but considers that reference to 'significant heritage' in point vii is vague and should be amended.	Amend the strategic direction as follows: ... <i>the important contribution of historic heritage to the District's character and identity is recognised, and <u>significant historic heritage</u> <del>and its</del> values are protected from inappropriate subdivision, use, and development.</i>
	SD-O3	Support	Fonterra agrees that the effects of climate change need to be recognised and managed.	Retain as notified.
	SD-O4	Support	Fonterra agrees that the effects of natural hazards need to be recognised and managed.	Retain as notified.
	SD-O5	Support in part	Fonterra agrees that the needs of Kāti Huirapa should be provided for within the district. Given the rural location of the Māori Purpose Zones care should be taken to ensure that papakāinga are not located where there may be impacts on human health due to existing or permitted rural, and rural industrial, activities.	Amend the strategic direction as follows: ... <i>v. Māori reserve lands are able to be used by Kāti Huirapa for their intended purposes <u>in a manner that maintains the health and safety of their people;</u></i> ...
	SD-O6	Support in part	Fonterra considers that the wording of this provision should be amended to provide for existing and new businesses.	Amend the strategic direction as follows: <i>Business and economic prosperity in the District is enabled in appropriate locations, including by:</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<ul style="list-style-type: none"> <li>i. providing sufficient <u>and appropriately located</u> land <del>for to meet the operational requirements of</del> a range of <u>existing and new</u> business activities <u>and</u> to cater for projected growth;</li> <li>ii. providing opportunities for a range of business activities to establish and prosper, provided that commercial activities outside of commercial areas are limited so they do not detract from the role and function of the City Centre and Town Centre zones.; <u>and</u></li> <li>iii. <u>protecting industrial land from inappropriate activities establishing within the zone and protecting the zone interface to avoid reverse sensitivity effects.</u></li> </ul>
	SD-O8	Support in part	Fonterra considers that the wording of this provision should be amended to provide for existing and new businesses.	<p>Amend the strategic direction as follows:</p> <p>...</p> <ul style="list-style-type: none"> <li>ii. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of <u>both</u> new development <u>and the growth of existing development</u>;</li> </ul> <p>...</p>
	SD-O9	Support in part	Fonterra considers that the wording of this strategic direction should be amended to better protect rural areas for their intended purposes.	<p>Amend the strategic direction as follows:</p> <p><del>A range of primarily productive Primary production activities are enabled in the rural environment to enable the ongoing use of land for primary production for present and future generations,</del> while:</p> <ul style="list-style-type: none"> <li>i. protecting versatile soils for productive uses;</li> <li>ii. managing the adverse effects of intensive activities on sensitive activities;</li> </ul>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<p>iii. <i>managing the adverse effects of new sensitive activities on primary production <u>and rural industry</u>;</i></p> <p>iv. <i>avoiding activities that have no functional/ or operational need to locate in the rural area;</i></p> <p>v. <i>identifying and maintaining the character, qualities and amenity values of rural areas;</i></p> <p>vi. <i>ensuring Future Development Area <u>provide for rural activities until rezoned for residential purposes.</u> <del>overlay remains available for future urban or rural lifestyle development.</del></i></p>
<b>URBAN FORM AND DEVELOPMENT</b>				
2	UFD-O1	Support in part	Fonterra considers that reference to reverse sensitivity effects ensures that the impact of sensitive activities on business is recognised (not just the effects of business, typically industry, on sensitive activities).	<p>Amend the strategic direction as follows:</p> <p>...</p> <p>x. <i>controls the location of activities, primarily by zoning, to minimise <u>reverse sensitivity effects and conflicts between incompatible activities and avoid these where there may be significant adverse effects.</u></i></p>
<b>ENERGY AND INFRASTRUCTURE</b>				
3	EI-O1	Support	It is appropriate that regionally significant infrastructure contributes to the economy, enables people and communities and aligns with development.	Retain as notified.
	EI-P1	Support	It is appropriate that regionally significant infrastructure contributes to the economy, enables people and communities and aligns with development.	Retain as notified.

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
<b>STORMWATER</b>				
4	Introduction	Support	Fonterra considers that appropriate recognition is included in the Introduction to exclude activities that hold regional consent for the discharge of stormwater.	Retain as notified.
	SW-R4	Support in part	Fonterra supports the recognition that the rule does not apply to those activities that hold regional consent(s) relating to stormwater.  However, a consequential amendment is required to account for the new SPZ-SRI proposed by Fonterra.	Amend the rule as follows:  <i>Section B: Activities in the General Industrial Zone, <u>Strategic Rural Industry Zone</u>, Port Zone and Open Space and Recreation zones</i>  Add 'Strategic Rural Industry Zone' to the left column.
<b>TRANSPORT</b>				
5	TRAN-O1	Support	It is appropriate that transport infrastructure aligns with growth and encourages sustainable economic development.	Retain as notified.
6	TRAN-P7	Support	Fonterra agrees that alternative transport modes should be encouraged (rather than mandated) as this recognises that not all high traffic generators are appropriate for alternative transport modes.	Retain as notified.
	TRAN-P8	Support in part	Fonterra does not support the requirement for landscaping of all parking areas. The policy should recognise that landscaping should be provided, where appropriate and relative to the zoning of the land.	Amend the policy as follows:  <i>Require land use activities to provide:</i>  ...  4. <i>where appropriate, landscaping in provided parking areas that visually softens the dominant effect of hard surfaces and positively contributes to amenity values <u>anticipated for the zone.</u></i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
	TRAN-S1	Oppose	Fonterra considers that on a site as large and visually complex as those in the SRIZ, it is unreasonable to expect amenity landscaping along a road boundary, where the new additional carparking is not visible from the road.	Amend the standard as follows: Exclude 'Strategic Rural Industry Zone' in the left column.
	TRAN-S5	Oppose	Fonterra considers that it is unnecessary to provide for cycle parking in the SRIZ given their isolated locations. In the event that cycle parking is provided, it will meet the requirements of TRAN-S6.	Amend the standard as follows: Exclude 'Strategic Rural Industry Zone' in the left column.
	TRAN-S7	Oppose	It is not necessary to make specific provision for loading on a site like those in the SRIZ, as suitable loading is inherent to the site's layout and operational requirements. When loading is provided it will comply with the requirements of TRAN-S8.	Amend the standard as follows: Exclude 'Strategic Rural Industry Zone' in the left column.
	TRAN-S20	Oppose in part	Traffic generation for development in the SRIZ will be controlled by a new provision for that zone.	Amend the standard as follows: Exclude 'Strategic Rural Industry Zone' in the left column.
<b>NATURAL HAZARDS</b>				
	NH-O1	Support in part	Fonterra considers that the objective should be amended to enable risks to be managed outside of a high-risk area (noting that 'manage' includes 'avoid, remedy or mitigate').	Amend the objective as follows: <i>Risk to human life and significant risk to property, from natural hazards is:</i>  1. <i>avoided in high hazard areas; and</i> 2. <del>avoided or mitigated</del> <i>managed elsewhere to an acceptable level.</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
	NH-P1	Support	Fonterra considers a risk-based approach is appropriate (but requests amendments to the rules to appropriately reflect this).	Retain as notified.
	NH-P4	Support	Fonterra considers it is appropriate to enable use, development and subdivision in a 0.5% AEP flood area where risks are managed.	Retain as notified.
	NH-R1	Support	Fonterra supports the risk based approach to this rule, where less risky activities are provided for as permitted activities.	Retain as notified.
	NH-R4	Support	Fonterra supports the risk-based approach to this rule, where less risky activities are provided for as permitted activities.	Retain as notified.
	NH-R7	Oppose in part	Given that the rule title provides for buildings and structures less than 30m <sup>2</sup> , the addition of PER-2 seems contradictory.	Amend the rule as follows and renumber accordingly: <i>Activity status: Permitted</i> <i>Where</i> <i>PER-1</i> <i>The building or structure or addition is below ground; or</i> <del><i>PER-2</i></del> <del><i>The new building or structure or addition has a ground floor area of less than 10m<sup>2</sup>; or</i></del> <i>PER-2</i> <i>The new building or structure or addition is located within a road corridor; or</i> <i>PER-3</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<i>A Flood Risk Certificate for the site has been issued in accordance with NH-S1 and the certificate states that the activity is not located on land that is within an overland flow path.</i>
	NH-R8	Oppose	Fonterra considers that the activity status for the Liquefaction Awareness Areas should be amended to controlled. Fonterra understands that this rule only applies to subdivision within a Liquefaction Awareness Area and is concerned to ensure the rule remains limited to that extent.	Amend the rule as follows: <i>Activity status: <del>Restricted-Discretionary-Controlled</del></i> <i>Matters of <del>discretion control</del> are restricted to:</i>
	NH-S2	Oppose in part	Given the isolated nature of the Clandeboye site and the extent of the surrounding flood plain, it is unclear what the PDP is seeking to manage with the 2000m <sup>2</sup> threshold.	Amend the standard as follows:  <i>In the left column include (excluding the Strategic Rural Industry Zone).</i>
<b>HAZARDOUS SUBSTANCES</b>				
	Introduction	Oppose in part	Fonterra opposes the purpose of this chapter to manage 'hazardous facilities'. The use, storage, disposal and transportation of hazardous substances is controlled by other legislation, including in areas subject to natural hazards.	Amend the Introduction as follows:  <i>Hazardous substances include a variety of toxic substances such as chemicals, medical waste, petroleum products and gases. Hazardous substances are used throughout the District for many purposes, with their use, storage, and disposal being an integral and essential part of many commercial, industrial, rural and domestic activities. However, if not appropriately managed, their storage and use are potential threats to people and the environment.</i>  <i>The Hazardous Substances and New Organisms Act 1996 (HSNO) aims to protect the health and safety of people from the adverse effects of hazardous substances. The Health and Safety at Work Act 2015 (HSW) aims to protect people</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<p>against harm to their health, safety and welfare caused by risks arising from work. These Acts provide the general framework for controlling hazardous substances during their life cycle. However, they do not take into account the sensitivity of the environment in which hazardous substances are located, or other relevant resource management issues.</p> <p>Accordingly, the District Plan addresses the following resource management matters concerning hazardous substances:</p> <ul style="list-style-type: none"> <li>• potential adverse effects on sensitive activities and sensitive environments;</li> <li>• reverse sensitivity effects caused by sensitive activities locating too close to <u>major</u> hazardous facilities;</li> <li>• <del>the risks to hazardous facilities from natural hazards and consequential risks to the environment;</del></li> <li>• cumulative effects of major hazard facilities locating too close each other.</li> </ul> <p>The adverse effects associated with these resource management issues generally have a low probability of occurring but a high potential impact if they do occur. As such and as the need to comply with the HSNO and HSW Acts significantly reduces most risks associated with hazardous substances, this chapter focuses on <u>higher risk facilities, being hazardous facilities and</u> major hazard facilities. Major Hazard Facilities are identified through the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.</p> <p><u>Proposals for new Major Hazard Facilities (and additions to Major Hazard Facilities), will require a</u></p>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<del>Quantitative Risk Assessment to be provided which is prepared by a suitably qualified person. This assessment will help quantify the extent and nature of the risk. Unacceptable risks to human health are defined as an individual human fatality not greater than 1 x 10<sup>-6</sup> per year (one in a million). Where a Quantitative Risk Assessment has been prepared, sensitive activities are required to located outside of the (1 x 10<sup>-6</sup> per year) risk area, or if no such assessment exists, at least 250m away from the Major Hazard Facilities.</del>
	HS-O1	Oppose	The use, storage, disposal and transportation of hazardous substances is controlled by other legislation.  If the intention of the objective is to manage Major Hazard Facilities, the objective should be appropriately worded to reflect this.	Delete the objective.
	HS-P4	Oppose	The use, storage, disposal and transportation of hazardous substances is controlled by other legislation.	Delete the policy.
	HS-R1	Oppose	The use, storage, disposal and transportation of hazardous substances is controlled by other legislation.	Delete the rule.
<b>HISTORIC HERITAGE</b>				
	HH-O2	Support	Fonterra supports the proposed wording of this objective.	Retain as notified.
	HH-O3	Support	Fonterra supports the proposed wording of this objective.	Retain as notified.

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
	HH-P3	Support	Fonterra supports the proposed wording of this policy.	Retain as notified.
	HH-P4	Support	Fonterra consider that the policy should be amended to provide for the management of effects.	Amend the policy as follows: <i>Enable the maintenance and repair of Historic Heritage Items and internal alterations <del>where that do not adversely affects on</del> the heritage values of any scheduled interior elements <u>are managed</u>.</i>
	HH-P5	Support in part	Fonterra generally supports the proposed wording of this policy but considers that the word 'only' should be deleted.	Amend the policy as follows: <del>Only a</del> <i>Allow external alterations and additions to Historic Heritage Items, signs attached to Historic Heritage Items, or internal alterations which affect scheduled interior elements where:</i>
	HH-P6	Support in part	Fonterra generally supports the proposed wording of this policy but considers that the word 'only' should be deleted.	Amend the policy as follows: <del>Only a</del> <i>Allow the relocation of Historic Heritage Items within or beyond their heritage setting where it can be demonstrated that:</i>
	HH-P7	Support	Fonterra generally supports the proposed wording of this policy but considers that the word 'only' should be deleted.	Amend the policy as follows: <del>Only a</del> <i>Allow subdivision, earthworks or new buildings within the settings of Historic Heritage Items where they protect the heritage values of the items, taking into account whether:</i>
	HH-P8	Oppose in part	Fonterra opposes this policy and consider that it is important that reference is also made to the values of the heritage item and the effect of the loss of these.	Amend the policy as follows: <del>Only a</del> <i>Allow demolition of a Category B Historic Heritage Item identified in SCHED3 – Schedule of Historic Heritage Items where it can be demonstrated that:</i>  ...

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<u>5. the heritage values identified for the item are already degraded or lost.</u>
	HH-R1	Support	Fonterra supports the proposed wording of this rule as it is appropriate to provide for maintenance, repair and internal alterations.	Retain as notified.
	HH-R2	Support	Fonterra supports the proposed wording of this rule as it is appropriate to provide for temporary activities in a heritage setting.	Retain as notified.
	HH-RNEW	Oppose	Fonterra considers that 'official signs' should be provided for as a permitted activity.	Include a new rule with a permitted activity status to provide for official signs on a heritage item.
	HH-RNEW	Support	Fonterra consider that a new controlled activity rule should be included to provide for new buildings, structures and signs within a Category B heritage setting.	<p>Insert a new rule as follows:</p> <p><u>New buildings, structures and signs (other than official signs) within a Category B heritage setting</u></p> <p><u>Activity status: Controlled</u></p> <p><u>Matters of control are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>compatibility of the form, scale, design and materials of the new building, structure or sign with the historic heritage item, its identified values and its setting; and</u></li> <li>2. <u>location of the new building, structure or sign with particular regard to whether it obstructs sightlines that are critical to an appreciation of the heritage values of the item(s); and visibility from public spaces; and</u></li> <li>3. <u>relationship with other elements with the heritage setting including ancillary structures, plantings and access.</u></li> </ol>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
	HH-R3	Support in part	Fonterra considers that this rule should be amended to only apply to Category A heritage items.	Amend the rule as follows: <i>New buildings, structures and signs (<u>other than official signs</u>) within a <u>Category A</u> heritage setting</i>
	HH-RNEW	Support	Fonterra consider that a new controlled activity rule should be included to provide for earthworks in a Category B heritage setting.	Insert a new rule as follows: <i><u>Earthworks within a Category B heritage setting</u></i> <i><u>Activity status: Controlled</u></i> <i><u>Matters of control are restricted to:</u></i> <i>1. <u>the values of the heritage item and the impacts of the earthworks on those values and</u></i> <i>2. <u>the scale, nature, extent and timing of the earthworks;</u></i> <i>3. <u>any measures proposed to mitigate adverse effects associated with the earthworks on the heritage item;</u></i> <i>4. <u>the commitment to implementation of an Accidental Discovery Protocol, in accordance with a commitment form contained within APP4 – Form confirming a commitment to adhering to an Accidental Discovery Protocol.</u></i>
	HH-R4	Support in part	Fonterra considers that this rule should be amended to only apply to Category A heritage items.	Amend the rule as follows: <i>Earthworks within a <u>Category A</u> heritage setting</i>
	HH-RNEW	Support	Fonterra consider that a new controlled activity rule should be included to provide for external strengthening of a Category B heritage item.	Insert a new rule as follows: <i><u>External strengthening of a Category B Historic Heritage Item</u></i> <i><u>Activity status: Controlled</u></i> <i><u>Matters of control are restricted to:</u></i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<ol style="list-style-type: none"> <li>1. <u>methodologies, design, form and materials used to protect and maintain heritage values of the heritage item, including integration with and connection to other parts of the item during and after strengthening works; and</u></li> <li>2. <u>how it is proposed to document changes to the heritage item during the course of works and on completion of the strengthening; and</u></li> <li>3. <u>the necessity of the work to achieve seismic resilience and ongoing use.</u></li> </ol>
	HH-R5	Support in part	Fonterra considers that this rule should be amended to only apply to Category A heritage items.	Amend the rule as follows: <i>External strengthening of a <u>Category A</u> Historic Heritage Item</i>
	HH-RNEW	Support	Fonterra consider that a new restricted discretionary activity rule should be included to provide for signs (not including official signs) on Category B heritage items.	Insert a new rule as follows: <u>Signs attached to a <u>Category B</u> Historic Heritage Item, excluding official signs</u> <u>Activity status: Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> <li>1. <u>any impact on heritage values; and</u></li> <li>2. <u>any positive effects of the sign</u></li> </ol>
	HH-R6	Oppose in part	Fonterra considers that 'official signs' attached to heritage items should be permitted activities. Furthermore, Fonterra considers that this rule should be amended to only apply to Category A heritage items.	Amend the rule as follows: <i>Signs attached to a <u>Category A</u> Historic Heritage Item, <u>excluding official signs</u> <del>external alterations and additions to a heritage item</del></i>
	HH-RNEW	Oppose	Fonterra considers that a new rule should provide for external additions and alterations to a Category	Amend the rule as follows:

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
			B heritage item as a restricted discretionary activity.	<p><u>External alterations and additions to a Category B heritage item (excluding strengthening)</u></p> <p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>methodologies, design, form and materials used to protect and maintain heritage values of the heritage item, including integration with and connection to other parts of the item during and after works; and</u></li> <li>2. <u>how it is proposed to document changes to the heritage item during the course of works and on completion of the works; and</u></li> <li>3. <u>the necessity of the work to achieve ongoing use.</u></li> </ol>
	HH-R7	Support in part	Fonterra considers that external alterations and additions to Category B heritage items should be provided for as a restricted discretionary activity (rather than discretionary). Accordingly, amendments are required to R7.	<p>Amend the rule as follows:</p> <p><u>External alterations and additions to a <b>Category A</b> heritage item (excluding strengthening)</u></p>
	HH-R8	Support	Fonterra supports the activity status and proposed wording of this rule as it is appropriate to provide for relocation.	Retain as notified.
	HH-R9	Support	Fonterra supports the activity status and proposed wording of this rule as it is appropriate to provide for demolition.	Retain as notified.
	HH-R10	Oppose	Fonterra considers that subdivision involving a heritage item can be provided for as a restricted discretionary activity.	<p>Amend the rule as follows:</p> <p><del><u>Activity status: Discretionary</u></del></p> <p><u>Activity status: Restricted Discretionary</u></p>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <li>1. <i>Whether the subdivision maintains the heritage setting;</i></li> <li>2. <i>Whether the subdivision would result in a disconnect with adjoining sites that assists in heritage interpretation; and</i></li> <li>3. <i>Whether sufficient area is achieved on the balance site to comply with the zone standards and avoid adversely affecting the heritage item.</i></li> </ol>
<b>SITES AND AREAS OF SIGNIFICANCE TO MĀORI</b>				
	SASM-R1	Oppose	Fonterra considers that a specific exemption should be provided for earthworks at the Clandeboye site due to the heavily modified nature of the site.	<p>Amend the rule as follows:</p> <p>In the left column add <i>(excluding the Māori Purpose Zone and the Strategic Rural Industry Zone (Clandeboye) in SASM-5)</i></p>
<b>VERSATILE SOIL</b>				
	Whole chapter	Oppose	Fonterra consider that the PDP needs to be amended to give effect to the National Policy Statement for Highly Productive Land 2022 (NPSHPL).	Amend the PDP to give effect to the NPSHPL.
	VS-P2	Support	Fonterra supports the recognition activities that have a functional or operational need to locate on versatile soils.	Retain as notified.
<b>SUBDIVISION</b>				
	SUB-O1	Oppose in part	Fonterra considers that the objective should be more explicit in relation to reverse sensitivity effects.	<p>Amend the objective as follows:</p> <p><i>New subdivisions will:</i></p>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				... 10. not intentionally prevent, hinder or limit the <u>use or</u> development of adjoining or adjacent land, <u>including by way of reverse sensitivity effects.</u>
	SUB-O3	Oppose in part	Fonterra considers that the objective should be more explicit in relation to reverse sensitivity effects.	Amend the objective as follows: Subdivision in the rural zones will: ... 4. <u>minimise avoid</u> reverse sensitivity effects on <u>intensive</u> primary production <u>and rural industry.</u>
	SUB-P3	Oppose in part	Fonterra considers that the policy should be more explicit in relation to reverse sensitivity effects.	Amend the policy as follows: Avoid subdivisions that <u>are intended to</u> prevent, hinder or limit the <u>use or</u> development of adjoining or adjacent land, <u>unless it is done to comply with a Council approved Development Area Plan.</u> <u>including by way of reverse sensitivity effects.</u>
	SUB-P5	Oppose in part	Fonterra considers that the policy should be more explicit in relation to reverse sensitivity effects.	Amend the policy as follows: Only allow subdivision that does not result in reverse sensitivity effects that would compromise the operation of regionally significant infrastructure/facilities, <u>and legally established intensive</u> primary production <u>and rural industry.</u>
	SUB-P14	Support	Fonterra supports the policy as proposed.	Retain as notified.
	SUB-P15	Oppose in part	Fonterra considers that the objective should be more explicit in relation to reverse sensitivity effects.	Amend the policy as follows: Require subdivision in the Rural Lifestyle Zone to: ...

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<i>5. avoid reverse sensitivity effects on existing or permitted primary production and rural industry activities.</i>
9	SUB-S1.3	Support	Fonterra considers that a 40ha minimum lot size in the General Rural Zone is appropriate.	Retain as notified.
<b>COASTAL ENVIRONMENT</b>				
	CE-O6	Support	Fonterra considers that it is appropriate to provide for existing urban activities.	Retain as notified.
	CE-P9	Support	Fonterra considers that it is appropriate to provide for appropriately sized and located structures in the coastal environment.	Retain as notified
10	CE-P10	Support in part	Fonterra supports the recognition that some activities have a functional need to locate in areas with coastal environment.	Amend the policy as follows: <i>Enable subdivision, use and development outside of areas of coastal high natural character that:</i> ... <i>(a) in rural zoned areas, buildings and structures for non-intensive primary production, <u>rural industry</u> and residential activities may be appropriate depending on their size, scale and nature;</i>
12	CE-R4	Support	It is appropriate to provide for buildings, structures and extensions in the coastal environment overlay as a permitted activity.	Retain as notified.
	CE-R6	Support	Fonterra considers it is appropriate to provide for land disturbance as a permitted activity.	Retain as notified.

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
13	CE-S1	Support	Fonterra considers that the permitted height of structures is appropriate.	Retain as notified.
14	CE-S2	Support	Fonterra considers that the permitted site coverage is appropriate.	Retain as notified.
<b>EARTHWORKS</b>				
	EW-S1	Oppose	Fonterra considers that the scale and isolation of the Clandeboye site means that earthworks at the site should be unrestricted. In the event that significant earthworks are carried out, these will be managed by way of a Regional Council resource consent process.	<p>Amend the standard as follows:</p> <p>Add the Strategic Rural Industry Zone to the left column.</p> <p><i>The area of earthworks must be limited to as follows:</i></p> <ol style="list-style-type: none"> <li>1. <i>for any primary production activity that is a Permitted Activity in the zone, there is no limit; and</i></li> <li>2. <i>for any ancillary rural earthworks, there is no limit; <del>and</del></i></li> <li>3. <i>for other activities: 2,000m<sup>2</sup> in any 12-month period per site; <del>and</del></i></li> <li>4. <i><u>for any Permitted Activity in the Strategic Rural Industry Zone, there is no limit.</u></i></li> </ol>
<b>DRINKING WATER PROTECTION</b>				
	DWP-R5	Oppose	Fonterra does not consider it appropriate for existing activities, or the expansion of existing activities, which have had no impact on drinking water supply to be classified as a non-complying activity.	<p>Delete the rule.</p> <p>Alternatively, if this requested amendment is not made, Fonterra seeks that the SRIZ be excluded from the rule.</p>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
<b>LIGHT</b>				
	LIGHT-O1	Support	It is appropriate that lighting is provided that responds to the different zone amenities.	Retain as notified.
	LIGHT-O2	Support	It is appropriate that the benefits of lighting are recognised.	Retain as notified.
15	LIGHT-P1	Support	It is appropriate to provide for artificial lighting that ensures safety and supports economic wellbeing.	Retain as notified.
	LIGHT-P3	Support	Fonterra supports the exemption of lighting to meet the health and safety needs of people.	Retain as notified.
	LIGHT-R1.1	Oppose in part	Fonterra consider a consequential change is needed to reflect the new LIGHT rule proposed to specifically address the SPZ-SRI.	Amend the rule as follows: In the left column add <i>All zones other than Port Zone and the Strategic Rural Industry Zone outside Light Sensitive Areas.</i>
	LIGHT-R1.2	Oppose in part	The Port Zone is a 24-hour port operation and in such circumstances, lighting is an important health and safety feature. The rule should be directed at ensuring such lighting is directed away from residential properties rather than properties associated with Industrial or Port Activities within the Port Zone.	Amend the rule as follows: <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>All exterior lighting must be oriented so that light is emitted away from any adjoining and adjacent <del>zones</del> <del>properties</del>; and</i>
	LIGHT-RNEW	Support	Fonterra considers that lighting exemptions comparable to the Port Zone provisions (LIGHT-R1.2) should also apply to the Fonterra site.	Insert new rule as follows: <i>Rule LIGHT-R1.3</i> <i>Strategic Rural Industry Zone</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>All exterior lighting must be oriented so that light is emitted away from any adjoining and adjacent zone; and</i></p> <p><i>PER-2</i></p> <p><i>LIGHT S-2 is complied with; and</i></p> <p><i>PER-3</i></p> <p><i>The horizontal and vertical illuminance levels (above the background level) at the notional boundary of the General Rural Zone between 10pm – 7am do not exceed 5 lux; and</i></p> <p><i>PER-4</i></p> <p><i>The vertical illuminance level at a window of an adjoining property in the General Rural Zone between 10pm and 7am does not exceed 5 lux.</i></p>
	LIGHT-S1	Support	Fonterra supports the exemption of the Port Zone from LIGHT-S1 General lighting standards. Fonterra considers the exemption should also apply to the SRIZ.	Amend the rule as follows: In the left column add <i>All zones (excluding Port Zone <u>and the Strategic Rural Industry Zone</u>)</i>
	TABLE 23	Support in part	Fonterra considers it is appropriate to add the SRIZ to Table 23.	Amend Table 23 to add the Strategic Rural Industry Zone to the right column.
<b>NOISE</b>				
16	Introduction	Oppose	It is important that key industry and employment generators are recognised as being constrained by	Amend the Introduction as follows: <i>...This is a particular concern for <u>key industry and employment generators</u>, important services and</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
			reverse sensitivity effects arising from inappropriately located sensitive activities.	<i>community facilities, including the Airport, Raceway, State Highway, Railway Corridor and the Port, which could be constrained if reverse sensitivity effects arise...</i>
17	NOISE-O1	Support	It is considered appropriate that noise effects are appropriate to the zone.	Retain as notified.
18	NOISE-O2	Support	Fonterra consider that the SPZ-SRI is explicitly recognised in this objective. Furthermore, it is considered more appropriate for reverse sensitivity effects to be avoided.	Amend the objective as follows: <i>The Airport, Raceway, State Highway, railway lines, <del>and the Port,</del> <u>the Strategic Rural Industry Zone</u> and activities located within commercial, mixed use and Industrial zones are <u>protected from not constrained by</u> reverse sensitivity effects arising from noise sensitive activities.</i>
	NOISE-P1	Support	It is considered appropriate that noise effects are appropriate to the zone.	Retain as notified.
	NOISE-P5	Support in part	This policy does not relate to reverse sensitivity, rather it relates to effects on incompatible activities. Accordingly, the policy title should be amended.  Fonterra supports the reference to the Port Noise Inner Control Boundary Overlay.  The new Clandeboye Noise Control Boundary needs including in this policy to ensure that the new noise controls are tied to appropriate policy.	Amend the policy as follows:  <del>Reverse sensitivity-Effects on incompatible activities</del>  <i>Require noise sensitive activities located in higher noise environments to be located and designed so as to minimise adverse effects on the amenity values and health and safety of occupants and minimise sleep disturbance from noise, while taking into account:</i>  ...  <i>For the purpose of this Policy, higher noise environments include:</i>  ...

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<u>4. that part of the General Rural Zone located within the Clandeboye Noise Control Boundary.</u>
	NOISE-P7	Support in part	Fonterra supports the reference to the Port Noise Inner Control Boundary Overlay, however it also seeks that the proposed Clandeboye Noise Control Boundary be included in the Policy. It is important that noise sensitive activities do not result in reverse sensitivity effects on operations at the Clandeboye manufacturing site.	Amend the policy as follows:  <i>Within the Airport Noise Control Boundary Overlay, <u>Clandeboye Noise Control Boundary</u>, Port Noise Inner Control Boundary Overlay...</i>
	NOISE-RNEW	Support	Fonterra has worked closely with its noise consultants to develop a NCB for its manufacturing sites throughout New Zealand. A NCB is an effective way of managing noise (and expectations associated with noise) for a large noise generating activity. Fonterra's proposed noise management includes restrictions on sensitive activities within the NCB, and noise emission standards appropriate to the operational requirements and the environmental factors of Clandeboye. Fonterra is seeking to have the new noise provisions inserted into the Noise chapter of the PDP.	Add the following rule:  <u>Noise from the Fonterra Clandeboye manufacturing site</u>  <u>PER-1</u>  <u>On the Clandeboye manufacturing site, noise from operations, including all ancillary equipment, maintenance activities, and operation of all vehicles on site (including those entering and exiting the site), shall not exceed the following limits when measured at or beyond the Noise Control Boundary:</u>  <u>Weekdays and Weekends</u>  <u>7am – 10pm 55dBLAeq (15 min)</u>  <u>10pm – 7am 45 dB LAeq (15 min) and 75 LAFmax</u>  <u>Noncompliance with this requirement shall restrict the exercise of its discretion to the operational requirements of the site, and the effect of noise on adjoining sensitive activities within the Noise Control Boundary.</u>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
	NOISE-R8	Support in part	Fonterra supports this rule but notes that part of the Port Zone (to the south) is not covered by either of the noise control boundaries and therefore no rule appears to apply. It is considered a further permitted status is required.	Add the following rule <i>PER-4</i> <i>For any activity within the Port zone but outside of the Port Noise Control Boundaries shown on the planning maps, the following noise limit applies:</i> <i>on any day between 10pm to 7am the following day, noise generated must not exceed 45 dB LA<sub>eq</sub> (9 hours) when measured at or within any residentially zoned site, provided that any single 15 minute sound measurement level must not exceed 50 dB LA<sub>eq</sub> and 75 dB L<sub>Amax</sub>.</i>
	NOISE-R9	Oppose in part	Fonterra considers that the Clandeboye NCB should be provided for in R9. Furthermore, that a non-compliance with NOISE-R9 should result in a non-complying status.	Amend the rule as follows: Add 'Clandeboye Noise Control Boundary' to the left column. <i>Activity status when compliance not achieved with PER-1.1 or PER-2: <u>Non-complying Restricted Discretionary</u></i> <i>Matters of discretion are restricted to:</i> <i>1. <del>the matters of discretion of any infringed standard.</del></i> <i>2. <del>for activities in breach PER-2, the matters of discretion of NOISE-S3</del></i>
	NOISE-S3	Oppose in part	Given that NOISE-S3 only relates to NOISE-R9, and Fonterra are seeking that the non-compliance status be amended to non-complying (rather than restricted discretionary), it is not necessary to list the matters of discretion.	Delete the matters of discretion from the standard.
	NOISE-S4	Oppose in part	Given that NOISE-S4 only relates to NOISE-R9, and Fonterra are seeking that the non-compliance	Delete the matters of discretion from the standard.

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
			status be amended to non-complying (rather than restricted discretionary), it is not necessary to list the matters of discretion.	
	Table 24 – Noise performance standards Clauses 1b and 2	Oppose	Clauses 1b and 2 appear to have missed the fact that the Port Zone extends south to the south where it is opposite but separated from General and Medium Density Residential Zones.	Amend clauses 1b and 2 in Table 24 as follows:  <i>1b. Within any part of a site in the General Residential Zone <u>except that this standard shall not apply to noise generated from within the Port Zone.</u></i>  <i>2. Within any part of a site in the Medium Density Residential Zone, <del>but</del>, <u>except that this standard shall not apply to where noise is generated from within the Port Zone, excluding those sites located between the Terrace and the Main South Railway Line.</u></i>
	Table 24 – Noise performance standards	Support	Clause 4 indicates that it is the intention of the Plan to address noise from the Port Zone separately.	Retain as notified.
<b>SIGNS</b>				
20	SIGN-O1	Support	It is appropriate to recognise the benefits of signage to the district.	Retain as notified.
21	SIGN-P1	Support	It is appropriate that signs are generally enabled, but their effects (relative to the zone) are managed.	Retain as notified.
	SIGN-R1	Support	Fonterra supports the activity status of official signs.	Retain as notified.

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
22	SIGN-R4	Support in part	The permitted activity status and parameters are considered appropriate. Fonterra considers that the SRIZ should be added to SIGN-R4.3	Amend the rule as follows: Add 'Strategic Rural Industry Zone' to the left column (R4.3 along with the GIZ and PORTZ)
	SIGN-S3	Support in part	The permitted activity status and parameters are considered appropriate. Fonterra considers that the SRIZ should be added to SIGN-S3.2.	Amend the standard as follows: Add 'Strategic Rural Industry Zone' to the left column (S3.2 along with the GIZ and PORTZ)
	SIGN-S4	Support in part	The permitted activity status and parameters are considered appropriate. Fonterra considers that the SRIZ should be added to SIGN-S4.6.	Amend the standard as follows: Add 'Strategic Rural Industry Zone' to the left column (S4.6 along with the GIZ and PORTZ)
23	SIGN-S6	Support in part	The permitted activity status and parameters are considered appropriate. Fonterra considers that the SRIZ should be added to SIGN-S6.1	Amend the standard as follows: Add 'Strategic Rural Industry Zone' to the left column (S6.1 along with the GIZ and PORTZ)
<b>GENERAL RURAL ZONE</b>				
	GRUZ-01	Support	It is appropriate that the General Rural Zone provides for primary production and activities that support primary production, such as rural industry.	Retain as notified.
	GRUZ-03	Support in part	It is appropriate to protect primary production from sensitive activities. This protection should also be afforded to rural industry that is located in the general rural zone.	Amend the objective as follows: <i>The land resource of the General Rural Zone is not diminished by activities with no functional or operational need to locate in the General Rural Zone, and primary production <del>is</del> and rural industry are protected from sensitive activities.</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
	GRUZ-P7	Support in part	Fonterra generally supports the proposed wording of this policy but considers that the word 'only' should be deleted.	Amend the policy as follows: <del>Only a</del> Allow rural industries and other activities (not listed in the rules) in the General Rural Zone where: ...
	GRUZ-PNEW	Support	Fonterra's Clandeboye site is surrounded by rural land. It is important that subdivision, use and development does not constrain Clandeboye's operations through reverse sensitivity effects.	Add new policy as follows: <i>Reverse sensitivity</i> <i>Subdivision, use and development in rural areas must avoid adverse reverse sensitivity effects on strategic rural industrial activities.</i>
	GRUZ-R21	Support	Fonterra consider it is appropriate to provide for rural industry activities as restricted discretionary activities.	Retain the rule as notified.
24	GRUZ-S4	Oppose in part	Fonterra considers that it is appropriate that sensitive activities are setback 500m from its irrigation farms. Specifically, Fonterra holds regional resource consents to irrigate process wastewater to land on (Fonterra owned) farms near the Clandeboye manufacturing site. This irrigation activity has the potential to give rise to perceived amenity effects at times and an increased building setback from boundaries will ensure that effects on neighbouring properties are acceptable.	Amend the standard as follows: 1. No new sensitive activity may be established within 500m from: a. the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and b. an existing farm effluent disposal area; and c. a lawfully established quarry or mine. d. <u>The boundary of any area used for the discharge of wastewater irrigation</u>
<b>GENERAL INDUSTRIAL ZONE</b>				

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
25	Introduction	Support	The Introduction appropriately summarises the purpose and character of the General Industrial Zone.	Retain as notified.
26	GIZ-O1	Support	It is appropriate to define the purpose of the zone.	Retain as notified.
	GIZ-O2	Support	It is appropriate to define the character and qualities anticipated for the zone and enable activities that have these characters and qualities.	Retain as notified.
	GIZ-O3	Support	It is appropriate to define the use and development anticipated for the zone, in particular the need to ensure that the zone is not compromised by the establishment of sensitive activities.	Retain as notified.
	GIZ-P1	Support	It is appropriate to define the types of activities anticipated in the zone.	Retain as notified.
27	GIZ-P3	Oppose in part	While Fonterra acknowledges that the amenity of the zone should be maintained, it is important that the purpose of the zone is not undermined by maintaining the amenity for adjoining zones.	Amend the policy as follows: <i>Maintain the amenity of the zone, while providing additional controls at the road boundary and zone boundary to manage the zone interface. values of the streetscape, the Residential Zones, and Open Space and Recreation Zones, by requiring:</i> <i>1. storage areas to be screened from road boundaries and Residential Zones; and</i> <i>2. landscaping along road boundaries and boundaries that adjoining the Open Space and Recreation Zones; and</i> <i>3. buildings and structures to be a height and setback that will ensure adjoining Residential zones and Open Space and Recreation Zones:</i> <i>a. have a reasonable standard of sunlight access; and</i>

REF	PROVISION	SUPPORT / OPPOSE	COMMENT	RELIEF SOUGHT
				<del>b. are not unreasonably dominated by built form; and</del> <del>c. maintain privacy of adjoining Residential Zones; and</del> 4. <del>buildings to be a colour and reflectivity that does not detract from the amenity of Residential Zones.</del>
	GIZ-P6	Support	It is appropriate that 'other activities' are tightly controlled so as not to undermine the purpose of the GIZ.	Retain as notified.
28	GIZ-S2	Oppose in part	The Fonterra Clandeboye manufacturing site includes buildings (and may require further buildings in the future) that exceed the permitted height limit. The revision to the S2.2 is based on the current maximum building height on the site.	Amend the standard as follows: <i>Buildings and structures must not exceed a maximum height of <del>35m</del> <u>55m</u> measured from ground level.</i>
	GIZ-S3	Support	Fonterra considers a 3m setback in the GIZ is appropriate.	Retain as notified.
29	GIZ-S6.1	Oppose	Fonterra does not consider that a 3m landscape strip is effective to mitigate against the scale of activities existing and anticipated on the site. Furthermore, Fonterra consider that birds are problematic from a milk processing / sanitation perspective and seek to avoid nesting opportunities on the site.	Amend GIZ-S6.1 as follows: In the left column include <i>(excluding the Height Specific Control Area).</i>
<b>PORT ZONE</b>				

<b>REF</b>	<b>PROVISION</b>	<b>SUPPORT / OPPOSE</b>	<b>COMMENT</b>	<b>RELIEF SOUGHT</b>
	PORTZ-O1	Support	The proposed wording is considered appropriate.	Retain the objective as notified.
	PORTZ-P1	Support	The proposed wording is considered appropriate.	Retain the policy as notified.
	PORTZ-R3	Support	The proposed wording is considered appropriate.	Retain the rule as notified.
	PORTZ-S1	Support	The proposed wording is considered appropriate.	Retain the standard as notified.

## Attachment B – Proposed Special Purpose Zone – Strategic Rural Industry

### Introduction

The Strategic Rural Industrial Zone provides for *strategic rural industrial activities* that require a rural location because they directly support or are dependent on primary production. The rural environment also has suitable land available at a scale required for these significant activities. The establishment of these sites in the rural environment is strategic. For example, the Fonterra Clondeboy site relies on several hundred hectares of farmland to enable the sustainable discharge of its process wastewater.

The sites in the Strategic Rural Industry Zone are strategic because, in addition to their significance in terms of providing essential employment and services to the District, they may also be of regional or national importance due to their functions, the area served, the investment in infrastructure required for the establishment or on-going development of the activity, or their contribution to the economy.

Due to their strategic importance, it is important that activities in the Strategic Rural Industry Zone are encouraged to continue to operate and develop, while acknowledging the potential for such industries to impact on surrounding rural activities due to the scale of their operations and nature of effects. Noise sensitive activities seeking to establish near the sites also need to be managed to avoid the potential for reverse sensitivity effects.

Objectives	
SRIZ-O1	Purpose of the Rural Industrial Zone
The Strategic Rural Industrial Zone provides for strategic rural industrial activities that support or are dependent on primary production.	
SRIZ-O2	Character and qualities of the Rural Industrial Zone
<p>The Strategic Rural Industrial Zone is characterised by the following qualities and built form aspects:</p> <ul style="list-style-type: none"> <li>• contains utilitarian buildings on large sites; and</li> <li>• accommodates activities that generate large volumes of light and heavy vehicle traffic and which may generate objectionable odour, dust and noise; and</li> <li>• is easily accessible by vehicles from major transport routes and centres; and</li> <li>• provides a safe and functional working environment; and</li> <li>• retains a baseline level of streetscape amenity; and</li> <li>• the zone is reliant on the surrounding rural area to sustainably discharge process wastewater.</li> </ul>	
SRIZ-O3	Protection from incompatible activities

The purpose, character and qualities of the Strategic Rural Industrial Zone are not compromised by incompatible activities.	
SRIZ-O4	RIZ-O4: Benefits of strategic rural industrial activities
Recognise the social and economic benefits of strategic rural industry activities by ensuring that their operational requirements are met while managing adverse effects on the environment.	

Policies	
SRIZ-P1	Strategic rural industrial activities
Enable the continued operation and development of strategic rural industry activities and ancillary activities that are compatible with and complementary to the purpose, character and qualities of the Strategic Rural Industrial Zone.	
SRIZ-P2	Scale and location of built form
Enable buildings and structures in the Strategic Rural Industry Zone that support the operational requirements of rural industry activities.	
SRIZ-P3	Impacts of rural industry activities
Manage the effects of strategic rural industrial activities, while recognising that they generate higher noise, odour and traffic volumes and have greater lighting requirements to meet their operational requirements.	
SRIZ-P4	Reverse sensitivity
Allow strategic rural industrial activities to operate without being compromised by reverse sensitivity.	

Rules	
SRIZ-R1	Strategic rural industrial activities and ancillary activities

<p>SRIZ</p>	<p>Activity status: Permitted</p> <ol style="list-style-type: none"> <li>1. Any activity that is associated with the Strategic Rural Industry Zone, including the processing, testing, storage, handling, packaging or distribution of product.</li> <li>2. Any ancillary activity, limited to: <ol style="list-style-type: none"> <li>a. Rail infrastructure and rail activities required for the transportation of product the rural industry activity.</li> <li>b. Infrastructure for roading, wastewater, sewerage, stormwater, water supply, energy generation, or car parking.</li> <li>c. Any laboratory or facility for research and development related to the rural industry activity.</li> <li>d. Any office or facility required for the administration and management of the rural industry activity, and the marketing, sales, and distribution of products from the rural industry activity.</li> </ol> </li> </ol> <p>Where: PER-1 SRIZ-S1, SRIZ-S2 and SRIZ-S3 are complied with.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li>• the matters of discretion of any infringed standard.</li> </ul>
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SRIZ-R2

New buildings and additions to buildings

SRIZ

Activity status: RDIS

- 1. New buildings and additions that increase trip generation by more than 50%.

Where:

A basic ITA is provided (as defined by TRAN-R8)

Matters for discretion:

- 2. The exercise of discretion in relation to SRIZ-R2 is restricted to the following matters:
  - a. safety and efficiency
    - i. the extent to which the provision of access and on-site manoeuvring areas associated with the activity including vehicle loading and servicing deliveries, affects the safety, efficiency, and accessibility of the site (by all modes including for people whose mobility is restricted), and land transport infrastructure (including considering the road classification of the frontage road); and

Activity status where compliance not achieved:

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

	<ul style="list-style-type: none"> <li>ii. any mitigation proposed.</li> </ul> <ul style="list-style-type: none"> <li>b. design and layout <ul style="list-style-type: none"> <li>i. the extent to which the design and layout of the proposed activity maximises opportunities, to the extent practicable, for travel other than by private car, including providing safe and convenient access for travel by such modes; and</li> <li>ii. any mitigation proposed.</li> </ul> </li> </ul>	
SRIZ-R3	Any other industrial activity	
SRIZ	Activity status: DIS	
SRIZ-R4	Any other activity	
SRIZ	Activity status: NC	

Standards		
SRIZ-S1	Maximum height	
SRIZ	The maximum <u>height</u> of buildings must not exceed 55m.	Matters of discretion are restricted to: <ol style="list-style-type: none"> <li>1. dominance in the landscape; and</li> <li>2. solar access to neighbouring properties; and</li> <li>3. landscaping.</li> </ol>

SRIZ-S2

Setbacks from boundaries

SRIZ

- 1. All new buildings must be set back 10m from road boundaries.
- 2. All new buildings must be setback 10m from a zone interface.

Matters of discretion are restricted to:

- 1. location of buildings; and
- 2. scale and bulk of buildings; an
- 3. noise, disturbance and loss of privacy effects on neighbours.

Attachment C – new Strategic Rural Industry Zone



Attachment D – New Fonterra Clondeboye Noise Control Boundary Overlay



## APPENDIX C – FONTERRA'S FURTHER SUBMISSIONS



# FONTERRA LIMITED

## PROPOSED TIMARU DISTRICT PLAN

### FURTHER SUBMISSIONS

**To:** Timaru District Council

**Submitter:** **Fonterra Limited**

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## INTRODUCTION

- 1 This is a further submission by Fonterra Limited ("**Fonterra**") on the Proposed Timaru District Plan ("**Proposed Plan**").
- 2 Fonterra is a person who has an interest in the proposal that is greater than the interest the general public has. Fonterra owns and operates its Clandeboye manufacturing site (Clandeboye site) located near Temuka in the Timaru District. The Clandeboye site is Fonterra's key asset within the Timaru District. The Clandeboye operation relies heavily on the roading and rail network within the district. In addition to the cool and dry storage onsite, Fonterra also has third party cool store and storage facilities at the Port of Timaru and product facilities at Temuka.
- 3 Fonterra made a submission on the Proposed Plan, submitter number 165.

## SUBMISSIONS SUPPORTED AND OPPOSED

- 4 The submissions supported or opposed, and the reasons for the support or opposition are set out in the table attached as an **Appendix** to this submission.
- 5 The **Appendix** sets out:
  - (a) The submissions or parts of submissions that Fonterra supports or opposes,
  - (b) The reasons for support or opposition; and
  - (c) The relief sought by Fonterra in relation to those submissions or parts of submissions.
- 6 Fonterra wishes to be heard in support of the further submission points listed in the **Appendix** and would be prepared to consider presenting a joint case with submitters raising similar concerns.

I confirm that I am authorised on behalf of Fonterra Limited to make this submission.



---

Ben Williams  
**Chapman Tripp**

4 August 2023

## Appendix - Fonterra's further submissions on the Proposed Plan

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
<b>DEFINITIONS</b>						
Silver Fern Farms	172.7	Light Sensitive Area	Seeks to amend the definition to clearly define exactly which land cannot be defined as LSA. Or refer in the definition to the 'mapped' LSA.	Support	Fonterra supports this submission and considers that reference to 'mapped' LSA would assist the definition and related rules.	Accept the submission
KiwiRail Holdings Limited	187.13	Reverse Sensitivity	Amend to include development, upgrading and ongoing maintenance as below. means the potential for the <u>development, upgrading, operation and maintenance</u> of an approved, existing lawfully <u>permitted established</u> activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an <u>approved, existing or permitted</u> activity.	Support	Fonterra submitted in support of the definition and sought that it be retained as notified. The amendments proposed would widen the range of activities that should be protected from reverse sensitivity effects, and Fonterra supports the proposed amendments on that basis.	Accept the submission
Canterbury Regional Council (Environment Canterbury)	183.11	Rural Residential Development	Seeks to delete the definition as it does not align with National Planning Standard provisions for the Rural Lifestyle.	Support	Fonterra agrees that the definition should be consistent with the NPS.	Accept the submission

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
KiwiRail Holdings Limited	187.14	Sensitive Activities	Seeks the definition to be expanded to capture all sensitive activities including Retirement Home, Community Facility, and papakāinga.	Support	Fonterra supports further additions to the definition.	Accept the submission
New Zealand Pork Industry Board	247.8	Sensitive Activities	Considers that the definition needs to be expanded to include: <u>8. Educational activities</u> <u>9. Supported residential care activity</u> <u>10. Residential visitor accommodation</u> <u>11. Recreation activities.</u>	Support	Fonterra supports further additions to the definition.	Accept the submission
<b>STRATEGIC DIRECTIONS</b>						
Silver Fern Farms	172.12	SD-O1	Seeks to include the below amendment to provide separation between incompatible uses. <u>iv. The location of new residential areas and activities avoids creating conflict with incompatible zones and activities.</u>	Support	Fonterra agrees that residential development should not be located in areas that could cause reverse sensitivity.	Accept the submission
Federated Farmers	182.28	SD-O1	Seeks protection from urban sprawl on highly productive land by amending ii to – ii. limited rural lifestyle development opportunities are provided where they concentrate and are attached to existing urban areas, achieve coordinated pattern of	Support	Fonterra agrees that rural areas need to be protected from inappropriate development in rural land.	Accept the submission

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
			development and are capable of efficiently connecting to reticulate sewer and water infrastructure, <u>while recognising the productive capabilities of the soils and location.</u>			
Horticulture New Zealand	245.38	SD-O3	Supports but seeks to change ii to: ii. <u>enabling the community and activities to adapt to climate change;</u>	Support	Fonterra submitted in support of this objective and sought that it is retained as notified, but agrees that it may be appropriate to recognise that certain activities should be enabled to adapt to climate change, alongside the community.	Accept the submission
Transpower New Zealand Limited	159.28	SD-O4	Supports objective but seeks for it to better reflect section 6(h) by: <u>Significant natural</u> hazards risks	Support	Fonterra supports this amendment as it reflects s6 of the RMA.	Accept the submission
Silver Fern Farms	172.14	SD-O4	Considers that (iii) will be interpreted as requiring natural hazard mitigation to be by landowners and seeks the following amendment. iii. for other areas, natural hazards risks are appropriately mitigated <u>if necessary to enable a land use, development or subdivision.</u>	Support	Fonterra considers that the proposed amendment is appropriate.	Accept the submission
Synlait Milk Limited	163.2	SD-O6	Seeks to protect industrial zoned land by including: <u>iii. protecting the purpose and function of Industrial areas.</u>	Support	Fonterra agrees that industrial land be protected from reverse sensitivity, noting that industrial areas should include Fonterra's proposed Special Purpose Zone – Strategic Rural Industry.	Accept the submission

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
KiwiRail Holdings Limited	187.16	SD-O8	Seeks for the protection of regionally significant infrastructure from reverse sensitivity effects. Amend as: <u>v. avoid, remedy or mitigate adverse effects, including reverse sensitivity effects, of subdivision, land use and development on regionally significant infrastructure.</u>	Support	Fonterra supports protecting significant infrastructure from reverse sensitivity.	Accept the submission
<b>ENERGY AND INFRASTRUCTURE</b>						
Royal Forest and Bird Protection Society	156.57	EI-P1	Council should be supporting rather than encouraging and seeks to change 'enabling' to 'providing for' and 'encouraging' to 'supporting'.	Oppose	It is appropriate for the Council to enable the operation of Regionally Significant Infrastructure due to their contribution/importance to the region.	Reject the submission
Chorus New Zealand Limited	209.37	EI-O3	Seeks an amendment remove the reference to achieving the relevant objectives for the underlying zone, and to consider the functional and operational need for infrastructure to be in that location.	Support	Fonterra considers it is important to consider the functional and operational need for infrastructure to be in a location.	Accept the submission
KiwiRail Holdings Limited	187.22	EI-P2	Seeks an amendment to recognise that it is not always possible to avoid adverse effects sensitive areas and internalise all adverse effects.	Support	Fonterra agrees that it is not always possible to avoid sensitive areas and internalise all adverse effects.	Accept the submission
KiwiRail Holdings Limited	187.24	EI-R1	Supports the permitted activity status of the maintenance, repair or removal of infrastructure subject to a height standard. Seeks broadening of this rule to also apply to the	Support.	Fonterra also supports the permitted activity status of the maintenance, repair, or removal of infrastructure and agrees this rule should also apply to operation of infrastructure.	Accept the submission

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
			operation of infrastructure as a permitted activity.			
<b>TRANSPORT</b>						
Timaru District Council	42.28	TRAN-S20	Seeks an ITA to have additional quantum based on heavy vehicle traffic movements in recognition that the current quantum is for light vehicle movements which have less impact than heavy vehicles.	Oppose	It is unclear what is proposed by the submitter and what the changes to the table will look like.	Reject the submission
<b>HAZARDOUS SUBSTANCES</b>						
Alliance Group Limited	173.32	HS - Hazardous Substances	<ol style="list-style-type: none"> <li>1. Clarify which facilities are considered Major Hazard Facilities and which are hazardous facilities only is required.</li> <li>2. Amend the Major Hazard Facility overlay as required to ensure only Major Hazard Facilities are shown.</li> <li>3. Separately map the overlay and schedule of 'Hazardous Facilities' should be included in the proposed Plan to avoid confusion.</li> <li>4. Amend to ensure a Quantitative Risk Assessment for all additions to Major Hazard Facilities is only required where there is likely to be a change in the facility's risk profile as a result of the additions.</li> </ol>	Support	Fonterra considers that it is appropriate for the mapping to correctly reflect Major Hazard Facilities.	Accept the submission

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
Silver Fern Farms	172.37	HS-O2	Seeks that 'avoidance' is added to this objective, given the significant resource management issues that can arise as a result of reverse sensitivity effects.	Support	Fonterra considers that amending to O2 to better manage reverse sensitivity effects is appropriate.	Accept the submission
Silver Fern Farms	172.38	HS-P1	Questions the need for a Quantitative Risk Assessment for all additions to Major Hazard Facilities, particularly in cases where there is no change to the volume of hazardous substances proposed or where they are situated on site. The submitter also questions whether the unacceptable risk criteria of $1 \times 10^{-6}$ per year is appropriate. In cases where an addition does not change the volume or location of hazardous substances use/storage, a requirement to prepare a QRA will be redundant and should not be mandatory. Opposes the QRA for all additions to major hazardous facilities.	Support	Fonterra considers that any additional reporting should address an effect.	Accept the submission
BP Oil, Mobil Oil New Zealand Limited, Z Energy	196.61	HS-P(NEW)	Considers a new policy that seeks that suitable measures are undertaken to avoid or minimise effects or risks, by using good practice measures would provide better direction.	Oppose	Fonterra considers that adequate legislation exists to manage hazardous facilities and that an additional policy is not needed	Reject the submission
<b>SUBDIVISION</b>						

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
Connexa Limited	176.78	New	Reverse sensitivity should be considered for subdivisions. Add: <u>SUB-O[X] Reverse sensitivity. Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities) are avoided where practicable or mitigated where avoidance is not practicable</u>	Support	Fonterra agrees that reverse sensitivity should be more explicit in the chapter.	Accept the submissions
Spark New Zealand Trading Limited	208.78					
Chorus New Zealand Limited	209.78					
Vodafone New Zealand Limited	210.78					
Horticulture New Zealand	245.64	SUB-O1	Important to link subdivision outcomes with strategic directions. Amend to: <u>11. Respond to a zone interface to avoid conflict between incompatible activities and reverse sensitivity.</u>	Support	Fonterra agrees that reverse sensitivity should be more explicit in the chapter.	Accept the submission
Silver Fern Farms	172.76	SUB-O3	Ensure that allotments do not impact activities like the Pareora processing site. Amend as: 2. the non-compliance is minor, <u>and</u> the subdivision maintains the dwelling density anticipated for the zone <u>and does not facilitate the establishment of sensitive activities with reverse sensitivity effects on existing rural and industrial activities; or and</u>	Support	Fonterra agrees that subdivision would not be appropriate near existing industrial activities.	Accept the submission
Alliance Group Limited	173.76					

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
KiwiRail Holdings Limited	187.66	SUB-R3	Seeks to ensure that the matters of control include reverse sensitivity effects. Amend as: 13. measures to manage adverse effects, <u>including reverse sensitivity effects, on existing land uses.</u>	Support	Fonterra agrees that reverse sensitivity effect should be more explicit in the chapter.	Accept the submission
<b>NOISE</b>						
Timaru District Holdings Limited	186.38	NOISE-R8	Supports but notes several issues and seeks amendments: <ul style="list-style-type: none"> <li>- Part of the Port Zone is not included in the rule,</li> <li>- The Port Noise Control Boundaries (Inner and Outer) are only intended to apply outside the Port Zone,</li> <li>- The Port Noise Control Boundaries were modelled based on Port noise generation from within Precinct 7 only, and</li> </ul> <p>The measurement of industrial and other noise within the Port Zone (i.e. non-Port industrial and other activity occurring outside Precinct 7) is more appropriately measured under NZS 6801:2008 Acoustics - Measurement of environmental sound, and assessed in accordance with NZS</p>	Support	Fonterra agrees that there are amendments required to NOISE-R8 and notes that part of the Port Zone (to the south) is not covered by either of the noise control boundaries and therefore no rule appears to apply. Fonterra considers a further permitted status is required.	Accept the submission
PrimePort Limited	175.69	Table 24	Clause (3)(d) refers General Industrial Zone that is located to the east of the Main South	Support	Fonterra agrees the reference in Clause (3)(d) appears to be an error as there is no General Industrial zone land east of	Accept the submission

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
			<p>Railway Line and forming part of, or adjoining, the Port of Timaru. All such land is proposed to be zoned Port Zone, not General Industrial Zone.</p> <p>Amend as:</p> <p>d. General Industrial Zone, <del>excluding those sites located to the east of the Main South Railway Line and forming part of, or adjoining the Port of Timaru.</del></p>		the Main South Railway Line adjoining the Port of Timaru	
<b>GENERAL RURAL ZONE</b>						
Federated Farmers	182.180	General	<p>Add a new objective: General Rural Zone chapter to:</p> <p>a) recognise and provide for private property rights;</p> <p>b) allow landowners to subdivide land for specific purposes such as creating lifestyle lots and lots for family members (amongst other matters)</p>	Oppose	Fonterra supports a minimum of 40ha subdivision requirements and does not support provisions that would facilitate smaller lot sizes.	Reject the submission
NZ Frost Fans Limited	255.17	General	<p>Seeks amendments to the objective, policies and methods to ensure that they give effect to the NPS-HPL. They believe that their current form does not adequately protect from reverse sensitivity and inappropriate use and development.</p>	Support	Fonterra agrees that the PDP needs to give effect to the NPS-HPL	Accept the submission

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
New Zealand Pork Industry Board	247.19	GRUZ-O2	Believes that a higher level of amenity is subjective and is not clearly defined. Seeks to remove: <del>3. higher levels of amenity immediately around sensitive activities and zone boundaries; and</del>	Support	Fonterra agrees that the objective is vague and that instead should focus on managing the zone interface.	Accept the submission
Silver Fern Farms	172.11	GRUZ-O4	Not appropriate to constrain primary production etc from a new sensitive activity. Amend as: <b><i>GRUZ-O4 Protecting <u>Managing sensitive activities and sensitive zones</u></i></b> <i>Intensive primary production, mining, quarrying, <u>rural industry</u> and other intensive activities avoid or minimise <del>generates no or minimal adverse</del> effects on:</i> <i>1. <u>existing sensitive activities</u>; and 2. <del>land close to in</del> Residential, <u>Rural Settlement</u>, Māori Purpose and Open space zones.</i>	Support	Fonterra agrees that the objective is inconsistent with the purpose of the zone.	Accept the submission
Alliance Group Limited	173.11					
Rural Contractors New Zealand	178.7	GRUZ-P5	Needs to be broadened to include rural industry, and supporting activities. Amend as: GRUZ-P5 Protecting primary production, <u>rural industry and other supporting activities</u> Manage sensitive activities in the zone to ensure: 1. they are located to avoid	Support	Fonterra agrees that rural industry should be included in the policy as they are activities anticipated in the rural environment.	Accept the submission

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
			adverse effects on primary production, <u>rural industry and other supporting activities</u> ; or 2. if avoidance is not possible, the sensitive activity includes mitigation measures so that there is minimal potential for adverse effects on the sensitive activity from primary production, <u>rural industry and other supporting activities</u> .			
Maze Pastures Limited	41.3	GRUZ-R21	Amend as: The activity is not an offensive trade and <u>existing use rights apply for all Rural Industry established prior to the District Plan being fully operative.</u>	Oppose	Fonterra considers it is appropriate to provide a consenting pathway to rural industrial activities.	Reject the submission
Milward Finlay Lobb	60.44					
Silver Fern Farms	172.127	GRUZ-S4	Considers that restricting the siting of sensitive activities relative to primary production activities, is appropriate. The submitter seeks amendments to ensure the setbacks are also applied to supporting activities that are similarly vulnerable to reverse sensitivity effects.	Support.	Fonterra supports explicit consideration of rural industry, which is vulnerable to reverse sensitivity effects.	Accept the submission
Canterbury Regional Council (Environment Canterbury)	183.14	New	Considers a limit on building coverage in the General Rural Zone is appropriate, as it is an important component of rural character – seeks max 10% coverage.	Oppose	Fonterra does not consider that the proposed amendment is necessary, or that rural building coverage is an effect that requires managing.	Reject the submission
<b>GENERAL INDUSTRIAL ZONE</b>						

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
Silver Fern Farms	172.135	GIZ-O1	Seeks for the objective to include ancillary activities.	Support	Fonterra acknowledges that ancillary activities are part of industrial activities and should be provided for.	Accept the submission
Alliance Group Limited	173.130					
Silver Fern Farms	172.136	GIZ-O2	Seeks single policy direction requiring adverse effects beyond the GIZ boundaries to be managed, and deletion of requirement to landscape the road frontage.	Support	Fonterra supports policy direction requiring adverse effects beyond the GIZ to be managed. Fonterra agrees that landscaping the road frontage is impractical.	Accept the submission
Silver Fern Farms	172.137	GIZ-P1	Considers that the policy does not adequately support industry. It is inappropriate to qualify the circumstances when ancillary activities to industry are allowed.	Support	It is appropriate for industrial activities and ancillary activities to be enabled in the GIZ.	Accept the submission
Southern Proteins Limited	140.27	GIZ-S6	Clause 4 is impractical amend as: 4. The landscaping strip must be permanently maintained and if any plants die or become diseased, they must be replaced in the next available planting season. <del>immediately</del>	Support	Fonterra agrees that planting should be required at the most appropriate time to avoid plants dying or struggling to thrive.	Accept the submission
Hilton Haulage Limited Partnership	168.23					
Barkers Fruit Processors Limited	179.18					
North Meadows 2021 Limited and Thompson Engineering (2002) Limited	190.25					

**Submission ends.**

**Fonterra Limited**

Further submissions points on the Proposed Selwyn District Plan



# FONTERRA LIMITED

## PROPOSED TIMARU DISTRICT PLAN

### FURTHER SUBMISSIONS

**To:** Timaru District Council

**Submitter:** **Fonterra Limited**

**Contact:** Suzanne O'Rourke, National Environmental Policy Manager

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## INTRODUCTION

- 1 This is a further submission by Fonterra Limited ("**Fonterra**") on the renotified part of the summary of decisions requested for the Proposed Timaru District Plan ("**Proposed Plan**").
- 2 Fonterra is a person who has an interest in the proposal that is greater than the interest the general public has. Fonterra owns and operates its Clandeboye manufacturing site (Clandeboye site) located near Temuka in the Timaru District. The Clandeboye site is Fonterra's key asset within the Timaru District. The Clandeboye operation relies heavily on the roading and rail network within the district. In addition to the cool and dry storage onsite, Fonterra also has third party cool store and storage facilities at the Port of Timaru and product facilities at Temuka.
- 3 Fonterra has already made a submission and further submission on the Proposed Plan, submitter number 165.

## SUBMISSIONS SUPPORTED AND OPPOSED

- 4 The submissions supported or opposed, and the reasons for the support or opposition are set out in the table attached as an **Appendix** to this submission.
- 5 The **Appendix** sets out:
  - (a) The submissions or parts of submissions that Fonterra supports or opposes,
  - (b) The reasons for support or opposition; and
  - (c) The relief sought by Fonterra in relation to those submissions or parts of submissions.
- 6 Fonterra wishes to be heard in support of the further submission points listed in the **Appendix** and would be prepared to consider presenting a joint case with submitters raising similar concerns.

I confirm that I am authorised on behalf of Fonterra Limited to make this submission.



---

Ben Williams  
**Chapman Tripp**

28 September 2023

**Appendix - Fonterra’s further submissions on the Proposed Timaru District Plan (to the Addendum summary of decisions requested)**

1. The text included in the “Submission” column of the following table that is underlined is text proposed by the submitter.
2. Suggested relief to address concerns in this submission is set out below. However, there may be other methods or relief that are able to address Fonterra’s concerns and the suggested revisions do not limit the generality of the reasons for Fonterra’s submission or the relief sought.
3. Fonterra’s requested relief is shown with strike out in blue font and additions shown underlined and in red font.

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
Darren Wayne Rae	95.2	SUB-R1 Boundary adjustment	Amend SUB-R1 so that boundary adjustment is considered a Discretionary Activity without a minimum allotment size rather than a Non-Complying Activity where the minimum allotment size is not met.	Oppose	Fonterra supports the 40ha minimum in the GRUZ and considers non-complying activity status appropriate where the minimum allotment size is not met.	Reject the submission.
Gemma Oliver	14.1	Table 24 – Noise Performance Standards	Amend Table 24 - Noise performance standards noise limit daytime figure for residential, open spaces, rural lifestyle and settlement zones from 50 to 55 dB LAeq (15 min) daytime figure used as per NZS 6802:2008 recommended standards.	Support	Fonterra supports the use of the 2008 standard (as per NOISE-S1) and considers they should also apply to the rural zone.	Accept the submission in part.
Southern Proteins Limited	140.19	Table 24 – Noise Performance Standards	It is considered that the reference to the GIZ in Table 24 - Noise Performance Standards should be deleted	Oppose	Fonterra considers that from a health and safety perspective management of noise within a zone is appropriate.	Reject the submission.
PrimePort Limited	175.69	Table 24 – Noise	In Clause (3)(d) delete reference to ‘sites located to	Support	Fonterra supports the amendment as it provides greater clarity.	Accept the submission.

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
		Performance Standards	the east of the Main South Railway Line and forming part of, or adjoining, the Port of Timaru'. All such land is proposed to be zoned Port Zone, not General Industrial Zone.			

**Submission ends.**



# FONTERRA LIMITED

## PROPOSED TIMARU DISTRICT PLAN

### FURTHER SUBMISSIONS

**To:** Timaru District Council

**Submitter:** **Fonterra Limited**

**Contact:** Suzanne O'Rourke, National Environmental Policy Manager

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---

## INTRODUCTION

- 1 This is a further submission by Fonterra Limited ("**Fonterra**") on the second re-notified summary of decisions requested for the Proposed Timaru District Plan ("**Proposed Plan**").
- 2 Fonterra is a person who has an interest in the proposal that is greater than the interest the general public has. Fonterra owns and operates its Clandeboye manufacturing site (Clandeboye site) located near Temuka in the Timaru District. The Clandeboye site is Fonterra's key asset within the Timaru District. The Clandeboye operation relies heavily on the roading and rail network within the district. In addition to the cool and dry storage onsite, Fonterra also has third party cool store and storage facilities at the Port of Timaru and product facilities at Temuka.
- 3 Fonterra has already made a submission and three further submissions<sup>1</sup> on the Proposed Plan, submitter number 165.

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<sup>1</sup> Further submission dated 4 August 2023; addendum to further submission dated 22 August 2023 (including application for waiver of time limited); and further submission on the first renotified summary of submissions dated 28 September 2023.

## SUBMISSIONS SUPPORTED AND OPPOSED

- 4 The submissions supported or opposed, and the reasons for the support or opposition are set out in the table attached as an **Appendix** to this submission.
- 5 The **Appendix** sets out:
  - (a) The submissions or parts of submissions that Fonterra supports or opposes,
  - (b) The reasons for support or opposition; and
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- 6 Fonterra wishes to be heard in support of the further submission points listed in the **Appendix** and would be prepared to consider presenting a joint case with submitters raising similar concerns.

I confirm that I am authorised on behalf of Fonterra Limited to make this submission.



---

Ben Williams  
**Chapman Tripp**

18 March 2024

**Appendix - Fonterra’s further submissions on the Proposed Timaru District Plan (to the summary of decisions requested that was re-notified in 2024)**

1. The text included in the “Submission” column of the following table that is underlined is text proposed by the submitter.
2. Suggested relief to address concerns in this submission is set out below. However, there may be other methods or relief that are able to address Fonterra’s concerns and the suggested revisions do not limit the generality of the reasons for Fonterra’s submission or the relief sought.
3. Fonterra’s requested relief is shown with strike out in blue font and additions shown underlined and in red font.

Submitter Name	Sub. Number	Proposed Plan Provision	Submission	Support/ Oppose	Reasons	Relief Sought
Timaru District Holdings Limited	186.38	NOISE-R8 Noise from activities within the Port Zone	Amend NOISE-R8: <ul style="list-style-type: none"> <li>• So that the Port Noise Control Boundaries only apply outside the Port Zone;</li> <li>• To clarify that the Port Noise Control Boundaries were modelled based on Port noise generation from within Precinct 7 only;</li> <li>• To ensure that there is a noise rule applying to Port Zone activities that sit outside the Port Noise Control Boundaries but inside the Port Zone; and</li> <li>• To refer to measurement of environmental sound under the appropriate standards.</li> </ul>	Support.	Fonterra considers it is appropriate to ensure there is a noise rule that applies to the parts of the Port Zone that are not located within the Port Noise Control Boundaries. It is also appropriate for the Proposed Plan to refer to the appropriate standards. Fonterra considers that some further refinement to the wording proposed is required.	Accept the submission in part.

**Submission ends.**

**APPENDIX D - COPY OF THE RELEVANT PARTS OF THE DECISION -  
DECISION PART 3 (RURAL) (PAGES 1-48); AND DECISION PART 7 (LIGHT  
AND NOISE) (PAGES 1-3 AND 31-72).**

**IN THE MATTER OF**      Resource Management Act 1991

**AND**

**IN THE MATTER OF**      Proposed Timaru District Plan

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**Decision Report – Part 3**

**Rural Zones, Urban Zones, Māori Purpose Zone, Open Space Zones**

**19 March 2026**

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# Part 3 Rural, Urban, Māori Purpose and Open Space Zones

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## **1 MATTERS CONSIDERED IN THIS PART**

[1] This Part of the Decision Report sets out the Hearing Panel's decisions on the submissions and further submissions relating to Rural Zones, Urban Zones, the Māori Purpose Zone and Open Space Zones.

### **1.1 ZONE TOPICS**

#### **1.1.1 Rural Zones**

[2] The Rural Zones (in Part 3 of the Proposed Plan - Area Specific Matters) comprise three sub-chapters including the General Rural Zone (GRUZ), Rural Lifestyle Zone (RLZ) and the Settlement Zone (SETZ).<sup>1</sup>

[3] As detailed in Mr Maclellan's s42A Report, the GRUZ Chapter enables primary production (including intensive primary production) and a range of ancillary and associated activities that support primary production such as rural industry activities; the RLZ Chapter provides for areas for predominantly a residential lifestyle within a rural environment on lots smaller than those of the GRUZ; and the SETZ Chapter provides for a number of small settlements dispersed throughout the rural area, including Acacia Drive, Cave, Ōrāri, Pareora, Winchester, Peel Forest, Blandwood and Woodbury.<sup>2</sup>

#### **1.1.2 Urban Zones – Residential Zones**

[4] The Residential Zones (in Part 3 of the Proposed Plan – Area Specific Matters) include the General Residential Zone (GRZ) and the Medium Density Residential Zone (MRZ). As summarised in Ms White's s42A Report, the MRZ applies to existing residential areas located near commercial centres, in Timaru and Geraldine, and the MRZ provisions anticipate further consolidation and intensification within this zone.<sup>3</sup> The GRZ applies to the suburban areas within Timaru, Temuka, Geraldine and Pleasant Point, and the GRZ provisions provide for 1-2 storey residential units, with ample space around buildings for plantings and outdoor living areas, and good access to sunlight.<sup>4</sup>

#### **1.1.3 Urban Zones - Commercial and Mixed Use Zones**

[5] There are six proposed commercial zones (in Part 3 of the Proposed Plan – Area Specific Matters) including Neighbourhood Centre Zone (NCZ); Local Centre Zone (LCZ), Large Format Retail Zone (LFRT); Mixed Use Zone (MUZ); Town Centre Zone (TCZ); and City Centre Zone (CCZ).

[6] A detailed description of the purpose of each commercial zone framework is provided in Ms White's s42A Report<sup>5</sup>, essentially representing a hierarchy of commercial activity from the smaller in scale, to larger retail formats, to the commercial centre of Timaru.

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<sup>1</sup> Andrew Maclellan, s42A Report: Rural Zones, 19 June 2024, Para 2.1.2.

<sup>2</sup> Andrew Maclellan, s42A Report: Rural Zones, 19 June 2024, Para 2.1.3 - 2.1.5.

<sup>3</sup> Liz White, s42A Report: Residential; and Commercial and Mixed Use Zones, 18 June 2024, Para 2.1.2, 2.1.4.

<sup>4</sup> Liz White, s42A Report: Residential; and Commercial and Mixed Use Zones, 18 June 2024, Para 2.1.3.

<sup>5</sup> Liz White, s42A Report: Residential; and Commercial and Mixed Use Zones, 18 June 2024, Para 2.1.5-2.1.11.

#### **1.1.4 Urban Zones - General Industrial and Port Zones**

[7] The General Industrial Zone (GIZ) is in Part 3 (Area Specific Matters) of the Proposed Plan and primarily provides for both heavy and light industrial activities, and a range of ancillary and other activities that are generally compatible with the anticipated effects of industrial activities. The GIZ also includes provisions to manage the interface of the GIZ with sensitive zones such as the Residential and Open Space Zones.<sup>6</sup>

[8] The Port Zone (PORTZ) is a Special Purpose Zone in Part 3 (Area Specific Matters) of the Proposed Plan, designed to provide for the effective and efficient operation of the Port and surrounding activities. The PORTZ provisions enable the continued operation and development of the Port while also ensuring any significant effects from the Port, or other activities occurring within the zone are appropriately managed.<sup>7</sup>

#### **1.1.5 Urban Zones – Special Purpose – Māori Purpose Zones**

[9] The Māori Purpose Zone (MPZ) is applied to areas of land originally granted as Native Reserve for Māori occupation and use. The MPZ includes Māori Land. Māori Land is defined as, that, within the original Māori Reserves, land that is:

- a. owned by Te Rūnanga o Ngāi Tahu or Te Rūnanga o Arowhenua; or
- b. Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Māori Act 1993; or
- c. Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Māori Act 1993; or
- d. Owned by a person or persons with evidence of whakapapa connection to the land (where documentary evidence of whakapapa connection is provided from either the Māori Land Court or the Te Rūnanga o Ngāi Tahu Whakapapa Unit), or
- e. Is vested in a Trust of Māori incorporation under the Te Ture Whenua Māori Act 1993

[10] For other land within the MPZ, the GRZ provisions apply.

#### **1.1.6 Open Space Zones**

[11] Open Space Zones comprise the Natural Open Space Zone (NOSZ), the Open Space Zone (OSZ) and the Sport and Active Recreation Zone (SARZ).

[12] There is approximately 40,798 hectares of land included in the NOSZ, which makes it the largest of the open space zones. The majority of NOSZ land is public conservation land (PCL) administered by the Department of Conservation (DOC). The Canterbury (Waitaha) Conservation Management Strategy sets out objectives and policies for DOC's management

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<sup>6</sup> Alana Hollier, s42A Report: General Industrial Zone and Port Zone, 20 June 2024, Para 2.1.2.

<sup>7</sup> Alana Hollier, s42A Report: General Industrial Zone and Port Zone, 20 June 2024, Para 2.1.7.

of activities in these NOSZ areas (as discussed further below). The remainder is land vested in the Timaru District Council (the Council).

[13] The OSZ encompasses neighbourhood parks, natural areas, and amenity parks where there is often landscaping and a low density of built development. Cemeteries, which are quiet and contemplative spaces, are also anticipated in this zone. The OSZ also contains two precincts, PREC4<sup>8</sup> – Holiday Hut Precinct at Butlers, Milford, Rangitata and Stratheona and PREC5<sup>9</sup>, Te Aitarakihi Precinct located at 50 Bridge Street, Timaru, which includes the Te Aitaraki Multicultural Centre.

[14] The District's major sports facilities are located in the SARZ. The zone includes the Timaru International Levels Raceway on Falvey Road, the Southern Trust Events Centre, as well as other venues within the District. The zone includes PREC6, Caroline Bay recreation area.

### 1.1.7 Blandswood Rezoning

[15] Prior to Hearing B, a matter arose relating to the proposed inclusion of Blandswood in the Open Space Zone. Mr Collins, a submitter, raised concerns regarding Mr Maclennan's recommendations that the submissions relating to the requested rezoning of Blandswood and associated consequential amendments be transferred to the Open Space Zone topic hearing.<sup>10</sup> Mr Collins considered this to be incorrect, as none of the submissions relating to Blandswood request rezoning to anything but the Settlement Zone. He asserted there was no jurisdictional scope provided in the submissions to amend the provisions of any other zones.

[16] In response to a Panel Direction<sup>11</sup>, Mr Maclennan agreed he had misrepresented submissions in his s42A Report and that there are no submissions that sought consequential amendments to the Proposed Plan that achieve a similar outcome to the rezoning relief. He made corrections to his s42A Report. The submissions sought that any consequential amendments be made or that the Proposed Plan be adjusted accordingly.<sup>12</sup> However, he disagreed with Mr Collins that there is no scope provided in the submissions to amend the provisions of other zones.<sup>13</sup> Relying on legal submissions<sup>14</sup> from Ms Vella for the Council, Mr Maclennan remained of the view that there is scope within the submissions to make amendments to the OSZ to provide a greater ability to develop properties in the Blandswood area. However, he considered that the merits of amending the Open Space Zone rules are best considered in the Open Space Zone hearing.

[17] In legal submissions for the Council, Ms Vella confirmed that, following discussions with Mr Collins, the Blandswood submissions are allocated to Hearing B.<sup>15</sup> In further legal submissions<sup>16</sup>, it was requested that the hearing of this matter be deferred to allow discussions

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<sup>8</sup> Now renumbered PREC9 in the Decision Version of the provisions.

<sup>9</sup> Now renumbered PREC10 in the Decision Version of the provisions.

<sup>10</sup> David Collins, Memorandum to Hearings Panel, 23 June 2024.

<sup>11</sup> Panel Minute 10: Directions regarding memorandum from David Collins, 25 June 2024.

<sup>12</sup> Andrew Maclennan, Statement of Evidence in response to Minute 10, 1 July 2024, Para 4-11.

<sup>13</sup> Andrew Maclennan, Statement of Evidence in response to Minute 10, 1 July 2024, Para 12-19.

<sup>14</sup> Jen Vella, Legal Submissions for Timaru District Council in response to Minute 10, 1 July 2024.

<sup>15</sup> Jen Vella, Legal Submissions for Timaru District Council in response to Minute 10, 1 July 2024, Para 14-16.

<sup>16</sup> Jen Vella, Legal Submissions for Timaru District Council, 12 July 2024.

between the 22 Blandswood submitters, DOC and the Council. The parties agreed to a way forward.<sup>17</sup> We address our consideration of Blandswood in Section 2 of this Report.

## **2 RURAL ZONES**

### **2.1 DEFINITIONS**

#### **2.1.1 Assessment**

##### *Primary Production*

[18] We accept Mr Maclellan's analysis and recommendation on the definitions for 'cultivation'<sup>18</sup> and 'land based primary production'.<sup>19</sup> Federated Farmers [182.9] confirmed acceptance of the s42A recommendations.<sup>20</sup> We find it is appropriate to retain the definition of 'cultivation' as notified, and consequently the relief sought by Forest and Bird [156.12] on the definition of 'cultivation' is also satisfactorily addressed. We also find that it is not necessary to include a definition of 'Land based primary production' in the Proposed Plan, for the reasons given in Mr Maclellan's s42A Report.

[19] NZ Pork [247.2] considered the definition of 'primary production' needed to be amended to improve interpretation and administration of the Proposed Plan by including a nested definitions table akin to the approach adopted in the Canterbury Air Plan and as amended in the Hurunui District Plan. Te Rūnanga o Ngāi Tahu [185.11] considered that having six definitions for various primary production activities makes rule interpretation unclear. Federated Farmers [182.13 and 182.15] sought deletion of the intensive indoor primary production definition, and a broader definition of 'intensive primary production' and provided example wording to this effect. Hort NZ [245.11] sought to exclude greenhouses from the definition of Intensive Primary Production. Several submitters sought deletion or amendments to the definition of 'intensive outdoor primary production'.<sup>21</sup>

[20] Having considered these submissions, Mr Maclellan recommended that the definitions for 'primary production', 'intensive indoor primary production', and 'intensive primary production' are retained in the Proposed Plan.<sup>22</sup> However, he considered that 'intensive outdoor primary production' could be removed from the Proposed Plan and that the definition of 'intensive primary production' could be amended to capture the content of the deleted definition.<sup>23</sup> We note that as a consequential amendment he recommended that MPZ-R19 is amended to replace 'intensive indoor primary production' and 'intensive outdoor primary production' with 'intensive primary production'. We find these amendments to be appropriate.

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<sup>17</sup> Panel Minute 12: Directions to Council and Submitters in relation to Blandswood, 17 July 2024.

<sup>18</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 7.2.3-7.2.5.

<sup>19</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 7.3.2-7.3.3.

<sup>20</sup> Angela Johnston, Hearing Statement, undated.

<sup>21</sup> Keen, Oliver, Forbes et al [46.1], Dairy Holdings Ltd [89.2], Silver Fern Farms [172.5, Alliance Group [173.5], Federated Farmers [182.14]

<sup>22</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 7.4.15- 7.4.17

<sup>23</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 7.4.18.

[21] We generally accept Mr Maclellan’s analysis and recommendations on all other matters raised by submitters on this suite of primary production definitions, and we note that we received no evidence to the contrary. We further note we received written statements from Silver Fern Farms<sup>24</sup> and the Alliance Group Ltd<sup>25</sup> signalling support for the s42A recommendations.

#### *Rural residential development*

[22] We accept Mr Maclellan’s analysis and recommendation in response to the ECan [183.11] and Fonterra [165.20] submissions.<sup>26</sup> We agree that the definition of ‘rural residential development’ can be deleted from the Proposed Plan.

#### *Residential visitor accommodation*

[23] We accept Mr Maclellan’s analysis and recommendation in response to the submission from MFL [60.5] and agree that the definition of ‘residential visitor accommodation’ clearly applies to short term visitor accommodation.<sup>27</sup> On this basis we find the amendment sought by the submitter is not required.

#### *Reverse sensitivity – matters arising from Hearing A*

[24] The term ‘reverse sensitivity’ was not used in GRUZ-O3, GRUZ-P5, and RLZ-S4 as notified. However, in response to submissions Mr Maclellan recommended changes to these provisions to replace ‘protection from sensitive activities’ with ‘protection from reverse sensitivity effects’ to provide clarity and more accurately describe the effects from which protection is sought.<sup>28</sup>

[25] We have accepted the amended definition of ‘reverse sensitivity’ as recommended in Ms White’s Final Reply, as set out in Part 2 of the Decision Report. We address our decision on GRUZ-O3, GRUZ-P5, and RLZ-S4 below.

#### *Quarries and quarrying activities*

[26] We have addressed submissions relating to the definition of ‘quarry’, ‘quarrying activity’, and ‘ancillary rural earthworks’ as part of our consideration of Rule GRUZ-R16 below.

### **2.1.2 Decision**

[27] We adopt Mr Maclellan’s analysis and recommendations on definitions used within the Rural Zone Chapters. The amendments to the definitions are set out in **Appendix 3**.

[28] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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<sup>24</sup> Steve Tuck, Mitchell Daysh Limited, for Silver Fern Farms, Letter dated 3 July 2024.

<sup>25</sup> Doyle Richardson, Mitchell Daysh Limited, for Alliance Group, Letter dated 3 July 2024.

<sup>26</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 7.5.3.

<sup>27</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 7.6.3.

<sup>28</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 7.6.5-7.6.7.

## 2.2 GENERAL THEMES

### 2.2.1 Assessment

[29] FENZ<sup>29</sup> sought a variety of amendments to provisions relating to the servicing of firefighting water supply to land use activities across the rural zones, standards relating to building and structure height, height in relation to boundary, boundary setbacks, and emergency facilities. Mr Maclennan considered the submission points, however he found there was no need to provide for all of the requested changes as the matters were already adequately addressed in the Proposed Plan as notified. In relation to the submission points that requested exemptions or greater height, and height in relation to boundary enablement for emergency service facilities, Mr Maclennan recommended acceptance in part for those matters as they relate to towers and poles associated with emergency service facilities. We accept Mr Maclennan's analysis and recommendations on all FENZ's submission points, noting that FENZ did not appear at the hearing or submit any evidence to the contrary in response to the s42A recommendation.

[30] ECan [183.144, 183.150, 183.152] sought that the activity rules of the GRUZ, RLZ and SETZ Chapters are amended to ensure that the built form standards apply to all activities, regardless of activity status. Mr Maclennan disagreed with the amendments sought for the reasons set out in his s42A Report.<sup>30</sup> ECan tabled a letter<sup>31</sup> accepting s42A recommendations. We are satisfied that the matters raised in submissions are resolved and we do not discuss the relief sought further.

[31] Waka Kotahi<sup>32</sup> sought several amendments across the rural zones which they consider will support them fulfil their role to deliver a safe and efficient transport network for customers. Mr Maclennan did not support the amendments and recommended that provisions are retained as notified.<sup>33</sup> We accept Mr Maclennan's analysis and recommendations and in reaching this view note that we did not hear from Waka Kotahi at the hearing and no evidence was provided to us.

[32] Te Rūnanga o Ngāi Tahu<sup>34</sup> expressed concern that for restricted discretionary activities in rural zones, there is no ability to consider the cultural values recognised in various overlays, unless resource consent was required under the SASM rules. They sought an additional matter of discretion requiring consideration of the potential adverse effect on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects, be added to GRUZ-R21, GRUZ-R22, GRUZ-R23, RLZ-R17, and SETZ-R13. Although Mr Maclennan disagreed with the submission and noted the extensive work undertaken in the development of the Proposed Plan, and identification of SASM, following advice from AEC, following Hearing E, and consideration of the broader submission Ms White

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<sup>29</sup> FENZ Submission Points: [131.44, 131.45, 131.46, 131.47, 131.53, 131.49, 131.50, 131.51, 131.52, 131.59, 131.60, 131.36, 131.43, 131.37, 131.58, 131.61, 131.62, 131.63, 131.68, 131.40, 131.55, 131.65, 131.41, 131.56, 131.66, 131.57, 131.67, 131.39, 131.54, 131.64, 131.69]

<sup>30</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 8.2.3.

<sup>31</sup> Deidre Francis, Tabled Letter, 1 July 2024.

<sup>32</sup> Waka Kotahi Submission Points: [143.149, 143.152, 143.153, 143.154, 143.155, 143.156].

<sup>33</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 8.3.6-8.3.7.

<sup>34</sup> Te Rūnanga o Ngāi Tahu Submission Points: [185.106, 185.107, 185.108, 185.109, 185.110].

recommended changes to a number of provisions across the Plan to include an additional matter of discretion. These changes were incorporated in the Council's Final Reply version of provisions, which we have accepted as appropriate.<sup>35</sup>

[33] Transpower [159.97, 159.98] submitted on Policies RLZ-P9 and SETZ-P4 which apply to the management of 'other activities' in the RLZ and SETZ. Transpower sought amendments to both policies to give effect to NPS-ET, to support the operation, maintenance, upgrade, and development of the national grid in all zones, especially rural areas where it is most suitable to accommodate the National Grid. Mr Maclennan disagreed with the requested changes as he relied on the Energy and Infrastructure provisions, which he said took precedence over the specific chapters, in order to implement NPS-ET.

[34] At Hearing B, Ms McLeod, the planning witness for Transpower disagreed with Mr Maclennan. She concluded that there is a tension or conflict that needs to be resolved in order to give effect to NPS-ET by either amending the areas specific policies or making it explicit in the Energy and Infrastructure Chapter, that the Energy and Infrastructure policies prevail.<sup>36</sup> Ms McLeod provided suggested amendments to the wording of various provisions for other activities to implement NPS-ET and provided the relevant s32AA evaluation. She considered the changes necessary because the National Grid traversed multiple zones and has both operational and functional needs that require it to be provided for. She referenced the Preamble to NPS-ET which recognised the characteristics of the network which meant that there was a limit to the extent to which it is feasible to avoid or mitigate all adverse effects. Ms McLeod was of the opinion the Plan should therefore provide a policy pathway for the operation, maintenance, upgrade, and development of the National Grid across all zones.

[35] Ms McLeod was critical of the s42A Report, in that it purported reliance on the Energy and Infrastructure Chapter 'taking precedence' which was not well executed and had the potential to introduce a hierarchy with unintended consequences. She indicated that the Council is required to resolve the tension between the need to implement the NPS-ET and area specific zones, which she considered had not been achieved. Ms McLeod offered the following alternatives as better implementing the NPS-ET:

- (a) Specifically providing for the National Grid or regionally significant infrastructure in the 'other activities' policies in the areas-specific chapters;
- (b) Including specific direction in the Energy and Infrastructure objectives and policies; 'apply instead', 'take precedence' or 'prevail over' the area specific provisions;
- (c) Including 'other activities' policies in a 'carve out' provisions similar to that described in Ms McLeod's supplementary evidence for Hearing A where a clause in the relevant Energy and Infrastructure policy or policies states that 'in the event of conflict between Policy X and Policies GRZ-P4, MRZ-P6, RUZ-P7, RLZ-P9 and SETZ-P4, Policy X prevails.

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<sup>35</sup> See also Part 6 Decision on SASM submissions - Section 2.

<sup>36</sup> Ainsley McLeod, Statement of Evidence 5 July 2024.

[36] In his Interim Reply, Mr Maclennan acknowledged that there was an issue with the relationship between SETZ -P4 and RLZ-P9 and the EI Chapter which needed to be resolved. He recommended that this is best resolved via an amendment to the EI Chapter.<sup>37</sup>

[37] We agree that the Plan as notified does not provide a consistent approach across all zones to implement the NPS-ET or CRPS with regard to the National Grid and regionally significant infrastructure. We waited until after Hearing E, before considering this further. Our findings on this matter are addressed in Part 5. In particular Policy EI\_5 which provides for the operation, maintenance, repair, replacement, upgrade, and development of the National Grid, and sets out how effects are to be managed within different environments.

#### *Rail Corridor Setback*

[38] KiwiRail [187.85] requested that for health and safety reasons a 5m 'safety setback' for all buildings and structures from the rail corridor boundary with associated matters of discretion be applied to all Zone Chapters which are adjacent to rail corridors. The purpose of the setback is to ensure the safety of people painting their buildings, clearing gutters, or doing work on their roof, or where they may need to otherwise enter the rail corridor.

[39] Mr Maclennan, Ms White and Ms Hollier did not recommend accepting this relief. Mr Maclennan considered that the costs outweighed the benefits of universal provisions, when in reality there may be few sites across the District where the issues identified would arise.<sup>38</sup> Their view was that substantial areas of land would be unable to be developed without resource consent.

[40] KiwiRail presented legal submissions<sup>39</sup> and called evidence from KiwiRail's Manager of the RMA Team, Ms Grinlinton – Hancock<sup>40</sup> and Mr Gifford<sup>41</sup>, a planning expert.

[41] KiwiRail noted that the Plan currently provides for road, side, and rear boundary setbacks in some zones, but does not address setbacks from rail. KiwiRail's proposed provision contemplates that activities complying with the setback would be permitted and those that do not would require resource consent as a restricted discretionary activity, with relevant matters of discretion to assess the impacts on the safety and efficiency of the rail network where the setback control is not met. In response to Mr Maclennan's recommendation to reject the submission point, KiwiRail disputed that the provision amounted to a 'blight' on affected land, noting that uses other than buildings or structures would not be affected.

[42] Ms Grinlinton-Hancock considered that 5m was appropriate as it ensured sufficient space for landowners and occupiers to safely carry out their activities and maintain and use their buildings whilst minimising interference with the rail corridor.

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<sup>37</sup> Andrew Maclennan, Interim Reply, 20 September 2024 Appendix A.

<sup>38</sup> Andrew Maclennan, s42A Report, 19 June 2024, Paras 8.6.2-8.6.3

<sup>39</sup> A A Arthur-Young and K L Gunnell Legal Submissions on Behalf of KiwiRail Holdings Limited in relation to Hearing B, 12 July 2024.

<sup>40</sup> Statement Of Evidence of Michelle Grinlinton-Hancock On Behalf of KiwiRail Holdings Limited, 5 July 2024.

<sup>41</sup> Alex Gifford, Statement of Evidence, 5 July 2024.

[43] Mr Gifford provided a statutory evaluation of the provision and concluded, relying on the information from Ms Grinlinton-Hancock, that the safety setback gives effect to CRPS objectives 5.2.1, 5.2.2 and 5.2.3 and policies 5.3.2, 5.3.7, 5.3.8 and 5.3.9 and will help to achieve the purpose of the RMA. Mr Gifford considered other methods such as extending KiwiRail's designation for the rail corridor, no setback, or a more limited setback. He concluded that the 5m safety setback is the most efficient outcome as it retains land development potential (by way of resource consent) within the setback, which would otherwise be precluded in a designation, without KiwiRail's approval, whilst maintaining the safe and efficient operation of the rail network.

[44] Mr Gifford noted other zones where rules already had resource consent requirements, which reduced the cost of the safety setback rule.<sup>42</sup> He also referenced other District Plans where similar rules were provided. Mr Gifford provided a draft rule for the Panel consideration.

[45] In Minute 14 the Panel requested that KiwiRail provide a full s32 Report for the safety setback and maps showing a 5m setback from KiwiRail's designated rail corridor for the Timaru District.

[46] The Panel asked KiwiRail if there were any particular areas of concern within the District. In response, counsel for KiwiRail reported that the areas of current concern were already built and therefore the setback would not apply, however their concern was future issues rather than a current problem.

[47] The s32 Report provided by KiwiRail was prepared by Eclipse Group Limited in July 2024, which included a high level economic evaluation undertaken by Fraser Colegrave. The Report provides a nation-wide assessment, which indicated overall across the country only 0.9% of properties are affected. Notably the proposed safety setback would account for 1% of land in Timaru District, not all of which is vacant.<sup>43</sup> The various maps attached as Appendix B to the KiwiRail memorandum showed the effect of the setback adjacent to the Rail designation. It also illustrates that the designation, and therefore proposed setback, would apply not only to land immediately adjacent to the rail line, but to other areas within the designation.

[48] The safety issue raised by KiwiRail is a serious one and we accept that needs to be addressed with an appropriate planning response. The real issue is what is the most appropriate method to address the risk. In our view the options based on the evidence provided by KiwiRail, are either (a) a permitted activity rule complying with a 5m setback and an appropriately restricted matter of discretion if compliance is not achieved, or (b) an extension of KiwiRail's designation. The Council is not the requiring authority for the rail network, and it would be for KiwiRail to seek a designation if required. We could recommend this course of action, however, in the meantime we have evidence of a safety risk, particularly within the urban area, where greater intensification is encouraged through the NPS-UD. In those circumstances we consider that it is more efficient, and effective to require a safety setback of 5m, however there is then the issue of where the setback is measured from.

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<sup>42</sup> Ibid at 6.12.

<sup>43</sup> High Level Assessment of Proposed Building Setbacks Adjacent to the Rail Network, Fraser Colegrave Insight Economics Ltd Draft Report, July 2024 paragraph 3.2 Table 1.

[49] In Minute 14 we asked Mr Maclennan to provide examples from other District Plans as to how the issue was addressed. His analysis demonstrated a range of approaches, including the use of defined and undefined terms.<sup>44</sup> His recommendation was to apply the setback to site boundaries that “adjoin designated rail corridor (KRH-1)” as the reference to the designation provides suitable certainty as to which properties the setback would apply to. He noted that there were some examples where the designated rail corridor extends beyond the rail corridor. He provided examples of this in Figures 1 and 2. He was concerned that in those instances the setback would be overly restrictive.

[50] We agree with Mr Maclennan’s concern regarding those properties that adjoin the designation, where the railway line is some distance from the boundary.

[51] Ms White, who considered the issue in the context of the urban zones, did not support the 5m setback.<sup>45</sup> However, she indicated that if the Panel considered the setback to be appropriate then it should be structured as follows:

- (a) Be targeted to buildings only;
- (b) Apply a tiered approach depending on the height/number of storeys of any building, i.e. 4m should only apply to buildings of two storeys or more, with a lesser setback of 2m applied to single storey buildings; and.
- (c) Apply the setback to the boundary of a site which adjoins the designated rail corridor (KRH-1), for the reasons set out by Mr Maclennan.

[52] Ms White reported in her Final Reply that she had discussions Ms Grinlinton-Hancock and Mr Maclennan. Those discussions covered the following:

- (a) That for this rule, it would be appropriate to apply any setback to the boundary of the designation. This reflects that the sites of concern to Mr Maclennan are sites owned by KiwiRail but leased out. As such, any buildings and structures within the leased areas require approval from KiwiRail in any case, so the rule would not impose additional restrictions.
- (b) That, if possible, the rule would be most efficient if a breach of the setback could be permitted, where written approval is provided by KiwiRail. This would allow the setback to act as a trigger point where a developer/landowner would need to consult with KiwiRail but would avoid the need for Council involvement and the cost of a resource consent process where KiwiRail is comfortable with the incursion.
- (c) That the concerns held by KiwiRail would not arise in relation to most structures. The setback should therefore only apply to buildings, and some specifically identified structures.
- (d) That the height of a building adjoining the rail corridor is the key factor in whether the concerns held by KiwiRail arise or not, and therefore it might be

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<sup>44</sup> Andrew Maclennan, Hearing B Interim Reply Rural Zones, 20 September 2024, paragraph 11

<sup>45</sup> Liz White Hearing B - Interim Reply - Residential and Commercial and Mixed Use Zones, 19 September 2025, Appendix A, pages 6-8.

acceptable to KiwiRail for a tiered/hybrid approach to be taken to setbacks, with greater setbacks applying to taller buildings.

[53] Ms White considered each of these matters further and discussed them with Mr Maclennan. Although Ms White was still not wholly in favour of setback provisions, she helpfully set out that a new standard could be added to GRZ-S3, MRZ-SZ<sup>46</sup>, LFRZ-S3, MUZ-S3 and TCZ-S3, and as a new standard within the CCZ):

Buildings must be setback from the boundary of designation KRH-1: a. a minimum of 2m where the building is a single storey: or b. a minimum of 5m where the buildings is two or more storeys.

[54] Ms White considered that the status of buildings not meeting these criteria should be a restricted discretionary activity with discretion limited to the matters discussed in the evidence of Alexander Gifford, as follows:

- i. the location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and
- ii. the safe and efficient operation of the rail network

[55] We have concluded, in reliance on the evidence from KiwiRail that a setback measured from designated rail corridor (KRH-1) is the most appropriate method to give effect to the CRPS and achieve the purpose of the Act. It is more efficient and likely to be more effective in achieving those outcomes than relying on a designation process. To the extent that there are two locations where the area extends well beyond the physical rail corridor, we are satisfied that the relevant matter of discretion will ensure that only the safety of people working on buildings and the effects on the safe and efficient operation of the rail network are considered.

[56] We have considered KiwiRail's s32 evaluation and the amendments that are supported by Mr Maclennan and Ms White. We agree that a more targeted approach proposed by Ms White than a blanket 5m setback as advanced by KiwiRail is more efficient and will be effective, having regard to the safety issues raised in evidence. We consider that the s32 evaluation provided by KiwiRail is sufficient to support Ms White's amended rule.

### *Miscellaneous*

[57] MoE<sup>47</sup> sought amendments to objectives, policies, and rules within the GRUZ, RLZ, and SETZ. We agree with Mr Maclennan's analysis and conclusions and find his recommended amendments to SETZ-P3, RLZ-R7 and GRUZ-R7 to be appropriate.<sup>48</sup> We did not hear from MoE at the hearing or receive any further evidence on these matters.

[58] We accept Mr Maclennan's analysis and recommendations in response to the submission from TDC [42.26] and agree that the additional policy GRUZ-P11 and permitted

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<sup>46</sup> Now renumbered MRZ-S12 in the Decisions Version of the provisions.

<sup>47</sup> MoE Submission Points: 106.21, 106.22, 106.23, 106.24, 106.25, 106.26, 106.27, 106.28, 106.29, 106.30.

<sup>48</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 8.7.9-8.7.26.

activity standard GRUZ-R15.3<sup>49</sup> are appropriate to ensure that the location of woodlots and shelterbelts in the GRUZ is controlled and in alignment with the outcome sought by NH-O1 (Areas subject to Natural Hazards).<sup>50</sup>

[59] Hort NZ [245.32] sought that a reciprocal 30m setback for new shelterbelts and new residential units be provided for in GRUZ-S4 to ensure consistency with the more precautionary 30m setback in GRUZ-R15.<sup>51</sup> Mr Hodgson explained that:

'The Partially Operative Selwyn District Plan (Appeals Version) includes a GRUZ rule requiring a 30m setback of shelterbelts and woodlots from any residential unit on an adjoining property and a 30m setback from internal boundaries of any new residential unit .... for both fire risk and reverse sensitivity/amenity purposes...' <sup>52</sup>

[60] Mr MacLennan initially rejected Hort NZ's submission<sup>53</sup>, however following the hearing he reconsidered his position and agreed that it is appropriate to provide a reciprocal 30m setback for new shelterbelts and new residential units. He recommended the additional setback could be incorporated into GRUZ-S4.5 and provided an amended provision to this effect.<sup>54</sup> We are satisfied the recommended amendments address the submission appropriately and represent a better planning outcome.

[61] Six submitters<sup>55</sup> (Rooney Group) considered land-based extraction is important for continuity of supply and consistency of gravel quality. As summarised in Mr MacLennan's s42A Report, they sought a gravel extraction overlay across land where existing land-based gravel extraction and clean fill deposition occurs.<sup>56</sup> Further submissions were received in favour<sup>57</sup> and in opposition<sup>58</sup> to the Rooney Group's submission.

[62] Mr MacLennan disagreed that an additional gravel extraction overlay is required within the Proposed Plan and stated:

"...I agree that land-based gravel extraction is important to continuity of supply and consistency of gravel quality. However, I disagree that an additional gravel extraction overlay is required within the PDP. I note that land where existing landbased gravel extraction and clean fill deposition occurs will either have an existing resource consent to operate or will have existing use rights. In either case, the activity will be able to continue under the PDP without the need for an additional overlay. I also note that the provisions of the GRUZ Chapter protect primary production<sup>84</sup> activities from reverse sensitivity effects through both GRUZ-P5 and GRUZ-S4 which requires new sensitive activities be setback

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<sup>49</sup> Now CRUZ-R17

<sup>50</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 8.8.6-8.8.14.

<sup>51</sup> Now GRUZ-R17

<sup>52</sup> Mr Hodgson, Statement of Evidence, 5 July 2024, Para 51.

<sup>53</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.37.24.

<sup>54</sup> Andrew MacLennan, s42A Interim Reply: Hearing B, 20 September 2024, Para 98-100.

<sup>55</sup> Submitters including Rooney Holdings [174.5], Rooney GJH [191.5], Rooney Group [249.5], Rooney Farms [250.5], Rooney Earthmoving [251.5], TDL [252.5].

<sup>56</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 8.9.5.

<sup>57</sup> Fulton Hogan [170.6FS] and Road Metals [169.6FS].

<sup>58</sup> DOC [166.31FS] and Forest and Bird [156.244FS].

500m from a lawfully established quarry or mine. Given this, I do not consider that the suggested overlay is required.”

[63] We heard from Mr Hole on behalf of the Rooney Group Limited and other submitters (Rooney Group) at the hearing who confirmed that he accepted Mr MacLennan’s recommendation that an additional gravel extraction overlay is not required.<sup>59</sup>

[64] However, Mr Hole considered that GRUZ-P5 and GRUZ-O3 could be refined to strengthen recognition of mining and quarrying already lawfully established.<sup>60</sup> In his evidence he set out what he considered to be a policy gap between the objectives and rules that seek to manage the relationship between mining and quarrying and sensitive environments and activities. He requested explicit recognition of the protection of mining and quarrying from reverse sensitivity effects and he suggested additions to the provisions.

[65] We note that the relevant objectives, policies, and rules address primary production, which as defined includes mining and quarrying, therefore the protection he seeks appears already to be embedded in the Proposed Plan. There is a broader issue regarding the tension between protection of existing productive land uses and protection of sensitive activities from encroachment by a range of primary production land uses that may generate adverse effects. This issue is discussed further below.

#### *General Provisions for Primary Production*

[66] We agree with and accept Mr MacLennan’s analysis and conclusions on those submissions concerning general provisions for primary production for the reasons set out in his s42A Report.<sup>61</sup>

#### *General Provisions for Reverse Sensitivity*

[67] Hort NZ [245.1 and 245.2] requested that the Council strengthen the policy framework for recognising reverse sensitivity effects and ensure proper placement of activities to prevent reverse sensitivity effects. The submission highlights the need to address food security and preserve the values of highly productive land. The submission also raises concerns about rural lifestyle and urban development putting pressure on horticulture activities.

[68] Mr MacLennan was of the view that GRUZ-O3 and GRUZ-P5 adequately address reverse sensitivity effects and give effect to CRPS Policy 5.3.12(1)(a) and (b).

[69] We agree with Mr MacLennan that GRUZ-O3 and GRUZ-P5 when considered in isolation do address reverse sensitivity effects, however, there is a tension in the wider provisions, where protection is sought for ‘sensitive activities’, which we initially found to potentially conflict with each other. In Minute 14 we requested Mr MacLennan to provide further clarification of the higher order policy approach in the NPS-HPL and CRPS to weighing the enablement of primary production and protection and avoidance/minimizing adverse effects

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<sup>59</sup> Nathan Hole, Statement of Evidence, 5 July 2024, Para 10.

<sup>60</sup> Nathan Hole, Statement of Evidence, 5 July 2024, Para 10-22.

<sup>61</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 9.1.5-9.1.7.

on sensitive activities. We asked him to clarify whether the objectives, policies and rules give effect to higher order documents in relation to primary production and management of the effects of primary production on sensitive land uses.

[70] Mr Maclennan set out the relevant higher order objectives and policies relating to reverse sensitivity in the Appendix B 'reverse sensitivity mapping'. He accepted that in the context of 'highly productive land' there is a clear weighting towards ensuring that sensitive activities do not adversely affect surrounding land-based primary production activities. He provided an analysis of the relevant objectives and policies in the CRPS and concluded that Objective 5.2.1 is weighted towards enabling rural activities within the rural environment and ensuring that conflicts between incompatible activities are avoided. Similarly, Policy 5.3.12(1)(a) and (b) and its explanation makes it clear that the weighting is towards ensuring that the encroachment of sensitive activities into rural areas that may result in reverse sensitivity is avoided. Mr Maclennan emphasized the use of the word 'encroachment' in the explanation as indicating that further or additional development of sensitive activities into rural areas may result in reverse sensitivity effects on established rural activities is to be avoided.<sup>62</sup>

[71] He did, however, note that there is limited direction within the CRPS as to how the amenity of existing sensitive activities within rural areas or the amenity of sensitive activities in residentially zoned areas adjoining rural areas should be managed. His view was that the CRPS does not prevent the Plan from ensuring that the amenity of existing sensitive activities within both the GRUZ and along zone boundaries is maintained.

[72] In general terms we find that the tension is capable of resolution if we start from the position that rural productive uses must in the first instance internalize their effects within their property boundaries to the extent it is possible to do so, however, as is the case with noise, dust, odour and other 'off site impacts', these are unlikely to be able to be avoided altogether. In those circumstances there is then a need to ensure that the expectations of people and communities in the rural environment are set through the objectives, policies, and rules. The GRUZ is first and foremost a rural environment, supporting productive land uses. This is what the NPS-HPL and CRPS seek to do, therefore the Plan must give effect to those higher order documents.

[73] There is the reality that there are and will continue to be sensitive land uses which are either historical or have a functional and operational need to be in the rural environment. In that case, there is a need to ensure that those sensitive activities include adequate mitigation measures so as to avoid or minimise the effects of rural productive land on them that are unable to be contained within the property boundaries of rural productive activity. Aside from the general duties in s16 and 17 of the RMA, we do not consider that the higher order documents impose any other wider duties on rural productive land uses to 'protect' sensitive activities. Rather, through good planning and the use of methods such as setbacks, plantings, buffers and the like (both within the sites of sensitive activities and at the margins of productive land uses), reverse sensitivity effects and adverse environmental effects on the occupants of sensitive land uses can be avoided or minimised as required by the higher order objectives

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<sup>62</sup> Andrew Maclennan, Interim Reply Rural, 20 September 2024, Para 29.

and policies. We consider this issue further below in the context of submissions on the GRUZ objectives and policies.

### *General Provisions for Height and floor area*

[74] We agree with and accept Mr Maclellan's analysis on ECan's submissions [183.4, 183.1] and find the recommended amendments to RLZ-S1, RLZ-S3, SETZ-S1 and SETZ-S4 to be appropriate.<sup>63</sup> In reaching this view we note ECan tabled a letter<sup>64</sup> accepting the s42A recommendations., We are satisfied that the general matters raised in submissions are resolved and we do not discuss the relief sought further.

### **2.2.2 Decision**

[75] We adopt Mr Maclellan's analysis and recommendations on general themes across the Rural Zone Chapters, with the addition of provisions related to setbacks for buildings adjacent to the designated rail corridor.<sup>65</sup> The amendments to the provisions are set out in **Appendix 3**.

[76] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

[77] In terms of the addition of the setback for buildings adjacent to the rail corridor we adopt the s32 evaluation provided by KiwiRail and further evaluation of Ms White in the Final Reply in support of the amendments.

## **2.3 GENERAL RURAL ZONE OBJECTIVES**

### **2.3.1 Assessment**

#### *GRUZ-O1*

[78] We have considered the submissions that seek changes to this objective, which range from widening its application to a full range of activities and through to narrow it to farming activities only. We accept the analysis and recommendations of Mr Maclellan with regard to those submissions and agree that GRUZ-O1 be retained as notified for the reasons he has given.<sup>66</sup> We note that the issue regarding the appropriate balance and weighting of primary production vs other activities in the GRUZ arises below in the more specific objectives and policies, which we have also considered when accepting Mr Maclellan's recommendation on GRUZ-O1. We particularly draw on the fact that the GRUZ is not limited to highly productive land, however its primary focus is for productive land uses and those activities that have a functional and operational need to locate in the Rural Zone, such as rural industry. We find the objective as notified appropriately reflects those activities.

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<sup>63</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 9.3.3-9.4.9.

<sup>64</sup> Deidre Francis, Tabled Letter, 1 July 2024.

<sup>65</sup> GRUZ-S3.2, MRZ-S12, LFRZ-S7, MUZ-S3, TCZ-S3, CCZ-S10

<sup>66</sup> Andrew Maclellan, s42A Report, 19 June 2024, Para 10.2.6 – 10.2.9.

## GRUZ-O2

[79] We generally accept the analysis and recommendations of Mr Maclennan and in particular agree that no amendment is required to GRUZ-O2 to give effect to the NPS-HPL as sought by NZ Frost Fans [255.17], rather it is the role of the Versatile Soils Chapter (renamed Highly Productive Land Chapter<sup>67</sup>) to protect the highly productive land areas within the GRUZ.<sup>68</sup> We further agree with Mr Maclennan's recommended amendment to GRUZ-O2.2 in response to NZ Frost Fans other submission point [255.19] and consider this addresses the submission appropriately.

[80] As summarised in Mr Maclennan's s42A Report, three submitters sought that sensitive activities locating in the rural environment should not anticipate a higher level of amenity in a working productive environment. They therefore sought to amend clause (2) to refer directly to activities in support of primary production. Two submitters also sought to delete clause (3).

[81] D and S Payne [160.37FS], called planning evidence from Ms Lynette Wharfe, who supported the deletion of GRUZ-O2 (3).<sup>69</sup> Ms Wharfe was concerned that clause (3) when read in the context of GRUZ-O4, appeared to compromise primary production through expectations of a higher level of amenity. She drew on the experience of the Payne's horticultural activities to illustrate the potential issue. We discuss the conflicting objectives in GRUZ-O3 and O4 below.

[82] Although we find Ms Wharfe's point about the perceived conflicting priorities in the objectives appear to be well made, we do not think that the inclusion of clause (3) was intended to diminish the prioritisation of productive land uses or rural industry in the GRUZ. We do agree with the submitters, however, that the wording used and its placement in the objective creates internal conflict within the GRUZ objectives. We consider that this could be addressed through an amendment to the GRUZ-O2.3. The suggestion by Pork NZ, Silver Fern Farms and Alliance Group to include 'existing' to sensitive activities, appears to address the issue by ensuring the objective does not inadvertently encourage the addition of new sensitive uses in areas that would create reverse sensitivity effects. This change is recommended by Mr Maclennan in his Interim Reply<sup>70</sup>, which we accept.

## GRUZ-O3

[83] We agree with Mr Maclennan that the recommended amendment to GRUZ-O3 in response to the submissions from Helicopters Sth Cant [53.20], Ballance [86.11] and NZAAA [132.24] provides greater clarity as to how reverse sensitivity effects on primary production activities are to be managed, enabling the efficient use and development of the GRUZ.<sup>71</sup> We did not hear or receive any evidence to the contrary.

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<sup>67</sup> See Parts 1 and 7 of the Decision for a discussion on the Government's most recent suite of national policy statement changes relating to HPL and the steps we took to seek the views of Council and submitters in response to those changes.

<sup>68</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.3.9.

<sup>69</sup> Lynette Wharfe, Statement of Evidence, 3 July 2024, Paras 5.7 – 5.20.

<sup>70</sup> Andrew Maclennan, Hearing B Interim Reply Rural Zones, 20 September 2024, Para 55-61

<sup>71</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.4.19.

[84] Fonterra [165.125] supports the protection of primary production in rural zones but sought that this protection should also be afforded to rural industry that is located in the GRUZ. Initially, Fonterra sought an amendment to GRUZ-O3 to this effect. However, at the hearing Ms Tait confirmed that the relief sought was appropriately addressed via Mr Maclennan's recommended amendment to GRUZ-P5.<sup>72</sup> On this basis, the amendment to GRUZ-O3 was not pursued any further. Accordingly, we accept Mr Maclennan's analysis and recommendations on this matter.<sup>73</sup>

[85] We accept Mr Maclennan's analysis and recommendations relating to the submissions from Silver Fern Farms [172.112] and the Alliance Group [173.114] and note that Silver Fern Farms tabled a letter<sup>74</sup> which indicated support for the s42A recommendations, as did the Alliance Group.<sup>75</sup> We further accept Mr Maclennan's analysis in response to NZ Frost Fans [255.20] and agree that it is the role of the VS Chapter (now HPL Chapter) to protect the highly productive land areas within the GRUZ.<sup>76</sup>

[86] Mr Hole for Rooney Group suggested in his evidence that an amendment be made to GRUZ-O3, to further complement GRUZ-O5, to reference existing mining and quarrying activities. As we note above, the definition of primary production is inclusive of mining and quarrying, so no change is required.

#### *GRUZ-O4*

[87] GRUZ-O4 as notified seeks to protect sensitive activities and zones from intensive primary production, mining and quarrying and other intensive primary production. Silver Fern Farms [172.113] and Alliance [173.115] were critical of the objective, which they interpreted as requiring rural land uses to respond to encroachment from sensitive land use activities which would be inconsistent with the direction in GRUZ-O3. This concern was also shared by D and S Payne [160.37FS]<sup>77</sup> who expressed concern about sensitive land use conflicts arising between rural land uses and the apparent conflict between the GRUZ objectives.<sup>78</sup> We accept the conclusions and recommendations of Mr Maclennan and agree that the amendments to GRUZ-O4 are appropriate in response to the submissions from Silver Fern Farms [172.113] and the Alliance Group [173.115].<sup>79</sup> We note that Silver Fern Farms tabled a letter<sup>80</sup> which indicated support for the s42A recommendations, as did the Alliance Group.<sup>81</sup> Ms Wharfe also supported the reference to existing sensitive activities to improve clarity of the provision and note it was consistent with Mr Willis' recommendation for SD-O9. We are satisfied that all other submission points have been addressed appropriately, and we received no evidence to the contrary.

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<sup>72</sup> Susannah Tait, Statement of Evidence, 5 July 2024, Para 7.9.

<sup>73</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.4.16.

<sup>74</sup> Steve Tuck, Mitchell Partnerships, Letter on behalf of Silver Fern Farms, 11 April 2024.

<sup>75</sup> Doyle Richardson, Mitchell Partnerships, Letter on behalf of the Alliance Group Ltd.

<sup>76</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.4.17.

<sup>77</sup> Statement of Evidence by Lynette Pearl Wharfe for D and S Payne [160], 3 July 2024.

<sup>78</sup> Ibid at 5.21-5.24.

<sup>79</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.5.7-10.5.12.

<sup>80</sup> Steve Tuck, Mitchell Partnerships, Letter on behalf of Silver Fern Farms, 11 April 2024.

<sup>81</sup> Doyle Richardson, Mitchell Partnerships, Letter on behalf of the Alliance Group Ltd.

## GRUZ-O5

[88] Several submissions were received on GRUZ-O5 – Mining and quarrying. We accept Mr MacLennan’s analysis and recommendations, and we find the proposed amendment to GRUZ-O5 to be appropriate. We note we received no evidence to the contrary from Road Metals [169.42], Fulton Hogan [170.44], or Waka Kotahi [143.146].

### 2.3.2 Decision

[89] We adopt Mr MacLennan’s analysis and recommendations on GRUZ-O1, GRUZ-O2, GRUZ-O3, GRUZ-O4, and GRUZ-O5. The amendments to the provisions are set out in **Appendix 3**.

[90] In terms of s32AA, we adopt Mr MacLennan’s evaluation in support of the changes made.

## 2.4 GENERAL RURAL ZONE POLICIES

### 2.4.1 Assessment

#### GRUZ-P1

[91] We accept Mr MacLennan’s analysis and recommendations on GRUZ-P1 and agree that the direction within the policy is clearly enabling of primary production activities and that it is not necessary to broaden its scope.<sup>82</sup> We find the amendment to GRUZ-P1.3 in response to Silver Fern Farms [172.114] and Alliance Group [173.116] to be appropriate.

#### GRUZ-P2

[92] B Speirs [66.37] considered it inaccurate to include the words ‘large minimum’ within GRUZ-P2.1 because many of the smaller allotments in the GRUZ have ample space around buildings and sought these words be deleted. We accept Mr MacLennan’s analysis and recommendation<sup>83</sup> and agree that although GRUZ does have a variety of sizes, the predominant character of the GRUZ is one of large allotments with large areas of open space.

#### GRUZ-P5

[93] As notified GRUZ-P5 was titled ‘Protecting Primary Production’ and sought to manage sensitive activities within the zone so that they are located to avoid adverse effects on primary production, and if avoidance was not possible then the sensitive activity provided mitigation measures to minimise those adverse effects. Five submissions supported the policy and sought for it to be retained. Federated Farmers [182.191] requested that the policy go further to ‘enable management of adverse effects’. We are not persuaded that this relief differs in substance, because avoidance appears to be the appropriate first line, and implements GRUZ-O3 and CRPS Policy 5.3.12, and the policy provides the alternative of requiring mitigation in the event avoidance is not possible. Both appear to be enabling management of

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<sup>82</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.7.6-10.7.9.

<sup>83</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.8.4.

the adverse effect. Silver Fern Farms [172.116] and Rural Contractors [178.7] requested that the policy should be broadened to ensure rural, industry and other activities that support primary production are protected from potential reverse sensitivity effects. NZ Frost Fans [255.23] also maintained their earlier theme, that the policy needed to emphasise the protection of land based primary production on highly productive land and further that the policy should address reverse sensitivity effects. We have already decided that the GRUZ Chapter has wider application than just highly productive land and that remains our view.

[94] Mr MacLennan agreed with those submitters requesting the extension of the policy to rural industry. We agree that it is appropriate and gives effect to the CRPS, and recognises rural industries that have a functional and operational need to be located in rural areas. Mr MacLennan also recommended in response to submissions that the focus of the policy ought to be reverse sensitivity effects and should be renamed and the policy amended accordingly. We consider that to be the most appropriate form of the policy to give effect to the NPS-HPL, CRPS and GRUZ-O3.

[95] Having considered the submissions and Mr MacLennan's analysis we accept his recommendation.

#### *GRUZ-P6*

[96] We accept the analysis and recommendation of Mr MacLennan in response to submissions and find it is appropriate to retain GRUZ-P6 as notified, except for the minor amendment under RMA, Schedule 1, cl16.<sup>84</sup> We received no evidence to the contrary.

#### *GRUZ-P7*

[97] Fonterra [165.126] sought the deletion of the word 'only' from GRUZ-P7.1. Mr MacLennan was of the view that retaining the word 'only' ensures the presumption of the policy is that rural industries and other activities will only be allowed where the specific policy tests in GRUZ-P7 can be achieved.<sup>85</sup> Whereas, Ms Tait, in her evidence, considered the inclusion of 'only' suggests that rural industry and emergency service facilities<sup>86</sup> are not generally anticipated in the zone, which is contrary to their restricted discretionary activity status.<sup>87</sup> She stated she considered GRUZ-P7 is trying to achieve too much by managing restricted discretionary, discretionary and non-complying activities. In her view, rural industry and emergency service facilities should be dealt with separately to those activities that are not generally anticipated in the zone.<sup>88</sup> We find the 'only' policy direction to be suitable and were not persuaded otherwise.

[98] We accept Mr MacLennan's analysis and recommendations in response to the submissions from Federated Farmers [182.193] and Port Blakely [94.12] for the reasons set

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<sup>84</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.10.6-10.10.8.

<sup>85</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.11.6.

<sup>86</sup> We assume Ms Tait has selected 'emergency service facilities' as one type of 'other activity' for the purposes of this Policy.

<sup>87</sup> Susannah Tait, Statement of Evidence, 5 July 2024, Para 7.12.

<sup>88</sup> Susannah Tait, Statement of Evidence, 5 July 2024, Para 7.13.

out in the s42A Report.<sup>89</sup> In reaching this view we note that Ms Johnston confirmed that Federated Farmers supported the s42A recommendation<sup>90</sup>, and we did not receive any evidence to the contrary.

[99] Transpower's submission [159.96] highlighted the technical requirements of the National Grid and that it is not always possible to minimise its adverse effects. They suggest that due to the national importance of the National Grid and to align with the NPS-ET, the Proposed Plan should include a policy "pathway" to support the operation, maintenance, upgrade, and development of the National Grid in all zones, rather than potentially hindering it.<sup>91</sup> On this basis, Transpower sought an additional clause in GRUZ-P7. In response, Mr MacLennan considered that the EI Chapter provides for this pathway, and that introduction of a clause within GRUZ-P7 would be at odds with the architecture of the Proposed Plan. We heard from Ms McLeod at the hearing who considered that:

On this basis, I share the concerns expressed in Transpower's submission and consider that the development or upgrade of the National Grid would be assessed as inconsistent with Policies GRZ-P4, MRZ-P6, RUZ-P7<sup>92</sup>, RLZ-P9 and SETZ-P4 because:

- a. the Policies include 'and' and therefore the development or upgrade of the National Grid would only be allowed in the relevant zone where consistent with all of the clauses in the Policies;
- b. as described in the Preamble to the NPS-ET, the characteristics of the National Grid would likely mean that the adverse effects of the National Grid could not be avoided or minimised.
- c. similarly, the built form of the National Grid is not likely to maintain the character and qualities of the relevant zone as described in related objective.

Insofar as the Policies listed above apply to the National Grid, it is my conclusion that the Policies fail to give effect to the Objective and Policies 1 and 2 of the NPS-ET and also gives rise to tension or conflict between the Energy and Infrastructure policies and the area-specific policies in the Proposed District Plan.<sup>93</sup>

[100] Ms McLeod disagreed with Mr MacLennan's conclusion that the EI policies 'apply instead' or 'take precedence' over the area-specific policies. She concluded there is a tension or conflict that needs to be resolved in order to give effect to the NPS-ET by either amending the relevant area-specific policies or by making it explicit that the EI policies prevail over the area-specific zone provisions.<sup>94</sup> She put forward three alternative drafting approaches to resolve this tension in a manner that in her view give effect to the NPS-ET.<sup>95</sup>

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<sup>89</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.11.3, 10.11.5.

<sup>90</sup> Angela Johnston, Hearing Statement, not dated.

<sup>91</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.11.4.

<sup>92</sup> We assume this is a typographical error and that the reference relates to GRUZ-P7.

<sup>93</sup> Ainsley McLeod, Statement of Evidence, 5 July 2024, Para 37-38.

<sup>94</sup> Ainsley McLeod, Statement of Evidence, 5 July 2024, Para 7.

<sup>95</sup> Ainsley McLeod, Statement of Evidence, 5 July 2024, Para 40.

[101] Mr MacLennan in his Interim Reply, agreed with Ms McLeod that this is best resolved via an amendment to the EI Chapter.<sup>96</sup> We have addressed this issue in Part 1 of this Decision where we agree with the recommended amendments to the Introduction of the Energy and Infrastructure Chapter, albeit we have amended the wording to reflect where provisions apply 'instead of'; and as addressed in our decision on the EI Chapter<sup>97</sup> we have inserted a new policy to ensure that the relationship between the objectives and policies of the EI Chapter and the Zone Chapters as to the 'weight' to be given to provisions in the event of conflict is clear. On this basis we are satisfied that Transpower's concerns have been appropriately addressed.

#### *GRUZ-P8*

[102] We accept Mr MacLennan's analysis and recommendation and agree that GRUZ-P8 be retained as notified. We note that Ms Johnston confirmed that Federated Farmers [182.94] supported the s42A recommendation<sup>98</sup>, and we did not receive any evidence to the contrary.

#### *GRUZ-P9*

[103] NZ Pork [247.24] considered the 40ha qualifier in GRUZ-P9 to be unworkable for pig farming and sought that the site size threshold be lowered to 20ha. However, in his evidence, Mr Hodgson agreed with Mr MacLennan's recommendation to reject the submission given there is an alternative consenting pathway for smaller sites via a restricted discretionary consent process.<sup>99</sup>

[104] We agree that no changes are required to GRUZ-P9, other than a minor grammatical amendment under RMA Schedule 1, cl16.

#### *New Policy*

[105] Federated Farmers [182.180] sought to amend or insert new provisions within the GRUZ Chapter to recognise and provide for private property rights and allow landowners to subdivide land for specific purposes, such as creating lifestyle lots and lots for family members. We accept Mr MacLennan's analysis and recommendation to reject the submission and note that Federated Farmers did not pursue this submission point at the hearing and expressed support for Mr MacLennan's recommendation.<sup>100</sup>

### **2.4.2 Decision**

[106] We adopt Mr MacLennan's analysis and recommendations on GRUZ-P1, GRUZ-P2, GRUZ-P5, GRUZ-P6, GRUZ-P7, GRUZ-P8, GRUZ-P9, and New Policy. The amendments to the provisions are set out in **Appendix 3**.

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<sup>96</sup> Andrew MacLennan, Hearing B: Interim Reply, 20 September 2024.

<sup>97</sup> Panel Decision Report, Part 5, Section 2.16.1

<sup>98</sup> Angela Johnston, Hearing Statement, not dated.

<sup>99</sup> Vance Hodgson, Statement of Evidence for NZ Pork, 5 July 2024, Para 50.

<sup>100</sup> Angela Johnston, Hearing Statement, undated.

[107] In terms of s32AA, we adopt Mr MacLennan's evaluation in support of the changes made.

## **2.5 GENERAL RURAL ZONE RULES**

### **2.5.1 Assessment**

#### *GRUZ-R1*

[108] We accept Mr MacLennan's analysis and recommendation in response to submissions on GRUZ-R1 PER-3, to retain this clause as notified.

[109] An issue traversed at the hearing was as a consequence of Mr MacLennan's recommended amendment to PER-4, in response to a submission by Keen, Oliver, Forbes et al [46.3] to include a 100m setback within GRUZ-R1 PER-4 for milking sheds and buildings used to house or feed stock from the notional boundary of an existing sensitive activity on a separate site under different ownership.<sup>101</sup> NZ Pork [247.31] sought an exemption for buildings and structures related to movable pig shelters including farrowing huts less than 30m<sup>2</sup> in area and mobile pig shelters less than 2m in height. We heard from Mr Hodgson at the hearing who suggested that an exclusion be provided in line with the approach of the Selwyn District.<sup>102</sup>

[110] We asked Mr MacLennan to consider the merits of the exclusion sought by NZ Pork, and in his Interim Reply he confirmed he now accepted Mr Hodgson's submission and recommended an exclusion be inserted into PER-4 to address the relief sought.<sup>103</sup> We find this amendment to be appropriate and we agree it ensures there is flexibility when locating movable pig shelters, which provides for primary production activities, while also ensuring they are of a size that maintains the amenity of existing sensitive activities.

[111] We accept Mr MacLennan's analysis and recommendation in response to submissions on GRUZ-R1.

#### *GRUZ-R2 and GRUZ-R3*

[112] We accept the analysis and recommendations of Mr MacLennan in response to Federated Farmer's submission [182.197] on GRUZ-R2; and B Speirs [66.39] and Federated Farmer's submission [182.198] on GRUZ-R3.<sup>104</sup> We agree that the minor amendments to both provisions improve clarity and interpretation of the provisions.<sup>105</sup> We note that Ms Johnston confirmed that Federated Farmers supported the s42A recommendations.<sup>106</sup> We heard no evidence to the contrary from B Speirs.

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<sup>101</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.15.6.

<sup>102</sup> Vance Hodgson, Statement of Evidence, 5 July 2024, Para 81.

<sup>103</sup> Andrew MacLennan, Hearing B: Interim Reply, 20 September 2024, Para 18.

<sup>104</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.16.3-10.17.7.

<sup>105</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.16.3-10.16.9.

<sup>106</sup> Angela Johnston, Hearing Statement, undated.

#### *GRUZ-R4*

[113] MFL [60.42] and Maze Pastures [41.5] sought that PER-1 allow for approved subdivision consents issued by TDC before the Plan is fully operative. We heard from Ms McMullan for MFL at the hearing who sought an amendment to this effect. Following the hearing, Mr Maclennan recommended an amendment to PER-1 and noted that Ms McMullan was in agreement with this drafting approach.<sup>107</sup> No other amendments to the rule are recommended by Mr Maclennan in response to other submissions.

[114] We accept Mr Maclennan's analysis and recommendations in response to submissions on GRUZ-R4<sup>108</sup>, and we agree that the recommended amendments to GRUZ-R4 are appropriate.

#### *GRUZ-R7*

[115] Hort NZ [245.125] and NZ Pork [247.26] have requested that education activities, which are sensitive to the effects from primary production, should be restricted discretionary activities rather than permitted activities. Mr Maclennan did not agree, because the rule only permitted educational activities that take place within and ancillary to an existing principal residential unit, they were no more susceptible to the effects from primary production than a residential activity. As an alternative Mr Maclennan suggested that the educational activities could be subject to the addition of standard GRUZ-S5 to ensure that they are set back from intensive primary production activities, farm effluent disposal areas and lawfully established quarries and mines.

[116] We note that rule GRUZ-R7, applies to small scale educational activities, rather than a school or larger childcare facility. Larger scale educational activities were proposed to be fully discretionary activities in the notified Plan, however, in response to submissions from the MoE [106.23] and Waihi School [236.1FS], Mr Maclennan recommended that other educational activities be restricted discretionary activities with a list of matters of discretion.<sup>109</sup>

[117] Mr Hodgson supported Mr Maclennan's alternative of making the permitted activity rule also subject to GRUZ-S4.<sup>110</sup> He considered that gives effect to the changes recommended by Mr Maclennan to the objectives and policies to protect primary production from reverse sensitivity effects. As we have noted in our discussion on objectives and policies above, the key to managing the relationship between sensitive land use and rural productive uses is good planning, managing expectations and ensuring adequate separation, to avoid reverse sensitivity effects and adverse effects on sensitive land uses. We are satisfied that the rule, with the addition of a requirement to adhere to GRUZ-S4 is appropriate and gives effect to the objectives and policies within the Plan and higher order documents.

[118] In relation to Waihi School [236.1, 236.1FS], Mr Maclennan recommended, in consultation with Waihi School representatives, a site-specific package of provisions for their

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<sup>107</sup> Andrew Maclennan, Hearing B: Interim Reply, 20 September 2024, Para 53.

<sup>108</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.18.9-10.18.23.

<sup>109</sup> See section 2.2 above.

<sup>110</sup> Vance Hodgson, Statement of Evidence for NZ Pork, 5 July 2024, paragraph 28.

site. We have accepted that those provisions are appropriate, as discussed in the Rezoning Requests section of this Report.

#### *GRUZ-R8*

[119] Hort NZ [245.126] and NZ Pork [247.27] requested that residential care activities provided for as permitted activities in GRUZ-R8 ought to be restricted discretionary activities. Similar to the discussion above, the rule only provides for small scale residential care activities within or ancillary to existing residential units. Mr Maclennan considered that the scale would not be sufficiently sensitive to warrant a consent application and would be similar to a residential land use. Mr Maclennan suggested the alternative of linking the rule to GRUZ-S4(sic).

[120] Having considered the submissions from NZ Pork and Hort NZ, we do not consider that the scale of activity permitted by GRUZ-R8 requires a restricted discretionary activity. However, we accept Mr Hodgson's evidence that a requirement to adhere to GRUZ-S4 is appropriate for the reasons above.

#### *GRUZ-R9*

[121] Hort NZ [245.127] and NZ Pork [247.28] seek that the permitted activity rule for residential visitor accommodation be a restricted discretionary activity due to it being a sensitive land use. Mr Maclennan disagreed, noting the scale of activity permitted by rule GRUZ-R9, did not justify a consent being required. For the reasons stated above we consider that a requirement to adhere to GRUZ-S4 is appropriate.

#### *GRUZ-R10*

[122] We accept Mr Maclennan's analysis and recommendation in response to Helicopters Sth Cant [53.24], NZAAA [132.30] and Federated Farmers [182.199] submissions on GRUZ-R10 and agree that the amendments improve clarity and interpretation of the provision.<sup>111</sup>

#### *GRUZ-R11*

[123] Hort NZ [45.114] and NZ Pork [247.29] sought that the broad suite of setbacks within GRUZ-S4 should apply to all recreation activities on the basis that a recreational activity adjoining primary production could constrain primary production activities.<sup>112</sup> Mr Maclennan recommended these submissions be rejected<sup>113</sup>, a position he maintained in his Interim Reply for the reason that the activities included within the definition of 'recreational activities' would not be considered sensitive activities and therefore the additional standard is not required.<sup>114</sup> Having considered the broad definition of recreation activities we do not consider it appropriate that the standards apply to all recreational activities for the reasons given by Mr Maclennan.

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<sup>111</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.22.4-10.22.8.

<sup>112</sup> Vance Hodgson, Statement of Evidence, 5 July 2024, Para 46-47.

<sup>113</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.22.4-10.22.8.

<sup>114</sup> Andrew Maclennan, s42A Reply Report, 20 September 2024.

[124] We agree with Mr MacLennan's recommended amendments in response to the Rooney Group<sup>115</sup> and TDL [252.84] to ensure that small scale commercial recreational activities such as guided hunting and recreational tours are permitted by GRUZ-R11.<sup>116</sup> We also find it appropriate that a new definition of 'commercial recreational activity' is included within the Proposed Plan, as recommended by Mr MacLennan<sup>117</sup>.

#### *GRUZ-R12*

[125] We agree with Mr MacLennan that GRUZ-R12 be retained as notified for the reasons set out in his s42A Report. We note that Ms Johnston confirmed that Federated Farmers [182.200] supported the s42A recommendations.<sup>118</sup>

#### *GRUZ-R14*<sup>119</sup>

[126] GRUZ-14 relates to the use of airstrips and helicopter landing sites. Included in our discussion of this rule is the related definitions of 'agricultural aviation activities', 'day', and 'rural airstrips'.

[127] In terms of the definitions, submitters requested a new definition for 'agricultural aviation activities' to support a new permitted activity rule in GRUZ-14.<sup>120</sup> Amendments to the definition of 'day' and to 'rural airstrips' was also requested to support a more enabling rule for agricultural aviation activities.<sup>121</sup>

[128] Overall, there was significant opposition to the rule from the rural aviation community, who considered the rule to be overly restrictive, and failed to recognise the importance of the industry in supporting rural productive land uses and a range of private aviation activities on private airstrips.

[129] Mr MacLennan explained in the s42A Report that the rule endeavoured to strike a balance between providing for primary production activities in accordance with objective GRUZ-O1 and providing a higher level of amenity, as articulated in GRUZ-O2.3. He accepted that there was some uncertainty in the drafting of rule GRUZ-14 as to what was captured as it related to both helicopter landing sites and airstrips which were not defined, he considered there were in fact two types of activities. Firstly, permanent airstrips and helicopter landing sites which are areas intended or designed to be used, whether wholly or partly, for landing, departure, movement, or servicing aircraft, and secondly the single aircraft flight, or landing or take-off. He considered the effects quite different and should be managed separately.

[130] In relation to permanent airstrip or helicopter landing sites, Mr MacLennan recommended changes to GRUZ-14 to apply to permanent airstrips and landing sites with limits on period of use (maximum of 30 days per 12 months) and separation distances from

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<sup>115</sup> Submitters including Rooney Holdings [174.84], Rooney, G.J.H. [191.84], Rooney Group [249.84], Rooney Farms [250.84], Rooney Earthmoving [251.84].

<sup>116</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.23.4-10.23.5.

<sup>117</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.23.4-10.23.7

<sup>118</sup> Angela Johnston, Hearing Statement, undated.

<sup>119</sup> To be renumbered GRUZ-R15 and GRUZ-R16

<sup>120</sup> Ballance [86.1], Helicopters Sth Cant [53.2], NZAAA [132.1] Federated Farmers [182.201].

<sup>121</sup> Ibid and Hort NZ [245.34].

residential zones and the notional boundary of a building with an existing noise sensitive activity on a separate site under separate ownership. He recommended changes to make permanent airstrips and helicopter landing sites that do not meet the revised permitted activity rule requirements to be restricted discretionary activities rather discretionary, and he recommended nine matters of discretion including extent of compliance with NZS6807.

[131] In relation to aircraft and helicopter movements, Mr Maclennan recommended a new rule which permitted aircraft and helicopter movements for emergency purposes only such as medical emergencies, search and rescue or firefighting; or are associated with purposes ancillary to rural production including topdressing, spraying, stock management, fertiliser application, and frost mitigation, including the incidental landing and take-off of helicopters during their normal course of operation. All other aircraft and helicopter movements must be setback greater than 100m from any Residential Zone; the notional boundary of a building containing an existing noise sensitive activity, on a separate site under different ownership. Non-compliance with the permitted activity rule would be restricted discretionary activities with eight matters of discretion including extent of compliance with NZS6807.<sup>122</sup>

[132] NZHA [45.1] opposed the notified rule GRUZ-14 on the basis it failed to provide for the essential role that helicopters play in the rural environment. However, at the hearing Mr Milner for the NZHA accepted that the s42A Report authors recommended changes to the rule, including new GRUZ-R14A<sup>123</sup> would adequately provide for commercial aviation activities.<sup>124</sup> The NZHA also requested a definition of 'aircraft and helicopter movement', to include a single aircraft flight operation (landing and departure), but to exclude maintenance procedures.

[133] NZAAA [132.1] was represented by Mr Tony Michelle at the hearing and also expressed support for the revised version of rule GRUZ-R14 and 14A.<sup>125</sup> The NZAAA also requested that the words 'rural production' be replaced with 'primary production' as it is defined in the Plan. The NZAAA requested the inclusion of a definition of 'agricultural aviation'.

[134] The Aircraft Owners and Pilots Association of New Zealand [201] (AOPA) and Mr Sid McAuley [57.1] remained opposed to the inclusion of a rule at the hearing. The AOPA represent people who fly small non-commercial fixed wing aircraft recreationally. They were represented by legal counsel, Mr Maw, who submitted that there was no basis to impose regulation on this activity at all through the Plan.<sup>126</sup> He noted the absence of a proper evaluation of the necessity for the rule, or its appropriateness in the Council's s32 Report. Representatives of the AOPA had made LGOIMA requests to try and identify the justification for the restrictions imposed by the Proposed Plan. There was no information provided in response in relation to any complaints leading to the need for the rule or data to support the proposed rule.

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<sup>122</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.25.15-10.25.35.

<sup>123</sup> Now renumbered GRUZ-16 in the Decision Version of provisions.

<sup>124</sup> Richard Milner CEO of New Zealand Helicopter Association, Statement of Evidence, 3 May 2024.

<sup>125</sup> Tony Michelle, Executive Officer of New Zealand Agricultural Aviation Association, Statement of Evidence, 1 July 2024.

<sup>126</sup> Joint Legal Submissions on behalf of the Aircraft Owners and Pilots Association and Sid McCauley, 12 July 2024.

[135] Mr Maw had considered the recommendations in the s42A Report. However, he maintained that there is no evidential foundation for imposing these restrictions on small fixed-wing aircraft as the flying of small fixed-wing aircraft has not created an identified issue. These restrictions unnecessarily limit and regulate an activity, and these limitations will be detrimental to the submitters and to the wider community.

[136] Following the hearing the Panel requested further information from the Council in relation to the background information that supported the inclusion of the rule, and an analysis of the Operative Plan provisions that would apply to aircraft.

[137] Ms Vella for the Council provided a response by way of Memorandum on 23 August 2024, the memorandum included recommendations from the Council's acoustic expert Mr Hunt. Ms Vella also explained there had been 'several complaints' regarding aircraft noise between 2011-2013, but there was no specific detail about the nature of these to be of any real assistance to our understanding of the issue. Ms Vella also outlined her interpretation of the Operative Plan status quo regulation of aircraft. In response Mr Maw filed further comment which offered an alternative interpretation of the provisions in the Operative Plan. He was also critical of the further analysis provided by Mr Hunt.<sup>127</sup>

[138] Depending on which interpretation of the Operative Plan is applied, the status quo for flying small non-commercial fixed-wing aircraft is either: (a) No regulation or limitation; or (b) 50dBA L10 between 7am – 10pm and applying the NZS 6801:1991 measurement of sound and assessing the noise in accordance with the provisions in NZS 6802:1991 assessment of environmental sound.

[139] Following the hearing the Council continued to engage with the submitter regarding an appropriate rule framework. Mr Maw offered a way forward in Appendix B to his memorandum. On 28 February 2025 Ms Vella filed a further memorandum outlining TDC general support for the proposal put forward by Mr Maw. To assist the Panel with its findings TDC filed further supplementary evidence from acoustics expert Mr Hunt, and an updated s42A and s32AA report prepared by Mr Maclennan.<sup>128</sup>

[140] Mr Maclennan considered the amendments proposed in the memorandum of counsel for the submitters dated 6 December 2024 in consultation with both Mr Hunt and Ms White, who is the s42A officer for the NOISE Chapter (heard in Hearing F). Mr Maclennan's view, having regard to the advice of Mr Hunt, is that:

- (a) the provisions proposed should sit in GRUZ-R14 – which is the recommended rule that would govern movements on permanent airstrips - rather than GRUZ-R14A which would govern ad hoc aircraft flights;
- (b) with this amendment, the provisions are appropriate to enable the use of non-commercial small fixed-wing aircraft as a permitted activity, while also ensuring

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<sup>127</sup> Memorandum on behalf of the Aircraft Owners and Pilots Association and Sid Mcauley, 6 December 2024.

<sup>128</sup> Andrew Maclennan, Supplementary Evidence, 28 February 2025, and Malcom Hunt, Statement of Evidence, 28 February 2025

that the effects of the activity are managed to ensure the amenity of the GRUZ is maintained.

[141] Mr MacLennan recommended minor drafting changes to accommodate the above. We have carefully considered the evidence on this matter and consider the recommended amendments to GRUZ-R14 (now GRUZ-R15) and GRUZ-R14A (now GRUZ-R16) are appropriate.

#### *GRUZ-R15*<sup>129</sup>

[142] H.B [74.3], an informal group of landscape architects and those with an interest in indigenous planting submitted on GRUZ-R15 seeking that no trees or shelterbelts shall be planted within 15m of SH1 unless they are of an indigenous variety. Mr MacLennan disagreed with the submission of H.B for the reason that there are no restrictions on planting indigenous vegetation adjoining SH1 for amenity purposes. In his view there was insufficient justification to prevent non-indigenous trees or shelterbelts adjoining SH1 over and above the matters listed within GRUZ-R15.<sup>130</sup> We heard from Ms Di Lucas on behalf of H.B at the hearing. We did not find there was sufficient evidence or evaluation to support a rule requiring indigenous planting, rather it was a matter which could continue to be pursued through information provided in non-regulatory planting guides in conjunction with ECan or TDC.

[143] Hort NZ [245.118] opposed the recession plane standard of GRUZ-R15 rule which controls the distance a building must be setback from a property. We heard from Ms Cameron at the hearing who explained the value and purpose of shelterbelts to rural production<sup>131</sup> and Mr Hodgson who considered that the recession plane standard of GRUZ-R15 is likely to impact on existing shelterbelts planted specifically to support the primary production activity. As addressed in Section 2.2 (General Themes), we find Mr MacLennan's amendment to GRUZ-R15 to satisfactorily address the submitter's concern by requiring that any shelterbelt or woodlot be setback 30m from any residential unit or other principal building on an adjoining property.

[144] We generally accept Mr MacLennan's analysis and recommendations in response to submissions on GRUZ-R15 and agree it is appropriate to retain the definition of 'shelterbelt' as notified, and that no further amendments are made to GRUZ-R15. In reaching this view we note we received no evidence from MFL [60.43], and Federated Farmers [182.202] confirming acceptance of Mr MacLennan's recommendation on this matter.<sup>132</sup>

#### *GRUZ-R16*<sup>133</sup>

[145] We accept Mr MacLennan's analysis and recommendations relating to GRUZ-R16<sup>134</sup> and associated definitions, noting we either received no evidence from any party, or submitters confirmed acceptance of the recommendations.

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<sup>129</sup> Now renumbered GRUZ-R17 in the Decision Version of provisions

<sup>130</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.26.8.

<sup>131</sup> Sarah Cameron, Statement of Evidence, 5 July 2024.

<sup>132</sup> Angela Johnston, Hearing Statement, undated.

<sup>133</sup> Now renumbered GRUZ-R18 in the Decision Version of provisions.

<sup>134</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.27.16-10.27.24.

*GRUZ-R18*<sup>135</sup>

[146] Hort NZ [245.120] support a permitted activity rule for primary production, but consider the proposed rule is unworkable and overly restrictive. They suggest there is confusion about the need for dark green or black cloth on vertical surfaces and uncertainty regarding setbacks and structural length control. They highlight artificial crop protection structures are necessary to achieve policy objectives and enable primary production. They requested simplification of the rule to require dark green or black cloth for vertical fences within 10 m of a road or existing residential unit and for structure(s) less than 6m high, the structure(s) are setback a distance of 3m from the boundary.

[147] Mr Maclennan agreed in part with the submission of Hort NZ. He considered that the dark netting on vertical faces should only be required in certain locations where greater amenity is anticipated within the Plan. Rather than limiting the standard to road boundaries and existing dwellings, he considered the dark cloth requirement should apply within 20m of a property boundary. He disagreed with the amendments to PER-3 to a single setback and preferred the graduated setback standards depending on the height of the structure to ensure that the amenity of the sites adjoining the artificial crop protection structures is retained. He agreed with the submitter that artificial crop protection structures are necessary to achieve GRUZ-O1 and GRUZ-P1 which enable primary production activities.<sup>136</sup>

[148] Mr Hodgson for Hort NZ provided an example in his evidence from a recent consent order for appeals between Hort NZ and the Waikato District Council concerning artificial crop protection structures under the Proposed Waikato District Plan, which provides an agreed position for artificial crop protection structures that requires no setback unless bordering a residential unit. He considered that the approach could be adopted in the Timaru District.<sup>137</sup>

[149] Mr Maclennan maintained his view of the graduated setback requirements for crop protection structures which set the height limits based on the distance from a boundary, provide flexibility as to the height of the structure while also ensuring that the amenity of the sites adjoining the artificial crop protection structures is retained.

[150] We have considered the alternatives before us, including the example from the Waikato District Council consent order. We do not consider that the Waikato approach is easily translated to Timaru, because we are not privy to the details of the appeal or the issues that had been raised with the Council decision which was appealed in that case. We have considered Mr Hodgson's simplified approach to setbacks compared to Mr Maclennan's graduated approach. We find on balance that the graduated approach is more targeted and is therefore more efficient and effective in addressing the actual and potential effects of the activity without unreasonably constraining rural productive land uses.

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<sup>135</sup> Now renumbered GRUZ-R20 in the Decision Version of provisions.

<sup>136</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.28.4 -10.28.6.

<sup>137</sup> Vance Hodgson, Hort NZ, Statement of Evidence, 5 July 2024, paragraph 58 referring to <https://environmentcourt.govt.nz/assets/Documents/Publications/2024-NZEnvC-063-Horticulture-New-Zealand-v-Waikato-District-Council.pdf>

### *GRUZ-R19*<sup>138</sup>

[151] Mr MacLennan did not support Hort NZ's submission [245.121] that sought to amend PER-1 of GRUZ-R19 to provide an appropriate consenting pathway for the reasons set out in his s42A Report.<sup>139</sup> Nor did he support the change sought by B Speirs [66.41]. However, he did agree with Hort NZ [245.31] that a definition of 'post-harvest facility' be added to the Proposed Plan to provide clarity to the permitted standard.<sup>140</sup> We agree this is a beneficial addition and note that Mr Hodgson for Hort NZ confirmed he supported the recommendations in the s42A Report on these matters.<sup>141</sup> We further find the recommended minor RMA Schedule 1, cl 16 amendment to GRUZ-R19 to be acceptable.

### *GRUZ-R20*<sup>142</sup>

[152] NZ Pork [247.30] and Hort NZ [245.122] supported this provision but raised concern with the site area thresholds. Mr Hodgson confirmed in his evidence on behalf of both submitters he accepted Mr MacLennan's recommendation to lower the threshold from 80ha to 40ha and noted that the Proposed Plan enables the consideration of workers accommodation on sites smaller than 40ha via a consenting pathway.<sup>143</sup> We are satisfied the recommended amendment addresses the relief sought within the NZ Pork, Hort NZ and Rooney Group submissions<sup>144</sup> and note we received no evidence on this matter from any other party.

### *GRUZ-R21*<sup>145</sup>

[153] We accept the analysis and recommendations of Mr MacLennan in response to submissions on the definition of 'rural industry' and GRUZ-R21 and find the recommended amendment to GRUZ-R21 to be appropriate. We note we received no evidence to the contrary from any party, and Silver Fern Farms [172.125] confirmed acceptance of the s42A recommendation.<sup>146</sup>

### *GRUZ-R23*<sup>147</sup>

[154] We accept the analysis and recommendations of Mr MacLennan in response to submissions on GRUZ-R23 and find the recommended amendments to GRUZ-R23 to be appropriate. We note we received no evidence to the contrary from any party, and Federated Farmers [182.206] confirmed acceptance of Mr MacLennan's recommendation on this matter.<sup>148</sup>

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<sup>138</sup> Now renumbered GRUZ-R21 in the Decisions Version of the provisions.

<sup>139</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.29.8.

<sup>140</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.29.7.

<sup>141</sup> Vance Hodgson, Statement of Evidence, 5 July 2024, Para 63-68.

<sup>142</sup> Now renumbered GRUZ-R22 in the Decisions Version of the provisions.

<sup>143</sup> Vance Hodgson, Statement of Evidence, 5 July 2024, Para 69-77.

<sup>144</sup> Submitters including Rooney Holdings [174.84], Rooney, G.J.H. [191.84], Rooney Group [249.84], Rooney Farms [250.84], Rooney Earthmoving [251.84].

<sup>145</sup> Now renumbered GRUZ-R23 in the Decisions Version of the provisions.

<sup>146</sup> Steve Tuck, Mitchell Partnerships, Letter on behalf of Silver Fern Farms, 11 April 2024.

<sup>147</sup> Now renumbered GRUZ-R25 in the Decisions Version of the provisions.

<sup>148</sup> Angela Johnston, Hearing Statement, undated.

## *GRUZ-R29<sup>149</sup> and GRUZ-27A<sup>150</sup>*

[155] Enviro NZ [162.17] raised a concern that cleanfills and landfills are considered a non-complying activity under GRUZ-R29 and they consider that the GRUZ is the most likely zone to accommodate such activities to allow for residential, commercial, industrial, and rural growth. On this basis Enviro NZ sought a discretionary activity status for these activities.

[156] We heard from Ms Rosser for Enviro NZ at the hearing who helpfully explained the background to the submission point. She accepted that managed landfills appropriately treated as non-complying activities under Rule GRUZ-R29, but considered cleanfills may find it difficult to obtain consent if also addressed as a non-complying activity. On this basis she recommended a separate discretionary rule for cleanfills would be appropriate and would meet the objectives and policies of the GRUZ.<sup>151</sup>

[157] Mr MacLennan initially disagreed with the submitter and considered that new industrial activities (such as cleanfills) not listed in GRUZ-R21 are not anticipated and therefore the non-complying activity status is appropriate.<sup>152</sup> However, having heard the evidence from Ms Rosser at the hearing, Mr MacLennan reconsidered this view and confirmed that he accepted that there should be separate management approaches for cleanfills and landfills.<sup>153</sup> On this basis, he recommended a new discretionary rule GRUZ-R27A (now GRUZ-R30) be added to the GRUZ.

[158] Having considered the submissions and evidence we accept the analysis and recommendations of Mr MacLennan in response to submissions on GRUZ-R29 (now GRUZ-R32).

## *GRUZ – New Rural Contractor Depot Rule*

[159] Rural Contractors [178.1, 178.9, 178.10, 178.11] sought to include a new permitted rule to provide for a rural contractor depot, with a restricted discretionary default. As a consequential amendment, the submitter sought to amend GRUZ-R21 - Rural industry to specifically exclude a rural contractor depot. They also sought to include the following definition for “Rural contractor depot” to support implementation.

[160] Mr MacLennan disagreed that an additional new permitted activity rule and definition for rural contractor depots are required. He considered that it is appropriate that a rural contractor depot that meets the definition of a ‘rural industry’ as defined within the Proposed Plan be managed through a restricted discretionary activity framework to ensure that adverse effects of the activity are adequately managed. He considered this rule framework is required to give effect to GRUZ-P7 which states that rural industries are only allowed in the GRUZ where the specific matters listed in GRUZ-P7.1 are achieved. We received no evidence to the contrary.

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<sup>149</sup> Now renumbered GRUZ-R32 in the Decisions Version of the provisions.

<sup>150</sup> Now renumbered GRUZ-R30 in the Decisions Version of the provisions

<sup>151</sup> Karen Rosser, Summary Statement of Evidence, Para 5.1-5.8.

<sup>152</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 10.33.4.

<sup>153</sup> Andrew MacLennan, Hearing B: Interim Reply, 20 September 2024, Para 102-105.

[161] We accept the analysis and recommendations of Mr Maclennan in response to the submission from Rural Contractors [178.1, 178.9, 178.10, 178.11] and agree it is appropriate to retain the provision as notified.

## 2.5.2 Decision

[162] We adopt Mr Maclennan's final recommendations with regard to GRUZ rules as set out in the Final Reply, for the reasons set out above. The amendments to the provisions are set out in **Appendix 3**.

[163] In terms of s32AA, we adopt Mr Maclennan's evaluation in support of the changes made.

## 2.6 GENERAL RURAL ZONE STANDARDS

### 2.6.1 Assessment

#### *GRUZ-S1*

[164] RNZ's submission sought changes to GRUZ-S1 to address safety risks from electromagnetic radiation interference (*EMR*) that can arise if tall structures are constructed near RNZ's Facility [152.57]. Initially Mr Maclennan accepted in part the submission of Radio NZ [152.57] and recommended a new matter of discretion be added to GRUZ-S1 to provide discretion for these effects to be considered through the restricted discretionary activity consent process.<sup>154</sup> We received legal submissions on behalf of Radio NZ which stated that the recommended change did not address Radio NZ's concern, being the risk of EMR effects on surrounding buildings.<sup>155</sup> In consultation with Radio NZ's legal counsel, Mr Maclennan reconsidered his recommendation and put forward revised amendments to address the submission points.<sup>156</sup> We are satisfied the relief sought by Radio NZ has been appropriately addressed and we find the recommended amendments to be appropriate.

#### *GRUZ-S3*

[165] As previously addressed in relation to GRUZ-R1, NZ Pork [247.31] sought an exemption for buildings and structures related to movable pig shelters including farrowing huts less than 30m<sup>2</sup> in area and mobile pig shelters less than 2m in height.

[166] They also considered that partially or fully roofed mobile pig shelters would fall within the NPS definition of building and structure and therefore would be captured by the setback rule. As such they sought to include a new definition of 'ancillary buildings and structures (primary production)' for ancillary buildings and structures that support primary production and seek mobile pig shelters to be included in this definition.

[167] We accept the NZ Pork evidence of the purpose and function of moveable pig shelters and find that they are ancillary buildings and structures. We note Mr Maclennan also accepted

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<sup>154</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 10.35.5.

<sup>155</sup> Hadleigh Pedler/Ben Williams, Legal Submissions, 11 July 2024, Para 6.

<sup>156</sup> Andrew Maclennan, s42A Summary, 17 July 2024, Para 12.

the submission in his Interim Reply. We agree that the amendment suggested by Mr Maclennan to exclude farrowing huts less than 10m<sup>2</sup> in area and less than 2m in height from GRUZ-R1, PER-4(2) improves certainty for plan users. We also agree that no change to the standard is required, nor any additional definition for ancillary buildings and structures (primary production) required.

[168] We accept Mr Maclennan's analysis and recommendation in response to the submissions from Maze Pastures [41.6] and MFL [60.45].

#### *GRUZ-S4*

[169] A number of submitters sought changes to the standard to include other activities that were potentially sensitive to encroachment by sensitive land uses.<sup>157</sup> We were not persuaded that the standard should be extended to all rural industry activities for the reasons outlined by Mr Maclennan. We did not hear evidence in relation to the requested changes from J R Livestock [241.32], Barkers [179.19] or Rural Contractors [178.11].

[170] In terms of NZ Frost Fans [255.28] request to provide for setbacks from existing and new frost fans, Mr Maclennan accepted in principle that they were activities that should be addressed in the standard, but he reserved his position until the hearings on the Noise Chapter. We did as well. Having now addressed the matter in Part 7 of the Report we agree with Ms White's recommended amendment to GRUZ-S4.5 which introduces the requirement that no new noise sensitive activity may be established within 100m of an existing or consented frost fan. We note Mr Maclennan's agreement on his matter where he states:

This amendment would prevent the establishment of any new noise sensitive activity within 100 metres of an existing or consented frost fan. Beyond this distance, the provisions of the NOISE chapter will ensure that where a new noise sensitive activity is proposed between 100 and 300 metres of a frost fan, acoustic insulation and ventilation requirements will apply to manage potential reverse sensitivity effects.<sup>158</sup>

#### *GRUZ-S5*

[171] We accept Mr Maclennan's analysis and recommendation in response to the submissions on GRUZ-S5 and we agree that it is appropriate for GRUZ-S5 to be retained as notified, except where modified by minor clarifications and grammatical corrections.

#### *GRUZ-New Standard*

[172] We accept Mr Maclennan's analysis and recommendation in response to the ECan [183.148] submission seeking a limit on building coverage and we agree that an additional building coverage standard is not required.

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<sup>157</sup> Andrew Maclennan, s42A Report, paragraph 10.37.1

<sup>158</sup> Andrew Maclennan, s42A Final Reply, 4 August 2025, para 14.

## 2.6.2 Decision

[173] We adopt Mr MacLennan’s analysis and recommendations on GRUZ Standards. The amendments to the provisions are set out in **Appendix 3**.

[174] In terms of s32AA, we adopt Mr MacLennan’s evaluation in support of the changes made.

## 2.7 RURAL LIFESTYLE ZONE OBJECTIVES

### 2.7.1 Assessment

#### *RLZ-O2*

[175] We accept Mr MacLennan’s analysis and recommendation in response to the submission from ECan [183.149] and find the recommended amendment appropriate to give effect to higher order documents.<sup>159</sup> In reaching this view we note ECan tabled a letter<sup>160</sup> which signalled acceptance of the s42A recommendations, and on that basis, we are satisfied that the matter raised in submissions is resolved.

### 2.7.2 Decision

[176] We adopt Mr MacLennan’s analysis and recommendations on RLZ-O2. The amendment to the provision is set out in **Appendix 3**.

[177] In terms of s32AA, we adopt Mr MacLennan’s evaluation in support of the changes made.

## 2.8 RURAL LIFESTYLE ZONE RULES

### 2.8.1 Assessment

#### *RLZ-R2*

[178] We accept Mr MacLennan’s analysis and recommendation in response to the submissions on RLZ-R2 and find the minor amendments to PER 1 and PER-2 of this Rule to be appropriate.<sup>161</sup>

#### *RLZ-R5*

[179] We accept Mr MacLennan’s analysis and recommendation in response to the submission on RLZ-R5 and find the minor amendment to PER-1 of this Rule in response to B Speirs [66.43] to be appropriate.<sup>162</sup>

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<sup>159</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 11.2.3-11.2.7.

<sup>160</sup> Deidre Francis, Tabled Letter, 1 July 2024.

<sup>161</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 11.3.6- 11.3.12.

<sup>162</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 11.4.3.

## 2.8.2 Decision

[180] We adopt Mr MacLennan's analysis and recommendations on RLZ-R2 and RLZ-R5. The amendments to the provisions are set out in **Appendix 3**.

[181] In terms of s32AA, we adopt Mr MacLennan's evaluation in support of the changes made.

## 2.9 RURAL LIFESTYLE ZONE STANDARDS

### 2.9.1 Assessment

#### *RLZ-S5*

[182] We accept Mr MacLennan's analysis and recommendation in response to the submission on RLZ-S5 and find the minor amendment to Clause 2 in response to B Speirs [66.44] to be appropriate.<sup>163</sup>

#### *RLZ-S9*

[183] We accept Mr MacLennan's analysis and recommendation in response to the submissions on RLZ-S9 from FENZ [131.58] and ECan [183.151] and agree that that RLZ-S9 be retained as notified.<sup>164</sup>

### 2.9.2 Decision

[184] We adopt Mr MacLennan's analysis and recommendations on RLZ-S5 and RLZ-S9. The amendment to RLZ-S5 is set out in **Appendix 3**.

[185] In terms of s32AA, we adopt Mr MacLennan's evaluation in support of the changes made.

## 2.10 RLZ REZONING SUBMISSIONS

### 2.10.1 Assessment

[186] We accept Mr MacLennan's analysis and recommendation in response to the submissions on rezoning HPL areas within the RLZ<sup>165</sup> and agree that no changes to the Proposed Plan are required. We note we heard no evidence to the contrary.

### 2.10.2 Decision

[187] We adopt Mr MacLennan's analysis and recommendations on submissions relating to rezoning.

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<sup>163</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 11.5.3.

<sup>164</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 11.5.9.

<sup>165</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 11.6.5-11.6.9.

## 2.11 BROOKFIELD ROAD SPECIFIC CONTROL AREA

### 2.11.1 Assessment

[188] Submitter MFL [60.47] raised concern regarding RLZ-S3 and S8<sup>166</sup> insofar as the proposed standards conflicted with resource consents granted for development in the Brookfield Road area. The submitter sought an amendment to clarify that the notified 10% site coverage does not apply to the Brookfield Road specific control area and requested an additional clause stating that the footprint of all buildings on the Brookfield Road specific control area site shall not exceed 12.5% of the net site area. The submitter also considered RLZ-S8 conflicts with a specified subdivision consent and sought that the tree provisions for the Brookfield Road specific control area are retained from the current Rural Residential (Brookfield Road) zone.

[189] Mr Maclennan explained the background to the zoning rules in this location and disagreed with the submitter that a bespoke alternative rule should be included for the existing development. He was of the view that existing consents, and existing use rights where applicable, address any perceived inconsistency between development authorised under the ODP and the Proposed Plan standards.

[190] At the hearing we received evidence from Mr Chris Knight, the director of Quarry Hills Development Limited, the developer of the Brookfield Road subdivision.<sup>167</sup> He explained the background to the subdivision process and some of the practical challenges for the development. Mr Knight explained that the developer had accepted a number of limitations on the development, including site coverage, as a compromise as part of the consenting process. However, as the development proceeded, he said there were a number of design challenges for the development, including the site coverage limitation, particularly on flat sites, which potential buyers had, anecdotally, found too restrictive and said did not enable a house and garage within the footprint. This was the reason for the request for a more enabling rule framework in the Proposed Plan.

[191] The submitter provided planning evidence from Ms McMullan<sup>168</sup> and legal submissions in support of the position.<sup>169</sup> The planning evidence and legal submissions did not advance the position beyond the general argument that the 2.5% difference between notified requirement of 10% in RLZ-S3 and the requested 12.5% was minimal, and reflective of 'clear market' evidence of the difficulties with the proposed rule for this development.

[192] During the hearing Ms McMullan clarified that the request to include the 12.5% standard related only to lots of approximately 5000m<sup>2</sup>, not larger allotments which would be inappropriate. She suggested a maximum site coverage of 700m<sup>2</sup>.

[193] In his Interim Reply, Mr Maclennan maintained his view that the Proposed Plan standard was appropriate, even in the context of the Brookfield subdivision, which primarily

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<sup>166</sup> The submitter withdrew submission point [60.48].

<sup>167</sup> Christopher Knight, Statement of Evidence, 5 July 2024.

<sup>168</sup> Melissa McMullan, Statement of Evidence, 5 July 2024

<sup>169</sup> Legal submissions on behalf of MFL, 11 July 2024,

provided for sites of 5000m<sup>2</sup>, in which case in the context of the subdivision, would enable a 500m<sup>2</sup> dwelling and garage, which he considered remained an appropriate permitted activity standard.

[194] We find that although Mr Knight explained the practical difficulties some purchasers had experienced, we did not receive adequate evidence to support an evaluation under s32AA to depart from the notified provisions. We had no valuation or independent real estate evidence, nor any landscape or design evidence that demonstrated the difference between the rule as notified and the alternative proposal.

### **2.11.2 Decision**

[195] We adopt Mr MacLennan's analysis and recommendation and reject the relief requested by the submitter.

## **2.12 SHAW AND HISLOP STREETS SPECIFIC CONTROL AREA**

### **2.12.1 Assessment**

[196] As summarised in Mr MacLennan's s42A Report, the submissions seeking that 2, 4, 6 and 12 Shaw Street and 6 and 6A Hislop Street are rezoned from RLZ to GRZ have been considered as part of the Residential Zones Chapter.<sup>170</sup> As we have addressed in Section 3 of this Decision, we accept Ms White's analysis and recommendations and agree that GRZ zone better reflects the existing size of these sites, noting that no servicing constraints have been identified. A consequential change is also required to remove the SCA Overlay.<sup>171</sup>

### **2.12.2 Decision**

[197] Given our finding in Section 3 of this Decision, we adopt Ms White's recommendation, and the amendments are contained in **Appendix 2** and **Appendix 3**.

[198] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **2.13 SETTLEMENT ZONE STANDARDS**

*SETZ-S4, SETZ-S6 and SETZ-S8*

### **2.13.1 Assessment**

[199] We accept Mr MacLennan's analysis and recommendation in response to the submissions on the Settlement Zone standards<sup>172</sup> and note we heard no evidence to the contrary.

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<sup>170</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 11.8.3.

<sup>171</sup> Liz White, Final Reply s42A Report, paragraph 16

<sup>172</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 12.2.3, 12.3.3, 12.4.4-12.4.5.

### 2.13.2 Decision

[200] We adopt Mr MacLennan’s analysis and recommendations on submissions relating to Settlement Zone standards SETZ-S4, SETZ-S6 and SETZ-S8, and we find the minor recommended amendment to SETZ-S6 to be appropriate. The amendment to SETZ-S6 is set out in **Appendix 3**.

[201] In terms of s32AA, we adopt Mr MacLennan’s evaluation in support of the change made.

## 2.14 BLANDSWOOD

### 2.14.1 Assessment

[202] As noted above, and as detailed in Mr MacLennan’s s42A Report<sup>173</sup> 22 submissions were received opposing the inclusion of Blandswood (a long-established settlement with permanent houses and holiday homes) in the Open Space Zone. Submitters sought rezoning from Open Space Zone–Holiday Hut Precinct to Settlement Zone (SETZ). Reasons provided in submissions included:

- (a) The OPZ is not appropriate for private land with existing dwellings.
- (b) The OSZ will mean resource consent is required to do anything on the submitter’s property.
- (c) The OSZ will result in a vacant section not being able to be built on despite its suitability for residential development.
- (d) The OSZ will mean maintenance and development/improvement of properties will be restricted.
- (e) The OSZ will unduly restricts property owners to develop and improve their homes or holiday homes.
- (f) The Blandswood area is different from other areas where the OSZ is proposed.

[203] Since Hearing Stream B, the SETZ reporting officer (Mr MacLennan) has worked with the Blandswood submitters and DOC on revised provisions establishing a Blandswood Precinct within the Settlement Zone. Those revised provisions address the matters raised in the three submissions (originally allocated to the OSZ hearing), and all Blandswood submitters have been included in that process. We accept Mr MacLennan’s advice that a Blandswood Precinct within the SETZ Chapter is the appropriate planning framework for the area.

[204] Consequential amendments have been recommended to the OSZ Chapter to remove all references to Blandswood, as this chapter will no longer apply to the area. We accept those consequential amendments.

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<sup>173</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 13.3.2.

[205] Overall, we are satisfied that the recommended bespoke package of provisions (including a dedicated objective, policy, and rules) will ensure that the residential character and natural qualities of the Blandswood Precinct are maintained.

### **2.14.2 Decision**

[206] We adopt Mr Maclennan's analysis and recommendations and we find the amendments to create a Blandswood Precinct within the SETZ Chapter to be appropriate. The amendments to the SETZ Chapter and consequential amendments to the OSZ Chapter are set out in **Appendix 2** and **Appendix 3**.

[207] In terms of s32AA, we adopt Mr Maclennan's evaluation in support of the changes made and we agree that the recommended amendments provide greater direction on the purpose, character and qualities of the Blandswood Precinct and the changes to the objective are the most appropriate to achieve the purpose of the RMA.

## **2.15 REZONING REQUESTS**

### **2.15.1 Assessment**

#### *Waihi School*

[208] Waihi School [236.1, 236.1FS] oppose the General Rural Zoning of Waihi School at 611 Temuka-Orari Highway and of the adjoining site to the north (referred to as the Rolleston Site) and sought a Special Purpose (School) Zone or alternatively a precinct or specific control area in the GRUZ for the Waihi School and Rolleston sites. Mr Maclennan, having received the further information he requested from the submitter, recommended that a new 'Waihi School Precinct' be included in the Proposed Plan comprising a new policy, and an additional rule, amended planning maps to reflect the Precinct, and an additional reference to the Precinct within SCHED16 of the Proposed Plan.<sup>174</sup> We heard from Ms Gallagher, representing Waihi School Trust Board (WSTB), at the hearing, who confirmed that the recommended 'PREC8-Waihi School Precinct' and the associated provisions are acceptable.<sup>175</sup> Having considered the submission and evidence, we are satisfied that the recommended amendments to the Proposed Plan are appropriate, and we agree the Precinct is an efficient and effective method of achieving GRUZ-O1 and will ensure that the relevant character and qualities of the GRUZ set out in GRUZ-O2 will be maintained.

#### *Fonterra – Clandeboye Site*<sup>176</sup>

[209] Fonterra own and operate the Clandeboye manufacturing site (Clandeboye site) located near Temuka. In evidence, Ms Tait, the planning witness for Fonterra described the Clandeboye site and provided a map showing the extent of the site, which includes the proposed General Industrial Zone (GIZ) and a small area of rural land.<sup>177</sup> For the purposes of this section of our decision we adopt that description of the site.

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<sup>174</sup> Andrew Maclennan, s42A Report, 19 June 2024, Para 13.1.5 - 13.1.28

<sup>175</sup> Penelope Gallagher, Statement of Evidence, 5 July 2024, Para 3.

<sup>176</sup> As reflected in Appendix 3.

<sup>177</sup> Suzannah Tait, Statement of Evidence for Fonterra, 5 July 2024, sections 5.1 and 5.2

[210] The Clandeboye site is Fonterra’s key asset within the Timaru District. The site processes up to 13 million litres of milk per day and is one of Fonterra’s largest manufacturing sites, employing over 1000 staff. Fonterra is concerned that the proposed GIZ does not adequately provide for the unique characteristics of the Clandeboye site. Fonterra considers that the provisions are unsuitable for the site and community needs. The submission initially requested amendments to introduce a new chapter for a “Special Purpose Zone - Strategic Rural Industry” (SPZ-SRI) tailored to the Clandeboye site which would have wider application but emphasised the responsibility of individual sites to demonstrate the need or benefit of the proposed zone.

[211] The submission included proposed drafting for the SPZ-SRI which includes separate objectives, policies, rules, and standards for the zone. The proposed provisions enable the continued operation and development of strategic rural industry activities and ancillary activities while also ensuring that strategic rural industrial activities to operate without being compromised by reverse sensitivity. The submitter also seeks the introduction of a new definition of “Strategic rural industry activities” as follows:

Strategic rural industry activities means: any activity that is associated with the processing, testing, storage, handling, packaging or distribution of products manufactured at sites in the Special Purpose Zone - Strategic Rural Industry.

[212] Prior to the hearing, and in the evidence and legal submissions provided by Fonterra, the rezoning request was significantly refined to only relate to the operational needs of the Clandeboye site. Instead of a broad strategic rural industry zone framework, the submitter requested an activity specific Special Purpose Zone for the Clandeboye Dairy Manufacturing Site (CDMS).

[213] Clandeboye site is surrounded by rural land, and Fonterra seeks, amongst other things, a specific policy protecting the site from reverse sensitivity effects. They also request a setback of 500m from farms irrigating waste from the Clandeboye plant. The submitter also proposes a noise boundary surrounding the site that will trigger insulation requirements for sensitive activities that might seek to establish in close proximity to the plant.

[214] Fonterra was represented by legal counsel, Mr Ben Williams, at the hearing who called a range of expert and corporate evidence to support the submission:

- (a) Ms Suzanne O’Rourke for the company;
- (b) Mr Ross Burdett for the site;
- (c) Mr Mike Copeland in relation to economics;
- (d) Mr Richard Chilton in relation to air quality;
- (e) Mr Paul Smith on landscape and visual matters;
- (f) Mr Rob Hay in relation to noise;
- (g) Mr Dave Smith in relation to traffic;
- (h) Ms Susannah Tait in relation to planning.

[215] The Panel accepts Fonterra's technical expert evidence, noting that evidence was not challenged by any other submitter, nor the Council. The issue is the identification of the most appropriate planning framework to provide for the activity in its current location. We have focused our consideration on the differing planning opinions provided by Ms Tait for Fonterra, and Mr MacLennan for the Council. We have also considered the legal arguments of both Ms Vella and Mr Williams, particularly in relation to the interpretation and application of the higher order planning documents.

[216] The Panel undertook a site visit, to familiarise ourselves with the activities within the site and the surrounding environment.

[217] In terms of the scope of the amended relief, Mr Williams provided an analysis of the relief requested, compared with that originally proposed. We are satisfied that the amended relief sits fairly and reasonably between the notified Plan and the original relief requested and that no legal scope issues prevent the Panel from considering the evidence on the narrowed relief or considering whether that amendment is more appropriate.

[218] In order to evaluate the different options, we first considered the higher order planning framework, then evaluated the proposed zone objectives, policies and rules within the framework required by s32/32AA of the Act.

*Is it appropriate for Clandeboye to be provided for by way of a special purpose zone, a precinct, in the form of a special overlay or through the GIZ rules?*

[219] Clause 8 of the National Planning Standards set out the criteria for a special purpose zone to be established. Clause 8(3) provides:

An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

- (a) are significant to the district, region or country
- (b) are impractical to be managed through another zone
- (c) are impractical to be managed through a combination of spatial layers.

[220] Mr Williams submitted that 'Impractical' does not have the same meaning as 'impossible'. Although not defined by the NPS itself, 'impractical' has the dictionary meaning of "not effective or reasonable".<sup>178</sup> He submitted that as a matter of principle, the RMA's sustainable management purpose is also of relevance to establishing the content of the Proposed Plan. Therefore, it is not necessary to show that the site is not capable of being managed through another zone or through a combination of spatial layers (i.e., a precinct). What matters is whether the framework is an effective means of managing the natural and physical resources at the Clandeboye Site.

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<sup>178</sup> Legal submissions on behalf of Fonterra, at [37]-[38], 12 July 2024

[221] The Panel accepts the evidence that Clandeboye factory is significant to the District and Region, and makes a significant contribution to the national economy, thereby meeting the first test.

[222] We then approached the issue of the most appropriate method (zone), firstly by considering the notified zone, to test whether it is impractical to provide for Clandeboye through the proposed zone, before then considering whether it is impractical to provide for Clandeboye with a precinct approach. It is only then we can consider the alternative of a special purpose zone.

[223] Before undertaking our evaluation, we note that a small area of land at 37 Rolleston Road and 2-10 Kotuku Place is rural land containing highly productive soils. We were told in evidence that this land was needed to provide for a proposed Biomass Project and related infrastructure, which at the time of the hearing was said to be expected to take place mid-2025.<sup>179</sup> Clause 3.6(4) of the NPS-HPL provides a limited pathway for the rezoning of Rural Land, otherwise prevented under the NPS-HPL.<sup>180</sup> In accordance with clause 3.6.4 (a) of the NPS-HPL, Fonterra argued that although the potential use of the land differed from the 'housing' or 'business' land use that might more commonly be expected to be subject to the clause, in this case there were obvious limits on where the Biomass plant could practically be located. It needed to be next to the existing site. Fonterra acknowledged that the proposal could be pursued by resource consent. They had already discounted the prospect of developing the Biomass plant on the GIZ zoned land due to special and operational constraints.

[224] Mr Williams also referred to the requirements of clause 3.11 of the NPS-HPL with regard to providing for existing use rights. We have not found it necessary to rely on clause 3.11 or make any finding on the scope of existing uses in this context. We consider however, that a sensible application of clause 3.6(4) is that the rezoning of a small area of land adjacent to the GIZ, where it is required for the Biomass plant, falls within the enablement of business land, because there is no practical alternative location for the activity, and business development capacity for the proposed Biomass plant is not available elsewhere. We accept that it is more efficient and effective than relying on resource consents for use of the Rural Zone in this instance. We consider that whatever the rezoning option is, appropriate rules can be drafted so that the land is used in conjunction with the Clandeboye site.

[225] Returning to the issue of whether the GIZ zone, with or without a precinct is 'impractical' we have considered the following evidence:

- (a) The proposed GIZ zone is largely a 'roll over' of the ODP Industrial H zone. Clandeboye has operated within that framework since 1995.

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<sup>179</sup> Ross Burdett, Statement of Evidence, 5 July 2024 at 29

<sup>180</sup> See Parts 1 and 7 of the Decision for a discussion on the Government's most recent suite of national policy statement changes relating to HPL and the steps we undertook to seek the views of Council and submitters in response to those changes.

- (b) The site has undergone regular change and although Ms O'Rourke was concerned about the number of resource consents required for the site, these were mostly regional consents, rather than new land use consents.<sup>181</sup>

[226] Ms O'Rourke gave examples of rules in the Industrial H zone which were not appropriate or a good fit with the nature of the site's activities, for examples rules relating to landscaping requirements, temporary buildings, and the noise requirements (covered by an existing resource consent). She said some requirements had aspects which were no longer relevant due to changes in land use surrounding the site. Ms O'Rourke preferred a Special Purpose Zone and did not comment on the use of overlays or precincts from an operational perspective.

[227] Mr Burdett, the Site Operations Manager, provided more details of the nature of the resource consenting burden on Fonterra. Mr Burdett spoke of the positive relationship that Fonterra had with the local community, although the company had not shared with the local community its intention to seek a Special Purpose Zone through the Proposed Plan process.

[228] Ms Tait considered that the status quo roll over approach to zoning was impractical given the complexities of the operational requirements of the site.<sup>182</sup> We record here that although initially Mr Maclennan considered the GIZ zoning to be appropriate, he changed his view to accept that there could be improvements to the zone rules to better meet the needs of the site. To that end he preferred the use of a precinct. Ms Tait's preference was for the Special Purpose Zoning. Mr Maclennan and Ms Tait continued to discuss their differences after the hearing and reached agreement on the planning framework that could apply, whether that be by way of Mr Maclennan's precinct or Ms Tait's Special Purpose Zone. They produced a joint witness statement on 2 October 2024. The main differences between their reasoning was summarised as follows:<sup>183</sup>

### 3. Appropriate planning mechanism for the CDMS

3.1 The experts do not agree on the appropriate planning mechanism to embed the CDMS provisions in the PDP.

3.2 Mr Maclennan considers the activities on the site are industrial in nature and are not sufficiently different from the provisions of the GIZ that warrants a special purpose zone. He considers embedding the precinct within the GIZ chapter allows the bespoke requirements of the CDMS to be incorporated into the GIZ, while retaining the notified structure of the PDP. He considers the precinct option removes the need to duplicate the policies of the GIZ related to "offence trade" and "other activities". In addition, he considers the GIZ objectives, which outline the purpose, character, qualities, use, and development of the zone<sup>1</sup>, provide valuable context to assist plan users in understanding the nature of the area.

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<sup>181</sup> The site is currently governed by 18 resource consents issued by the Council. There are a further 35 resource consents (or certificates of compliance) issued by ECan. In total, the site is subject to 53 resource consents.

<sup>182</sup> Susannah Tait, Statement of Evidence, 5 July 2024, Para 6.7.8-6.7.21.

<sup>183</sup> Joint Witness Statement, Maclennan and Tait, 2 October 2024 at section 3 and 4.

3.3 Finally, as noted in paragraph 13.2.9 of his s42A report the National Planning Standards state that:

“3. An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

- a) are significant to the district, region, or country
- b) are impractical to be managed through another zone
- c) are impractical to be managed through a combination of spatial layers”

3.4 While he appreciates a zone creates a simpler planning framework that applies to the CDMS, Mr Maclennan retains the view that it is not impractical to manage the CDMS through the GIZ provisions. Given this, his preference is the precinct option. The provisions, articulated as a precinct within the GIZ, are set out in Attachment A.

3.5 Ms Tait considers that the use of a Special Purpose Zone is still the most appropriate method for achieving the purpose of the RMA. The reasoning for this is clearly set out in her evidence in chief (dated 5 July 2024) and her summary statement (dated 23 July 2024). The provisions, articulated as a zone, are set out in Attachment B. It is noted that as a package of zone provisions, two additional policies have been included (that did not form part of the original zone package) to address offensive trades and ‘other’ activities.

#### 4 S32AA

4.1 Ms Tait, within Appendix D of her evidence, has provided a section 32AA assessment of the provisions submitted with her evidence. The experts consider that this assessment is largely still relevant for the agreed provisions (whether adopted as zone or precinct provisions). As the cost/benefits and efficiency and effectiveness of both options are similar.

4.2 Ms Tait retains the view that the special purpose zone is the most efficient and effective method of achieving the objectives and thereby Part 2 of the Act, as set out in Appendix D of her evidence.

4.3 Mr Maclennan is of the view that the precinct provisions are the most efficient and effective method of achieving the objectives for the reasons set out in paragraphs 3.2 to 3.5 above.

[229] The Panel has considered the respective experts s32AA evaluation and note that the differences in efficiencies and effectiveness are finely balanced. We note however, that before the s32AA evaluation is undertaken the Panel must give effect to the NPS, which is directive as to the structure of the plan. On that basis, we do not find on the evidence that it is ‘impractical’ to provide for the Clandeboye dairy plant and its associated activities by way of a precinct, as required by clause 8(3) (b) and (c) of the National Planning Standard. We agree with Mr Maclennan that although the activity has some site-specific constraints that differentiate it from other industrial activities, it is still an industrial activity. Therefore, it can be accommodated within the GIZ with an overlay, for the reasons given by Mr Maclennan. We

addressed the issue of whether it is appropriate to provide for a noise insulation requirement for sensitive activities in the adjoining Rural Zone and setbacks from the disposal of dairy factory waste on the rural land surrounding the plant, following our consideration of evidence in Hearing F, and these issues are addressed in Part 7 of the Report.

[230] For completeness, for the reasons set out in Mr MacLennan's Final Reply, we also find it appropriate that 37 Rolleston Road, 2 and 10 Kotuku Place be rezoned from GRUZ to GIZ and included within the proposed Clandeboye Dairy Manufacturing Precinct as set out within the JWS (now described as PREC8).<sup>184</sup>

[231] In terms of specific provisions, we have carefully considered the suite of recommended amendments to achieve the Clandeboye Dairy Manufacturing Precinct as set out in the final s42A Reply Reports within the GIZ and find these to be appropriate. We further accept Mr MacLennan's recommendation where he removes (as a consequential amendment) the Height Specific Control Area from the area covered by the Clandeboye Dairy Manufacturing Precinct Building Control Plan (BCP). This is because the site-specific height controls in the Clandeboye BCP supersede those in the notified Plan Height Specific Control Area.<sup>185</sup>

[232] We did not find it necessary or appropriate to include a definition of 'strategic rural industry' in light of the incorporation of the new precinct.

### *Woodbury*

[233] Earl and Lucia [13.1] consider the Rural Lifestyle Zone at Woodbury should be extended to include 42 Burdon Road, Woodbury given it is small in size (3.5ha) and adjoins the Rural Lifestyle Zone. They also note that it is outside the water protection area. Mr MacLennan agreed with the submitter and recommended that the site be rezoned from GRUZ to RLZ.<sup>186</sup> However, he did not consider an amendment to RLZ-R8 was required. We accept Mr MacLennan's analysis and agree that the 3.5ha site adjoining the existing RLZ better fits with the character of the RLZ.<sup>187</sup>

### **2.15.2 Decision**

[234] We adopt Mr MacLennan's analysis and recommendations on rezoning requests, including Attachment A to the JWS in relation to the Clandeboye site, and the amendments are set out in **Appendix 2 and Appendix 3**.

[235] In terms of s32AA, we adopt Mr MacLennan's evaluation in support of the changes made, including the additional s32AA evaluation for the Clandeboye site as set out in the Final Reply.<sup>188</sup> We are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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<sup>184</sup> Andrew MacLennan, s42A Final Reply Report, 4 August 2025, Para 29.

<sup>185</sup> Andrew MacLennan, s42A Final Reply, 4 August 2025.

<sup>186</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 13.4.12.

<sup>187</sup> Andrew MacLennan, s42A Report, 19 June 2024, Para 13.4.6.

<sup>188</sup> Andrew MacLennan, s42A Final Reply, 4 August 2025, Para 32-35.

**IN THE MATTER OF** Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Timaru District Plan

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**Decision Report – Part 7**

**Activities on the Surface of Water, Earthworks, Light, Noise, Signs, Temporary  
Activities, Relocated Buildings and Shipping Containers, Highly Productive Land, and  
Public Access**

**19 March 2026**

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# Part 7: Activities on the Surface of Water, Earthworks, Light, Noise, Signs, Temporary Activities, Relocated Buildings and Shipping Containers, Highly Productive Land, and Public Access

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## **1 MATTERS CONSIDERED IN THIS PART**

[1] This section of the Decision Report sets out the Hearing Panel's decisions on the submissions and further submissions relating to Activities on the Surface of Water (ASW), Earthworks (EW), Light, Noise, Signs, Temporary Activities (TEMP), Relocated Buildings and Shipping Containers (RELO), Highly Productive Land (HPL), and Public Access (PA).

## **2 ACTIVITIES ON THE SURFACE OF WATER**

### **2.1 GENERAL SUBMISSIONS**

#### **2.1.1 Assessment**

[2] Te Rūnanga o Ngāi Tahu [185.74] sought to extend the Chapter to all waterbodies, not just rivers. However, Mr Maclennan<sup>1</sup> pointed out that there are no lakes in the District. Lake Opuha (which sits partly in the Timaru District and partly in Mackenzie District) is man-made and considered to be a part of the Ōpihi River. Features such as the Ōpihi River Lagoon are considered to be coastal water (seaward of mean highwater springs). Therefore, Mr Maclennan recommended that in the context of the Timaru District it is appropriate to only refer to rivers. In his Interim Reply, Mr Maclennan also referred to RMA, s31(1) which sets out the functions of territorial authorities under this Act states that:<sup>2</sup>

“(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district: ....

(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:”

[3] Therefore, the Council's functions are limited to controlling activities on the surface of water in rivers and lakes. Given there are no lakes within the District, Mr Maclennan considered the content of the Chapter should be limited to controls on the surface of the District's rivers. He recommended a number of drafting changes to reflect that, including the reference to 'rivers' in the objectives and policies. We agree with his recommendations.

[4] Forest and Bird [156.132] requested amendments to the Introduction to the chapter to recognise the value of the Water Conservation (Rangitata River) Order 2006 (Rangitata WCO), and motorised craft activities on the surface of waterbodies should be discouraged during river bird breeding season. Mr Maclennan explained that the notified ASW Chapter has been drafted in accordance with the Rangitata WCO. He considered that the policy framework directs that the use of motorised craft shall be avoided during particular times of the year and within identified fish spawning areas. This is supported by the rule framework for permitted activities, which includes conditions requiring the use of motorised craft to be undertaken outside of specified periods to protect vulnerable waterbodies and ecosystem values at appropriate times of the year. However, he disagreed that the Introduction needs to

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<sup>1</sup> Andrew Maclennan, s42A Report Hearing F, 24 March 2025, paragraph 8.2.5.

<sup>2</sup> Andrew Maclennan, Interim Reply, 6 June 2025, paragraphs 9 -10

### **3.9 EW-S5 EARTHWORKS IN PROXIMITY OF THE NATIONAL GRID**

#### **3.9.1 Assessment**

[188] At the hearing we received a written statement from Transpower [159.89] supporting Ms Williams' recommendation on this standard. We received no other evidence or additional information from other submitters.

[189] We accept Ms Williams' analysis and recommendations addressing this standard. We agree with Ms Williams that the amendments recommended to ensure the standard applies to earthworks in proximity to the 66kV electricity distribution lines and does not capture earthworks in proximity of the National Grid ensures that the provision is clear and addresses the resource management issue appropriately.

#### **3.9.2 Decision**

[190] We adopt Ms Williams' analysis and recommendations on EW-S5. The amendments to the standard are set out in **Appendix 3**.

[191] In terms of s32AA, we adopt Ms Williams' evaluation in support of the changes made.

## **4 LIGHT**

### **4.1 GENERAL SUBMISSIONS**

#### **4.1.1 Assessment**

[192] A number of submissions made general points seeking clarification of provisions, and the deletion and replacement with alternatives, similar to the Mackenzie District Plan, Plan Change 22 (MDP PC22).<sup>53</sup> Ms White did not recommend any changes in response to those submissions, rather the themes are picked up elsewhere on specific provisions. Nor did Ms White consider it appropriate to adopt the approach for MDP PC22 due to the different circumstances within each District. In particular, the Aoraki Mackenzie International Dark Sky Reserve, and the 'dark sky' provisions contained in MDP PC22 were based on provisions already existing in the Operative MDP. We agree with Ms White's conclusions and make no changes to the provisions arising out of the 'general' submission points.

#### **4.1.2 Decision**

[193] No changes are made to the provisions arising from general submissions, but various changes are made elsewhere in response to specific provision submissions.

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<sup>53</sup> Liz White, s42A Report Light and Noise, 24 March 2025, paragraph 7.1

## 4.2 OBJECTIVES

[194] Two objectives were notified addressing the effects of artificial outdoor lighting on the environment. LIGHT-O1 addressed the use of outdoor lighting generally and LIGHT-O2 addressed the benefits of outdoor lighting.

### 4.2.1 Assessment

[195] Some submissions supported the approach, however Synlait [163.5] considered the objectives were confusing and overlapping, and that LIGHT-O2 did not capture the importance of health and safety considerations. DOC [166.120] sought changes to reference the BPA (Bat Protection Area) Overlay as part of the proposed LSA (Light Sensitive Area) Overlays in the Plan to recognise the impacts of outdoor lighting on bat habitat. Waka Kotahi [143.110] sought an amendment to LIGHT-O2 to replace “road safety” with “the transport network and public areas”.

[196] Ms White agreed with Synlait regarding the drafting of LIGHT-O1 and LIGHT-O2 but recommended that rather than having two objectives, the two could be merged to adequately address the issue and better align with LIGHT-P1.1. Her recommended drafting change did not incorporate the change requested by Waka Kotahi because in her view it would not work to replace ‘road safety’ with ‘the transport network and public areas’ as road safety is a subset of the ‘health and safety of people and communities’, whereas ‘the transport network and public areas’ are not a subset of the ‘health and safety of people and communities’. We agree with Ms White’s response.

[197] In terms of DOC’s concerns about the BPA, we have addressed this further below when considering the proposed LSAs.

### 4.2.2 Decision

[198] We adopt Ms White’s analysis and recommendations on the objectives. The amendments to the objectives are outlined in **Appendix 3**.

[199] In terms of s32AA, we adopt Ms White’s evaluation in support of the changes made.<sup>54</sup>

## 4.3 LIGHT SENSITIVE AREA OVERLAY (AND RELATED OBJECTIVES, POLICIES AND RULES)

[200] The Proposed Plan as notified incorporates the use of a LSA Overlay on the Planning Maps. The LSA Overlay acts as a trigger for a number of policies and rules within the identified areas. The LSA is defined in the Proposed Plan with reference to other overlays and zones, in particular the:

- (a) Wāhi tapu, Wāhi taoka and Wai taoka Overlays;
- (b) Significant Natural Area Overlay;
- (c) Outstanding Natural Landscape Overlay;

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<sup>54</sup> Ibid, paragraphs 7.2.10-7.2.12

- (d) Visual Amenity Landscape Overlay;
- (e) Rural Lifestyle Zone; and
- (f) Natural Open Space Zone.

#### 4.3.1 Assessment

[201] The use of the LSA Overlay was subject to extensive opposition from the rural community, for example, Fenlea Farms [171.2] and Rooney, A J [177.6]. Both submitters opposed the definition of LSAs being based on overlays, rather than on ecological assessment. Fenlea Farms was also concerned that the provisions do not take into account health and safety associated with ancillary activities, which in its view is contrary to LIGHT-P1 and LIGHT-P3. The submitters were concerned that the SASM Overlays are expansive and may cover areas where the control of light is unnecessary.

[202] Rangitata Dairies [44.1] was concerned that wai taoka sites are included in the definition of LSAs. As an example, they noted that dairy sheds within these areas, which operate with artificial lights prior to 7am, would require a resource consent as a non-complying activity. The submitter further noted that the AEC Report<sup>55</sup> referred to disturbance of birds by night lighting, but only within wāhi tapu and wāhi taoka sites, not wai taoka sites. The submitter sought removal of the wai taoka overlay from the definition.

[203] Dairy Holdings [89.4] considered it unnecessary to restrict lighting where sensitive receivers are unlikely to be present. They noted that lights are essential in rural areas for health and safety and they also oppose the inclusion of wāhi tapu, wāhi taoka and wai taoka overlays.

[204] Fonterra [165.15] and Hort NZ [245.12] considered it is inappropriate that the RLZ is included given it is a rural zone and does not warrant additional protection.

[205] Federated Farmers [182.16] considered it appropriate to exclude farms from light sensitivity for the purpose of primary production, stating that farms need light to operate safely and conduct their business (e.g. harvesting). The submitter opposed the inclusion of SNAs in this definition.

[206] There were also submissions seeking technical changes to the location of the LSAs along with the DOC submission [166.8] which sought to include reference to the BPA Overlay in the definition.

[207] Ms White undertook a thorough review of how the LSA intersected with the Proposed Plan provisions and noted that there was a lack of information to support how lighting impacted the overlays and zones included in the definition of LSA. She also considered that the overlay approach was primarily influenced by the MDP provisions, which as she pointed out, related to the internationally recognised 'dark sky' which is distinct from the Timaru context. Overall, she considered that the provisions applying within the LSA appeared to relate to protection of

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<sup>55</sup> Aoraki Environmental Consultancy Ltd (2020). Timaru District Plan Review: Report on Sites and Areas of Significance to Māori.

the darkness of the night sky and observed that there was an insufficient evidential basis for the inclusion of the provisions for that purpose. On this basis, she recommended that LSAs are removed from the Proposed Plan.

[208] Ms White considered the Xyst Lighting Report<sup>56</sup> (which discussed the possibility of Geraldine becoming a dark sky reserve) and whether Geraldine may be an appropriate area for controls on lighting to protect the darkness of the night sky and views of it. However, given the report states that there would be difficulty achieving a dark sky reserve for the Geraldine township in the foreseeable future (because street lighting across the District is being replaced with 4000K LED lights, and to achieve dark sky status, these would need to be replaced with 3000K lights) she did not consider that applying dark sky-focussed controls on lighting in Geraldine would make a practical difference in terms of protecting or improving views of the night sky.

[209] Overall, there was a lack of justification for the LSA Overlay, and she recommended that it be removed. We accept her opinion and agree with her recommendations.

[210] On the issue of the BPA Overlay, Ms White noted the DOC comments that lighting can negatively affect long-tailed bat activity and behaviour. The Proposed Plan includes a BPA Overlay, which identifies areas which contain long-tailed bat roosts. As these are areas which bats rest in during the day, Ms White considered (based on the evidence provided by DOC as part of its submission) that some level of lighting control was appropriate as this would assist with protection of areas of significant habitats of indigenous fauna in accordance with SD-O2.v and ECO-O1. Ms White reminded us that through Hearing D, it has been recommended that the BPA Overlay is increased in area and therefore any controls would apply to the wider area now recommended. In terms of the specific controls to be applied, it is her view that the LSA Overlay provisions should essentially be amended to apply specifically to the BPA Overlay.

[211] As a consequence of her recommendations, she further recommended that LIGHT-P3 (which directs that all artificial outdoor lighting that does not meet the intensity, type, and direction requirements for LSAs is to be avoided, unless it is critical for health and safety reasons) is deleted (and not amended to refer instead to the BPA). This is because in her view adequate direction is provided in the drafting recommended in relation to LIGHT-P2 (refer below) to control the intensity, location and direction of any outdoor lighting to minimise adverse effects on long-tailed bats. LIGHT-P3 essentially results in unnecessary duplication.

[212] DOC provided evidence from Mr Simon Waugh, who is employed by DOC as a Biodiversity Ranger in the Geraldine Office. He has particular experience in monitoring long-tailed bats, including catching, handling, radio tracking and roost tree finding.<sup>57</sup> His evidence addressed effects on long-tailed bats from artificial light and best practice for reducing effects on long-tailed bats when using artificial light in bat habitat areas.

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<sup>56</sup> Timaru District Plan Review: Lighting Standards (Draft Report), 22 April 2020

<sup>57</sup> Simon Waugh Statement of Evidence Hearing D, 29 October 2024.

[213] Mr Waugh's evidence was unchallenged, and we accept his expertise on the issue. The matter the Panel is concerned with is, considering the negative effects of artificial lighting on long-tail bat populations, what is the appropriate regulatory response.

[214] In Minute 34, we directed Ms White and Ms Williams conference to provide an appropriate rule framework. Ms White also sought expert advice from a lighting technician. A JWS was later supplied.<sup>58</sup>

[215] We have reviewed the JWS, and the detailed reasoning for the recommended changes to the provisions. Ms White and Ms Williams provided a s32AA evaluation. We note there were no further submitters who opposed the relief requested by DOC which sought the inclusion of the BPA within the originally notified LSA and rules and standards to address the impacts of artificial lighting on long-tailed bats. The relief that has now been agreed as between Ms White and Ms Williams is within the scope of the original submission; it is more specific and targeted to address the impacts on the long-tail bat population.

[216] One matter recorded as agreed between Ms Williams and Ms White was a change to LIGHT-R1.4 PER-2. Based on the advice received from Mr Wilson, they considered it would be impractical to extend the rule to pivot irrigators, and that any effects from this type of lighting could be mitigated by restricting it to amber or red-coloured lighting. The Panel questioned Ms White about the reference to pivot irrigators which are moveable light sources.<sup>59</sup> Ms White reviewed the effect of the provision and agreed and amended her recommendation to remove LIGHT-R1.4 PER-2.2.

### **4.3.2 Decision**

[217] We accept Ms White's recommendations that the definition and mapping of LSA is to be deleted, and consequential changes are made to the policies and rules to accommodate the deletion. LIGHT-P3 is deleted in its entirety. We accept the changes recommended by Ms White (as updated in the Final Reply) to address the effects of artificial outdoor lighting on the long-tailed bat. Changes to the provisions are set out in **Appendix 3**. Amendments to the Planning Maps are set out in **Appendix 2**.

[218] We adopt Ms Whites s32AA evaluation to support the deletion of the LSA, LIGHT-P3 and the s32AA evaluation of Ms White and Ms Williams to address the application of rules and standards to the BPA.

## **4.4 POLICIES**

### **4.4.1 Assessment**

[219] The submissions on LIGHT-P1-P3 followed a similar theme to those on the objectives. The drafting of the notified policies suffered from the same errors identified by Ms White and discussed above in relation to the objectives, including being based on the MDP 'night sky'

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<sup>58</sup> Joint Witness Statement of Liz White and Liz Williams, 17 June 2025. The advice of lighting technician Paul Wilson was provided as Appendix 1 to the JWS.

<sup>59</sup> Minute 48, paragraph 11(a).

provisions. Ms White recommended drafting changes to address those matters and to align with the objectives.

[220] Ms Tait for Fonterra [165.15] was generally supportive of the changes recommended by Ms White but remained of the view that greater emphasis was required on the important role of lighting in protecting the health and safety of people in the workplace. She recommended that a new policy (taken from the Selwyn District Plan) be added.<sup>60</sup>

Recognise that artificial lighting may be required to support the operational needs of activities, including their health and safety requirements, and those needing to operate on a 24-hour basis.

[221] We have considered Ms Tait's suggested addition. We find that the LIGHT-O1 and LIGHT-P1 are sufficiently broad in their acknowledgement of the role and benefits of outdoor lighting for a range of activities, including operational health and safety needs. We are not persuaded the additional policy is necessary to achieve the objective or the purpose of the Act. We prefer Ms White's recommendations as set out in the Final Reply.

#### 4.4.2 Decision

[222] We adopt Ms White's analysis and recommendations on LIGHT-P1, LIGHT-P2 and LIGHT-P3. The amended provisions are set out in **Appendix 3**.

[223] We adopt Ms Whites s32AA evaluation and that of Ms White and Ms Williams.<sup>61</sup>

### 4.5 RULES - LIGHT-R1

#### 4.5.1 Assessment

[224] A number of the submission points are already addressed given our previous decisions to remove the definition, mapping, and function of the LSA, so we have not discussed those submissions further.

[225] Fonterra [165.101] (as a consequence of their wider request that a Special Purpose Zoning be applied to the Fonterra Clandeboye site) requested that LIGHT-R1.1 is amended to exempt the Strategic Rural Industry Zone (now the Clandeboye Dairy Manufacturing Precinct) from the rule in the same way as the Port Zone is excluded, with a new rule added requiring:

- (a) Exterior lighting to be orientated away from any adjoining or adjacent zone;
- (b) LIGHT-S2 to be complied with; and
- (c) A limit of 5 lux for illuminance levels at the notional boundary with the GRUZ and at window level of adjoining properties in the GRUZ.

[226] PrimePort [175.60] and TDHL [186.36] support the exclusion of the Port Zone from LIGHT-R1.1, as they consider Port lighting is more appropriately managed under LIGHT-R1.2,

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<sup>60</sup> Susannah Tait, Statement of Evidence, Hearing F, 9 April 2025, paragraph 11.2.

<sup>61</sup> Liz White, s42A Report, paragraphs 7.4.17 and 7.4.18, and JWS White and Williams, 17 June 2025.

which they, in turn, support as providing appropriate flexibility for nighttime Port operations whilst ensuring that exterior lighting does not unduly adversely affect adjoining residential zones.

[227] Barkers [179.20] requested that the LIGHT-R1.1 is amended to exclude the GIZ site at 72 Shaw Road, Geraldine. The Rooney Group<sup>62</sup> sought that PER-3 of LIGHT-R1.1 be deleted.

[228] Ms White generally agreed with the submitters who raised concerns regarding the drafting and clarity of the provisions. She recommended a number of drafting improvements taking into account the deletion of the LSA and the inclusion of the BPA standards. We accept the drafting as provided in the Final Reply is appropriate.

#### **4.5.2 Decision**

[229] We adopt analysis and recommendations of Ms White to amend LIGHT-R1 and delete LIGHT-R2 and LIGHT-R3. The amended provisions are set out in **Appendix 3**.

[230] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **4.6 STANDARDS**

### **4.6.1 Assessment**

[231] Fenlea Farms [171.9] and Rooney, A J [177.8] opposed Table 22 and 23 and Figure 18, along with any other rules and standards relating to lighting standards, illuminance levels, increment and acceptable/unacceptable lighting. The submitter/s considered that the limitations in these tables and figures are not practical. The submitter/s sought removal of illuminance time restrictions from Table 22, or removal of these insofar as they relate to matters of health and safety (including ancillary activities to permanent activities that occur on site). Fenlea similarly requested that limits on acceptable illuminance levels, increment, and acceptable/unacceptable lighting are removed for matters of health and safety for an ancillary activity of a permanent activity that occurs on site.

[232] Te Rūnanga o Ngāi Tahu [185.52] requested that LIGHT-S1 is amended to include two further matters of discretion, in order to give effect to the objectives and policies:

5. the actual and potential effects on values and attributes of light sensitive areas.

6. the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects.

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<sup>62</sup> Rooney Holdings [174.69], Rooney, GJH [191.69], Rooney Group [249.69], Rooney Farms [250.69], Rooney Earthmoving [251.69], TDL [252.69].

[233] Ms White did not agree to adding consideration of the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa because those matters do not relate to the effects addressed by the rule, which relate to the effects of lighting on adjoining properties. In Ms Pull's Memorandum in response to Minute 24 she reviewed the necessity for the additions and accepted they were not required in this instance because she considered the values to be able to be addressed under the broader concept of amenity if relevant.<sup>63</sup>

[234] Fonterra [165.103] requested that LIGHT-S1 is amended to exempt the Strategic Rural Industry Zone (now the Clandeboye Dairy Manufacturing Precinct) from the standard in the same way as the Port Zone is excluded. Fonterra [165.104] also consider it appropriate to add their proposed Special Purpose Zone (now the Clandeboye Dairy Manufacturing Precinct) to Table 23 to apply the same standards as apply to the GIZ and Port Zones (amongst others).

[235] Ms Tait, the planning witness for Fonterra explained further that there is a resource consent for the Clandeboye site that includes a condition for lighting, and she considered it to be appropriate to include this in the rule. Ms White accepted that change was appropriate in this context and provided drafting changes in her summary statement.<sup>64</sup>

[236] Barkers [179.22] sought that the LIGHT-S1 is amended to exclude the GIZ-zoned site at 72 Shaw Road. Ms White noted the deletion of the LSA generally addressed the concerns of the submitter.

[237] DOC [166.125] requested that LIGHT-S1 is amended to include appropriate controls to avoid adverse effects on long-tailed bats and their habitat. We have addressed this above.

[238] Hort NZ [245.89] sought that Table 22 be amended so that the RLZ is included in the same column as the GRUZ. The submitter further states that the lux values are lower than the current provisions and do not consider the need for light for health and safety for primary production activities, including in the RLZ. It requested that the limits in GRUZ and RLZ are increased to 10 lux between 7am – 10pm and 5 lux between 10pm and 7am.

[239] Ms White recommends that for the RLZ it would be more appropriate to apply the limits that apply to the SETZ and MPZ, where residential living in a rural setting is also anticipated. Hort NZ did not pursue the issue further at the hearing. In terms of the changes requested to the GRUZ, Ms White acknowledged the lack of specificity in the Councils s32 analysis. She undertook further research into provisions in other districts and critically reviewed the objectives and outcomes for each of the Timaru zones.<sup>65</sup> Ms White recommended that the Hort NZ submission in relation to the GRUZ be accepted and the illuminance level limits in Table 22 increased.

[240] Aside from the evidence from DOC and Fonterra we did not receive any detailed evidence that supported the concerns expressed by submitters that the standards were impractical.

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<sup>63</sup> Memorandum on behalf of Te Rūnanga o Ngāi Tahu, 31 March 2025, page 62

<sup>64</sup> Liz White, Summary Statement, 23 April 2025, paragraph 8(c).

<sup>65</sup> Liz White, s42A Report Hearing F, paragraph 7.6.21

[241] We have accepted Ms Whites recommendations and consider these to be appropriate.

#### **4.6.2 Decision**

[242] We adopt Ms White’s analysis and recommendations. LIGHT-S1 and LIGHT-S2 are retained as notified. Table 23 is retained as notified, except for the removal of reference to LSAs, which is a consequence arising from the changes decided earlier. Table 22 is amended as set out **Appendix 3**.

[243] We adopt Ms Whites s32AA analysis in support of the changes as set out in her Report.<sup>66</sup>

### **4.7 DEFINITIONS**

#### **4.7.1 Assessment**

##### *Outdoor lighting*

[244] Fenlea Farms [171.5] and Rooney, A J [177.6] oppose the definition of ‘outdoor lighting’, as they consider the definition to be broad and unclear whether it applies to fixed or unfixed lighting. The Rooney Group<sup>67</sup> are opposed to the definition of ‘outdoor lighting’ including the reference to interior lighting that emits directly into the outdoor environment. They seek that the definition is amended to exclude its application to interior lighting, and to exclude artificial light from vehicles.

[245] Ms White agreed that the definition should only refer to fixed sources of lighting. In terms of indoor lighting directed outdoors her view was that this is limited to lighting emitted “directly” into the outdoor environment. She considered this reasonable, as if the purpose of the lighting is to light outdoor areas (as opposed to lighting indoor areas), the lighting emitted from within a building and purposely directed outside can have the same effects as that of lighting which is external to a building, for example in terms of light spilling onto adjoining properties and disturbing sleep. We agree with Ms White’s opinion.

#### **4.7.2 Decision**

[246] We adopt Ms White’s analysis and recommendations on the definition of ‘outdoor lighting’. The amended provisions are set out in **Appendix 3**.

[247] In terms of s32AA, we adopt Ms White’s evaluation in support of the changes made.

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<sup>66</sup> Ibid, paragraph 7.6.26

<sup>67</sup> Rooney Holdings [174.9], Rooney, GJH [191.9], Rooney Group [249.9], Rooney Farms [250.9], Rooney Earthmoving [251.9], TDL [252.9]

## **5 NOISE**

### **5.1 GENERAL SUBMISSIONS**

#### **5.1.1 Assessment**

[248] Hort NZ [245.90] and NZ Frost Fans [255.4] made general submissions which broadly requested greater recognition of the noise generated from rural activities in the rural environment and the need to provide setbacks for noise sensitive activities from rural activities, or specific exemptions from noise standards for rural activities on highly productive land. Ms White disagreed there was any need for broad-brush provisions but focused her responses to the provision specific elements of these submissions. We agree that there is no need to make changes to the Plan based on these general submission points, rather we have considered the provisions further below, along with the provisions in the GRUZ Chapter.

#### **5.1.2 Decision**

[249] We do not make any global changes to the provisions arising from these broad submission points, rather we address the provision specific submission points and issues below. The submission points are rejected accordingly.

### **5.2 FROST FANS**

#### **5.2.1 Assessment**

[250] NZ Frost Fans [255.8, 255.9, 255.10, 255.11, 255.12, 255.27, 255.28] sought changes across the Noise and GRUZ Chapters to manage the noise associated with frost fans, alongside controls on the establishment of new noise sensitive activities in proximity to existing or consented fans. The submitter supported priority being given to agricultural noise in NOISE-R1 PER-2 but is concerned about differing interpretations regarding what 'normal' seasonal horticultural practice entails. To provide greater certainty, clarity, and to align with best practice, the submitter considered that a frost fan specific suite of provisions –recognising that noise is seasonal, short term and intermittent in character - should be included in the Noise Chapter.

[251] Hort NZ [245.98] noted there is no rule for frost fans in the Proposed Plan. The submitter considered that there is increasing potential for frost fans to be used on orchards and considers that a specific rule will ensure that the effects are appropriately managed. In combination with a rule relating to the operation of frost fans, Hort NZ [245.97] sought the inclusion of a rule applying to residential activity within 300m of a frost fan, to address reverse sensitivity effects. The submitter requested a rule so that any new residential activity locating adjacent to a frost fan requires acoustic insulation to avoid adverse effects, including reverse sensitivity effects. In the alternate, Hort NZ sought inclusion of "Residential activity within 300m of a frost fan" within NOISE-R9 and NOISE-S3.

[252] At Hearing B, the s42A Report author (Mr MacLennan) considered rules requiring setbacks for noise sensitive activities from frost fans. He recommended that the provisions in GRUZ-S4 be revisited following the hearing on the Noise Chapter. In his Final Reply Mr

Maclennan recorded that he had discussed GRUZ with Ms White and they had agreed to recommend that new noise sensitive activities within 100m of a frost fan require a resource consent (under GRUZ-S4) and that between 100m – 300m of a frost fan, new noise sensitive activities be required to meet the insulation standards in NOISE-S3.1 to manage potential reverse sensitivity effects.<sup>68</sup> They had also identified a slight misalignment between the proposed amendment to GRUZ-S4 and Ms White’s suggested additions to NOISE-R9 in her Interim Reply. Ms White clarified her position in her Final Reply noting that the level of insulation required under NOISE-S3.1 is not considered sufficient by Mr Hunt to mitigate the level of noise anticipated from a frost fan which is within 100m.<sup>69</sup> Ms White corrected the drafting in the Final Reply version of the provisions. We adopt the corrected drafting.

[253] Mr Hunt provided acoustic evidence for the Council. Mr Hunt noted that it is difficult for noise from frost fans to comply with the nighttime noise limits applying in rural zones, and that some District Plans do provide rules that provide a conditional exemption for frost fans from those rules. He stated that if the Panel concluded that frost fan usage was likely to be an issue for the Timaru District, that the noise limit be applied to the notional boundary of noise sensitive activities (or zone boundary), or at a distance of 300m (whichever is the lesser distance). If such a rule is included, he also advised that a corresponding rule should apply to the establishment of noise sensitive activities within 100-300m of an existing frost fan, requiring the level of acoustic insulation set out in NOISE-S3.1. For new noise sensitive activities within 100m of a frost fan, a resource consent requirement should apply. Mr Hunt noted that where acoustic insulation for noise sensitive activities is required due to the proximity of frost fans, the ventilation requirements in NOISE-S4 need not be applied.

[254] Hort NZ supported the inclusion of a rule for the use of frost fans, as it provided certainty for growers. However, representatives of the industry appearing for Hort NZ considered that there needed to be greater flexibility in the recommended rule package. Mr Annand who is the National Sales Manager, New Zealand, for FrostBoss Limited (formerly NZ Frost Fans) explained the requirements for the planning and installation of frost fans and the differences in climate conditions across a particular farm. He questioned the practicality of the 2 degree or less standard (PER-3) and requested that fans be run as appropriate, noting that they are costly to run and would not be operated unnecessarily.<sup>70</sup> His view was supported by the planning evidence of Mr Hodgson.<sup>71</sup>

[255] Ms White advised that six resource consents and one certificate of compliance have been issued for frost fans within the District. Under the notified Proposed Plan, the frost fans would likely require resource consent under the standard noise rules. Ms White was of the view that there is a risk of reverse sensitivity effects, and that it would be more efficient to provide for these activities with standards rather than leave the issue to a standard resource consent track. She generally supported the package of rules requested by Hort NZ as follows:

- (a) Inclusion of a new rule for the operation of frost fans in the GRUZ, applying a permitted status with similar matters of discretion applying as included in

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<sup>68</sup> Liz white, s42A Report, paragraph 8.2.15 and Andrew Maclennan, Final Reply, 4 August 2025, paragraph 14

<sup>69</sup> Appendix 3 of the s42A Report: Light and Noise, 24 March 2025, page 14

<sup>70</sup> Mike Annand, Statement of Evidence, 16 April 2025.

<sup>71</sup> Vance Hodgson, Statement of Evidence, 8 April 2025, paragraph 48-55.

NOISE-R1, where a consent requirement is triggered (noting that Ms White did not support the rule applying in the RLZ or SETZ, given the higher focus in these particular rural zones on residential activities); and

- (b) a requirement for new noise sensitive activities within:
1. 100-300m of an existing or consented frost fan to meet NOISE-S3.1; and
  2. 100m of an existing or consented frost fan to obtain a resource consent.

[256] Ms White did not consider it necessary to include the 300m setback requirement in GRUZ-S4, as requested by NZ Frost Fans, on the basis that it may result in a resource consent being required even where insulation requirements are met.

[257] We note that Ms Whites updated drafting recommendation in the Final Reply<sup>72</sup> on NOISE-R9 and NOISE-S3 was not included in the Final Reply Version of the provisions (in error), so we have included these changes in the Decision Version of the provisions to clarify that new noise sensitive activities within 100m be subject to a requirement to obtain resource consent (under GRUZ-S4) and that between 100m – 300m of a frost fan, new noise sensitive activities be required to meet the insulation standards in NOISE-S3.1.

[258] In answer to questions from the Panel, Mr Hunt acknowledged he was not an expert in the operational needs of the horticultural industry, however, he justified the 2 degree or less standard in PER-3 as it had been arrived at through a consent order for a Plan Change to the Wairau Awatere Resource Management Plan, which was promoted in response to complaints from the use of fans in the Marlborough District which had been found to be operating longer than necessary. Mr Hunt was not ‘wedded’ to 2 degrees, but he considered the submitter’s request for a standard which enabled operation of 2 degrees above critical temperature for the crop being protected, was unenforceable. Mr Hunt gave further consideration to this method in the Interim Reply but remained of the view it was inappropriate. Ms White noted that the standard she recommended was initially sought by Hort NZ in their written submission, so she had some difficulty with their revised position to delete the standard because it was unreasonable. But overall, she considered the issue to be finely balanced.<sup>73</sup> We record that just because a standard was arrived at in a consent order in Environment Court proceedings does not mean it is appropriate in other contexts. There are clearly differences in the scale of usage of frost fans in Marlborough and the 6 or 7 approved fans in the Timaru District. Although this could change, our role is to ensure that the rule is fit for purpose in the Timaru context. Ms White researched whether any complaints have been received in the District in relation to frost fans. Only one has been reported, and that was in 2023.<sup>74</sup>

[259] We accept Mr Annand’s evidence that there is careful planning, and data collection required to operate frost fans efficiently, and that given the cost of fuel currently it is unlikely

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<sup>72</sup> Liz White, Final Reply, paragraph 19.

<sup>73</sup> Liz White, Interim Reply, Appendix A

<sup>74</sup> Liz White, Interim Reply, Appendix C.

they would be overused. Accordingly, we agree with the submitters that on the evidence, the temperature standard is unnecessary and inefficient. We consider that the recommended new rule NOISE-RX<sup>75</sup> PER-1, PER-2, PER-4, and PER-5 along with setbacks and acoustic insulation for noise sensitive activities in proximity to frost fans will be effective to minimise reverse sensitivity effects and avoids an unnecessary consenting burden on horticultural activities in the GRUZ Zone. We find that PER 3 can be deleted for those reasons.

## **5.2.2 Decision**

[260] We adopt the analysis and recommendations of Ms White on the amendments to NOISE-R9, NOISE-S3, NOISE-S4, and the inclusion of new rule, NOISE-RX<sup>75</sup> with the exception of NOISE-RX PER-3, which we have deleted. We also accept the related change to GRUZ-S4. The new rule and amendments to provisions are set out in **Appendix 3**.

[261] We adopt Ms White's s32AA analysis, with the exception of the standard NOISE-RX PER-3, which we have deleted. We are satisfied that the deletion of PER-3 does not diminish the efficacy of the rule and is more efficient given the low risk of excessive or unnecessary usage of frost fans in the Timaru District.

[262] We note that Ms White suggested that it may be useful to include an alert layer for frost fans as 'Non-District Plan Layer' in the E-plan. We express no conclusion on that matter and leave this for Council to resolve in the implementation of its plan.

## **5.3 NOISE CONTROL BOUNDARY (NCB) OVERLAY**

### **5.3.1 Assessment**

[263] One of the noise management tools utilised in the Proposed Plan is a Noise Control Boundary (NCB), which identifies acoustic contours shown on the Planning Maps where activities are likely to be exposed to noise levels from particular sources, and may therefore result in adverse health and wellbeing effects on recipients, and in some cases reverse sensitivity effects on the noise generating activity.

[264] The Proposed Plan included an NCB for Port Timaru, which extends to areas zoned for commercial and residential activities. PrimePort [175.8] and TDHL [186.4] supported the Port Inner NCB and the Port Outer NCB as notified. Two submitters G.D.M [38.2] and 22 The Terrace [202.3] requested the removal of the NCB from properties at 12, 14 and 22 The Terrace, on the basis that it resulted in inappropriate consent burden and was contrary to the Central City Zone objectives. They challenged the mapping of the modelled noise levels.

[265] Fonterra [165.5] requested a new NCB Overlay be included in the Plan for the Fonterra Clandeboye site. The extent of the overlay sought is set out in the submission. The intent of the NCB is to allow effective management of noise sensitive activities in close proximity to the Clandeboye site, including expectations around the noise associated with the site. In addition to the application of a new NCB, the submitter requested amendments to the Noise Chapter

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<sup>75</sup> Now renumbered NOISE-R6 in the Decision Version of the provisions.

to reference the Clandeboye NCB [165.109, 165.110, 165.111 and 165.113]. There were no further submissions opposed to the relief.

[266] We undertook site visits to the Port, The Terrace and 22 The Terrace where we observed the property at 22 The Terrace and surrounding land uses, and we also visited the Fonterra Clandeboye site.

#### *Port of Timaru NCB*

[267] We received acoustic evidence from Mr Hunt for the Council and Mr Trevathan for PrimePort, which supported the approach to modelling and mapping of the Inner and Outer NCB contours in the Proposed Plan. We received no expert acoustic evidence to the contrary.

[268] In relation to the Port NCB, Mr Trevathan explained that:<sup>76</sup>

18. NZS 6809 stipulates that areas of land which are deemed exposed to port noise should be demarked by two 'Control Boundaries'. An Inner Control Boundary (ICB) is drawn at the 65 dB Ldn (5 day) contour line and an Outer Control Boundary (OCB) at the 55 dB Ldn (5 day) contour line. Placement of the Port NCBs is required to take into account the full range of port activity types, frequency and intensity of noise generating activities, proposed seasonal variation, foreseeable future expansion and any proposed new operations. My colleagues and I worked closely with PrimePort to develop a realistic scenario for future noise emissions from PrimePort operations.

19. The 57 dB Ldn line was selected for the OCB rather than the 55 dB Ldn line which is the default option in NZS 6809:1999. This decision was made in conjunction with the Council and is appropriate from an acoustic point of view because where noise levels of up to 57 dB Ldn are incident on the external facades of dwellings, appropriate noise levels inside the dwelling are very likely to be achieved, even if the occupants of the dwelling have windows open for ventilation. This ensures that a rule requiring review and possible upgrades of new dwellings is appropriately targeted and does not include sites where an appropriate internal noise level is very likely to be achieved with standard New Zealand residential constructions.

[269] We are satisfied with the accuracy of the noise modelling that underpins the contour, and as to the appropriateness of 'snapping' the contour to property boundaries, which is a technique specifically provided for in NZS6809:1999.

[270] Dr Trevathan also addressed the concern by the submitters that more recent development or topographical features were not taken into account in the modelling. Dr Trevathan explained how they were taken into account in the modelling and the features of the topography of the Terrace which is elevated above the Port. He also addressed the impact of gaps between buildings, resulting in partial mitigation but which did not undermine the accuracy of the modelled contours.<sup>77</sup> We accept his evidence.

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<sup>76</sup> Jeremy Trevathan, Statement of Evidence, 9 April 2025

<sup>77</sup> Jeremy Trevathan, Statement of Evidence, paragraphs 24 and 25

[271] We received a brief of evidence from Mr Gresson, on behalf of 22 The Terrace<sup>78</sup>, and a letter from Mr McLachlan on behalf of G.D.M elaborating on their written submissions. 22 The Terrace holds a resource consent for an apartment building at 22 The Terrace. Mr Gresson was concerned that the Outer NCB would add cost to the development in the event of changes to the plans or if the consent lapsed and a new resource consent was required. Mr Gresson and Mr McLachlan also questioned whether the contours were up to date and accounted for more recent development in the area. Mr Gresson also outlined the 'lived experience' of the location. Having worked in 24 The Terrace for 3 years he had not experienced any adverse consequences of noise from the Port during business and late evening hours.

[272] We do not accept the criticisms directed at the modelling of the Outer NCB from Mr Gresson or Mr McLachlan and have satisfied ourselves that the issues raised have been addressed in the expert evidence which we rely upon.<sup>79</sup>

[273] The submitters also argued that the Outer NCB appeared to be contrary to the objectives in the plan for the Central City Zone which had the goal of revitalising the Central City and the submitters were concerned about the unnecessary cost burden and over-regulation. As identified by Mr Carranceja, Counsel for PrimePort and TDHL, the submitter appears to have overlooked the fact that properties located in the Central City Zone will also be subject to insulation requirements to address potential conflicts between commercial, entertainment and residential activities. The provisions in the Central City Zone were supported by 22 The Terrace. The existence of the Outer NCB for the Port does not add to the consent burden for Central City Zone sites, because those sites are already subject to acoustic insulation requirements under the Central City Zone provisions. In fact, the Central City acoustic requirements set out in rule NOISE-S3.1 are more stringent and will ensure compliance with rule 5dBA extra insulation (30dBA) through a façade reduction requirement. The Port Zone requires 35dBA.

[274] There was an issue as to the appropriateness of the method of acoustic insulation that arose in relation to submissions from KiwiRail and Waka Kōtahi. Dr Chiles, the acoustic expert called by KiwiRail and Waka Kotahi promoted the use of an internal noise standard for bedrooms and habitable spaces, rather than an external to internal façade reduction noise standard, irrespective of the internal noise level. We accept the evidence of Dr Chiles that there is a difference between mitigation from fixed noise sources, from roads and rail, from general non-directional noise in areas within the Central City. Mr Hunt favoured the external façade standard regardless of source, and Dr Trevathan had also supported the external façade standard for Port Noise.

[275] The Panel questioned the efficiency and effectiveness of noise insulation requirements from overlapping noise sources. We have accepted Dr Chiles' evidence that an internal noise standard is likely the most appropriate for rail and state highway noise sources as it enables greater design flexibility and targets the insulation requirements to those areas needing it most, depending on their distance from the railway and state highway. The more general

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<sup>78</sup> Timothy Gresson, Statement of Evidence, 9 April 2025

<sup>79</sup> Jeremy Trevathan, Statement of Evidence, 9 April 2025.

external façade standard appears to be more appropriate in the context of noise in Industrial and Central City Zones where noise is coming from multiple sources and locations. We heard evidence from Dr Chiles that other districts have provided the option of one or the other as the standard, and in the case of Christchurch City Council's PC 5E, amended the previous optionality to the internal standard for bedrooms and habitable spaces as this was the preference of most developers for traffic and rail noise mitigation.<sup>80</sup>

[276] We acknowledge that there are pros and cons for either insulation method.<sup>81</sup> The acoustic experts did not agree on the preferred method. Ultimately, we were concerned that different standards added to the complexity of the Plan but accept that different noise sources and locations may dictate preferred outcomes. The blanket 'façade reduction' method could be more efficient where a site is exposed to multiple noise sources. Ultimately, we consider that, either option would be effective, but may differ in efficiency based on the source of noise to be mitigated. Therefore, both options should be provided for in the Proposed Plan, enabling applicants to determine which method best suits their circumstances while still achieving the required internal noise outcomes.

[277] In terms of the Port NCB, we have accepted the expert evidence of Dr Trevathan and Mr Hunt as supporting the external façade standards. However, Dr Trevathan noted that either option would in his opinion be suitable for the Port NCB. We note in the case of The Terrace properties located in the Central City Zone, there is already a requirement, unchallenged by any submitter for an external façade standard based on achieving an internal noise level of 30dBA, and as such those properties will already meet the Port NCB standards.

[278] As a final issue, we note that the Port NCB was not supported by an extensive s32 evaluation and appeared to us to be rather 'high level'. We invited Mr Walsh for PrimePort to review the report and confirm whether he adopted its conclusion. Mr Walsh did so and filed a supplementary statement and confirmed his view that the Council's s32 analysis, whilst high level, was proportionate to the scale of effects of the proposed Port NCB.<sup>82</sup> He drew our attention to the s32 Report which states the following in respect of the economic costs (see page 26):

The proposed acoustic insulation requirements will add additional costs to new buildings and alterations to existing buildings used for noise sensitive activities. Achievement of the proposed 35 dB requirement is estimated to represent about 10- 15% of the build cost for a standard habitable room.

[279] Additionally, Mr Walsh emphasised that for the Central City Zone properties that fall within the NCB it does not practically introduce any additional cost for these properties. For the properties that are in the Medium Density Residential Zone and the Mixed Use Zone all but seven sites in those two zones are within 40m of the railway line and therefore subject to acoustic insulation requirements proposed in respect of that infrastructure.<sup>83</sup> For the General Residential Zone to the north/northwest of the Port Zone that is affected by the Port NCB, the very large majority of those sites are similarly affected either by state highway acoustic

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<sup>80</sup> Stephen Chiles, Statement of Evidence for Kiwi Rail, 9 April 2025, paragraph 5.7

<sup>81</sup> See Mr Trevathan's evidence, paragraph 34, Dr Chiles, paragraph 7.10

<sup>82</sup> Timothy Walsh, Supplementary Statement, 6 June 2025.

<sup>83</sup> NOISE-R9 and NOISE-S3 as notified.

insulation requirements and/or railway line insulation requirements. He noted a couple of properties that may only be affected by the Port NCB, however he was confident that very few sites within the District are subject to acoustic insulation requirements resulting from the Port NCB alone. We accept Mr Walsh's evidence on these matters, and although we consider the s32 evaluation could have provided a more detailed evaluation of the overlapping regulatory framework, it is adequate for our purposes.

[280] Another issue to resolve for the Port NCB related to the appropriate trigger for acoustic insulation for 'alterations for existing buildings'. We address this below in our decisions on Noise R9.

#### *Fonterra Clandeboye NCB*

[281] Fonterra Clandeboye currently operates under a resource consent that permits stipulated noise levels at the notional boundary of existing dwellings. These noise levels are essentially 5dB greater than the Proposed Plan limits, therefore if new or altered dwellings were established near the site, Fonterra would be unable to meet the Proposed Plan noise limits, or its current consented noise limits at the dwelling notional boundary. We accept on the evidence that it is not possible to further internalise all noise generated within the site.

[282] Fonterra is concerned about possible reverse sensitivity effects, whereby new residents or existing residents may complain about the otherwise lawful noise from the Fonterra plant leading to calls for restrictions on the operation of the factory.

[283] To address the potential for reverse sensitivity effects, Fonterra proposed a new NCB around the site, which would trigger the requirement for insulation for new or altered dwellings.

[284] We accept that there is the potential for reverse sensitivity effects from new dwellings near the Fonterra plant, however we consider the risk is low due to the rural zoning and limited potential for new dwellings near the site. Mr Hay, the acoustic witness for Fonterra advised that currently there are two properties exposed to noise from Fonterra's operations which experience noise that is consistently close to or on the night-time noise limit under its current resource consents.<sup>84</sup> We also heard evidence that the Fonterra operation is 24 hours and there is therefore the potential for sleep disturbance.

[285] We were advised that of Fonterra's 23 manufacturing and distribution sites around New Zealand, 16 of these utilise NCBs in their respective District Plans and another site had an NCB created by resource consent (since lapsed). The majority of these NCB have associated rule packages for both noise limits and reverse sensitivity that are very similar to those proposed for Clandeboye.<sup>85</sup>

[286] Although we find that the risk of reverse sensitivity effects is low, we consider that if new dwellings were to be established, there is the potential for complaints and the inability of Fonterra to meet its current consented noise limits at notional boundaries due to the 24-hour operation of the plant. As a significant contributor to the regional economy, we find that it is

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<sup>84</sup> Rob Hay, Statement of Evidence, 9 April 2025, paragraph 25

<sup>85</sup> Ibid paragraph 20.

appropriate that the Planning Maps incorporate an NCB around the plant to indicate the higher noise environment. We also find that it would be appropriate to incorporate a requirement for new dwellings to include insulation and ventilation so that it does not create non-compliances for Fonterra's operations. Given the limited number of existing dwellings in the area we do not consider it is necessary to require insulation for alterations of existing dwellings as at the date of notification of the Proposed Plan, however for any new dwellings which must incorporate noise insulation, subsequent alterations of these dwellings should also be required to insulate to the appropriate standard. In the event of the low risk of complaints from occupants of existing dwellings (at the time the Proposed Plan was notified), then we consider that Fonterra has alternative remedies available to it, including offering to provide acoustic insulation to those properties.

[287] Ms Tait (appearing for Fonterra) and Ms White disagreed on whether dwellings not meeting the noise standards should be non-complying or discretionary activities. We asked Ms Tait whether there are any other impacts that need to be considered other than impacts of noise. There were none. Ms White further considered the issue in her Interim Reply and undertook a thorough s32AA evaluation of the NCB and policies and rules. Ms White highlighted the different approaches to NOISE-P7 (where the listed noise sensitive activities are not permitted at all and are expressed as non-complying activities) and NOISE-P5 (where activities are permitted subject to compliance with certain standards of acoustic insulation). We accept Ms White's reasoning and adopt her recommended changes to NOISE-O2, NOISE-P5, NOISE-R9<sup>86</sup> and new rule NOISE-RXX<sup>87</sup> along with consequential changes to NOISE-S3 and S4.<sup>88</sup>

### 5.3.2 Decision

[288] We accept Ms White's recommendations to retain the NCB for Port of Timaru, and incorporate a new NCB for Fonterra's Clandeboye site and a new rule NOISE-RXX.<sup>89</sup> We accept the recommended amendments to NOISE-O2, NOISE-P5, NOISE-S3, NOISE-S4 and NOISE-R9<sup>86</sup>, but with the exception that NOISE-R9<sup>86</sup> does not apply to alterations of existing dwellings within the Clandeboye NCB as at the date of notification of the Proposed Plan. We also make further amendments to NOISE-S3 to allow for optionality as to the method of acoustic insulation, to provide a standard for internal design sound.

[289] We have included the amendments in **Appendix 2 and Appendix 3**.

[290] For the purposes of s32AA we are satisfied that the changes better meet the objectives of the Plan and are an efficient and effective method of addressing the risk of reverse sensitivity effects on the significant regional activity of the Clandeboye Manufacturing Plant.

[291] We are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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<sup>86</sup> Now renumbered NOISE-R11 in the Decision Version of the provisions.

<sup>87</sup> Now renumbered NOISE-R10 in the Decision Version of the provisions.

<sup>88</sup> Liz White, Interim Reply, 6 June 2025 Appendix A, Attachment 1.

<sup>89</sup> Now renumbered NOISE-R10 in the Decision Version of the provisions.

## 5.4 OBJECTIVES

### 5.4.1 Assessment

[292] A number of submissions were received on NOISE-O1 and NOISE-O2, as summarised in the s42A Report.<sup>90</sup> The submissions broadly raised whether the objectives appropriately recognise, and in some cases prioritise, noise generating activities within rural, mixed use, industrial and Port zones, and protect those activities from the encroachment of noise sensitive activities and adequately protect lawfully established land uses from reverse sensitivity effects. Various amendments to the drafting of NOISE-O1 and NOISE-O2 were proposed.

[293] Ms White clarified that NOISE-O1 intends that it is the purpose, character and qualities of the zone receiving the noise that noise generating activities are intended to be compatible with. This is reflected in the wording of NOISE-P1 and the way the rule framework is set out to apply limits relative to the environment receiving, rather than generating, the noise.

[294] On that basis she recommended a drafting change for clarity, to include the word 'receiving' before the word 'zone'. We agree with Ms White and note the Noise Chapter is to be read in conjunction with the specific zone chapters.

[295] NZ Frost Fans [255.5] requested that noise effects should be anticipated to compromise the health and well-being of people and communities simply because an area may not "prioritise" sensitive activities. Ms White noted that while the NPS-HPL directs that reverse sensitivity effects are to be managed so as not to constrain land-based primary production activities on highly productive land (Policy 9), she did not read the NPS-HPL to say that in order to prioritise land based primary production on highly productive soils, that noise should not be managed in relation to its effect on the health and well-being of people.

[296] We agree with Ms White's interpretation, but the issue in our view is how the effects of primary production are managed. We have already addressed appropriate measures to manage reverse sensitivity effects from the operation of frost fans, through setbacks and insulation requirements. The changes requested to the objective are not appropriate nor necessary to support the management methods we have accepted.

[297] NOISE-O2 sets out those activities and areas where the noise provisions are intended to manage reverse sensitivity effects so as not to constrain those activities or areas. In effect, the objective refers to existing activities or areas where there is already a high level of noise, or within which high levels of noise are anticipated, and where the establishment of noise sensitive activities requires management to ensure these activities can continue to operate. The objective is implemented through policies and rules that either require acoustic insulation for noise sensitive activities or restrict the establishment of such activities. They are therefore focused on known noise-producing activities and areas where intervention is considered necessary to ensure that noise does not result in reverse sensitivity effects.

[298] NZ Frost Fans [255.6] requested the inclusion of 'land based primary production activities on the rural land resource'. Ms White considered this to be unnecessary and

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<sup>90</sup> Liz White, s42A Report, 24 March 2025, paragraph 8.4

inappropriate given that GRUZ-O3 already seeks, more broadly, that primary production is protected from sensitive activities (although in the Final Reply this is replaced with reference to protection from ‘reverse sensitivity effects’). Similarly, Ms White considered that adding to the listed activities by the inclusive ‘other lawfully established activities’ as requested by Road Metals [169.34] and Fulton Hogan [170.34] to be too broad to serve the intent of the objective. Ms White accepted that if we included the Clandeboye NCB this should also be added to NOISE-O2. We do not consider that it is necessary to add more specificity to NOISE-O2 beyond the changes recommended by Ms White.

[299] Synlait [163.6] requested that NOISE-O2 be extended to encompass the potential future development capacity of land within industrial zones, not just existing industrial activities. Ms White agreed with the submitter that the objective could be read as implying that it is only activities already existing within the listed zones that are encompassed by the objective. However, her preference, rather than referring to “development potential” is to refer to activities that are “existing or anticipated” within these zones, as she considered this more accurately aligns with the drafting of the Proposed Plan which describes the purpose of each zone in each zone chapter.

[300] The Panel is not comfortable with the use of the term ‘anticipated’. We have discussed this in the context of the definition of ‘reverse sensitivity’ in Part 2 of our Decision. We think this opens the argument as to when an activity is ‘anticipated’, especially in the context of restricted discretionary activities, which may be open to conjecture. We prefer that the objective, which is addressing reverse sensitivity, align with our decision on the definition of ‘reverse sensitivity’ and therefore use the words ‘existing, permitted and authorised’.

[301] We asked Ms White to give further consideration to the drafting of the objective and the evidence from Ms Seaton on the definition of ‘reverse sensitivity’ in her Final Reply. She did so and reconsidered her interim position and recommended that the words ‘existing and anticipated’ are removed.<sup>91</sup> This was on the basis that the “activities within” the specified zones are those which fall within the definition of reverse sensitivity; however it is to be defined. We consider her proposal to be appropriate and relying on the definition of reverse sensitivity (which already refers to existing lawfully established, permitted or authorised activities), improves the clarity of the objective.

#### 5.4.2 Decision

[302] In relation to NOISE-O1 and NOISE-O2 we adopt Ms White’s analysis and recommendations. The amendments to the objectives are included in **Appendix 3**.

[303] We adopt Ms White’s s32AA evaluation to support the changes to NOISE-O1.

[304] In terms of NOISE-O2, for the purposes of s32AA, we find that the amendments will ensure that the objectives across the Proposed Plan align and in doing so better achieve the purpose of the RMA.

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<sup>91</sup> Liz white, Final Reply, 4 August 2025, paragraph 28 and 29.

## **5.5 NEW POLICY**

### **5.5.1 Assessment**

[305] Forest and Bird [156.173] submitted that the impacts of noise on native fauna should be considered and seek inclusion of a policy that ensures that the impact of noise on native species is avoided or minimised. We do not consider that the changes requested are necessary or appropriate in the context of the objectives of the Noise Chapter for the reasons set out in the s42A Report.<sup>92</sup>

[306] Hort NZ [245.94] requested the inclusion of a policy that provides for noise from primary production activities, to ensure that there is recognition and awareness of the noise environment of the rural area.

[307] Ms White did not consider the additional policy to be necessary. She referenced that NOISE-P1 already seeks to enable the generation of noise which is of a type, character and level that is appropriate, having regard to the purpose, character and qualities of the zone that the activity is located in. The purpose, character and qualities of each of the respective rural zones is set out in each zone chapter and therefore already provides direction in relation to noise, when the noise and zone chapter provisions are read together. We agree with Ms White for those reasons.

### **5.5.2 Decision**

[308] We adopt the analysis and recommendations of Ms White. No additional policies are necessary or appropriate.

## **5.6 POLICY NOISE-P1 MAINTENANCE OF ZONE CHARACTER AND QUALITIES**

### **5.6.1 Assessment**

[309] Helicopters Sth Cant. [53.16] and NZAAA [132.20] continued with the theme of seeking express recognition that rural zones are not quiet areas. NZ Frost Fans [255.7] also requested changes to give priority to land based primary production. We have addressed rural zones and noise effects of specific activities in Part 3 of our Decision. We agree with Ms White that no changes are necessary as the relationship of rural activities and other land uses are addressed adequately in the GRUZ Chapter.

[310] Radio NZ [152.50] considers the policy should also recognise circumstances where lifeline utilities are required to undertake activities that generate noise. The submitter sought that NOISE-P1 is amended to enable noise generation at appropriate levels. We note that Clause 2 of the policy already allows for the nature of the noise generating activity to be taken into account, with consideration of the frequency and duration of the noise also being relevant in an emergency situation. We do not find that any additional changes are required to the policy to specifically refer to lifeline utilities.

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<sup>92</sup> Liz White, s42A Report, 24 March 2025, paragraph 8.5.4.

[311] Hort NZ [245.95] requested some changes to the wording of the policy in their written submission, however these were not pursued in evidence at the hearing.

[312] We find the policy as notified to be appropriate and implement the objectives of the Noise Chapter.

## **5.6.2 Decision**

[313] We adopt Ms White's analysis and recommendations on NOISE-P1. We retain the policy as notified.

## **5.7 POLICY NOISE-P5 REVERSE SENSITIVITY**

### **5.7.1 Assessment**

[314] There are two issues raised in submissions with the drafting of this policy.

[315] The first relates to its scope and whether other zones and activities should be referenced. For example, several submitters seek that rural zones and land based primary production should be included in the list of 'higher noise environments'.<sup>93</sup> Fulton Hogan [170.35] sought that an additional clause is added to the policy to address lawfully established activities. KiwiRail [187.76] sought deletion of the clauses set out in the policy, as it considers that they are not necessary and weaken the intent of the policy to meet NOISE-O2 and protect railway lines from reverse sensitivity effects. Further, while supportive of recognising higher noise environments within close proximity to a railway line, amendments were sought to specify that noise and vibration effects are felt "within 100m of", rather than "in close proximity to" a railway line to align with its submission points as to the distance from the railway line that it says requires acoustic and vibration mitigation measures. Foodstuffs [193.7] considered that the policy does not fully implement NOISE-O2 because it does not provide for the protection of existing noisy activities from noise sensitive activities, located in a different zone immediately adjacent to the zone containing the existing higher noise environment.

[316] The second issue relates to whether it is in fact a policy about 'reverse sensitivity'. Fonterra [165.109] submitted that the policy does not relate to reverse sensitivity, but rather that it relates to effects on incompatible activities. As such, it sought that the policy title is amended to "Effects on incompatible activities".

[317] Dealing with the second issue first, we agree that there is some confusion between the title of the policy "Reverse Sensitivity", and the content which focuses on 'effects on the amenity values and health and safety of occupants, and minimising sleep disturbances'.

[318] During the hearing we questioned Ms White on whether 'health effects' (and as she noted 'amenity effects') were prerequisite to a finding of the likelihood of 'reverse sensitivity effects'. As we understood her answer, they can be related, but not always, and reverse sensitivity refers to the likelihood of constraints on lawfully established activities. We think it is important the objectives and the policies that implement them are clear in that regard. We

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<sup>93</sup> Ballance [86.8], Helicopters Sth Cant. [53.17], NZAAA [132.21], Hort NZ [245.96] and NZ Frost Fans [255.8]

think it would be clearer if the policy were to include reference to reverse sensitivity effects, not just health, safety and amenity issues.

[319] Returning to the first issue about submissions seeking the inclusion of rural zones, primary productive uses, and other extensions to the list of 'higher noise environments', we have considered the request, and reject including all 'lawfully established activities' as we agree with Ms White that this invites other issues as to whether other changes are required to rules to address a whole myriad of activities. We are of the view however that the submissions do illustrate the problem with the list approach and have questioned in our own minds whether the list is needed at all or if it is incomplete. Some of the listed items are general, and others refer to specific methods to address the effects. For example, Ms White recommends referring to 300m setback from frost fans – this is specific in a rural environment, yet the submissions from Hort NZ et al<sup>93</sup>, and Kiwi Rail are recommended by her to be rejected for seeking incorporation of rural land uses and specific setback distances pursued in other submissions on the rules.

[320] We understand from Ms White that NOISE-P5 is intended to signal that the plan seeks to ensure that noise sensitive activities located in higher noise environments are located and designed to minimise adverse impacts on occupants, both for their own health, safety and amenity but also to avoid or minimise potential 'reverse sensitivity effects'. We understand NOISE-P5 is only intended to apply to areas considered 'higher noise environments'.

[321] We are satisfied that the drafting changes recommended by Ms White including deleting the first list 1-4 and adding to the second list of 'higher noise environments' with the addition of the words 'to avoid or minimise the risk of reverse sensitivity effects on other activities in higher noise environments', are the most appropriate, efficient and effective in implementing NOISE-O2, and ensure consistency with the decisions we have made below in relation to the rules and standards.

### **5.7.2 Decision**

[322] We adopt the amendments to the policy recommended by Ms White in her Interim Reply<sup>94</sup> with the addition of the words 'to avoid or minimise the risk of reverse sensitivity effects on other activities in higher noise environments' and have included these in **Appendix 3**.

[323] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **5.8 POLICY NOISE-P7 NOISE SENSITIVE ACTIVITIES WITHIN NOISE CONTROL BOUNDARIES**

### **5.8.1 Assessment**

[324] A number of submissions supported the policy as drafted, however Kāinga Ora [229.58] opposed this 'avoid' policy as it sends a very strong policy signal that specific activities

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<sup>94</sup> Liz White, Interim Reply Hearing F, Light and Noise, 6 June 2025.

are not to occur within the noise sensitive overlays. The submitter also considered that the drafting of the policy is confusing given the various exclusions/exceptions and sought that it be redrafted to focus on managing the effects of noise. The submitter sought deletion of the policy and its replacement with the following:

Manage subdivision and the establishment of noise sensitive activities to minimise adverse effects on the amenity values of occupants.

[325] Ms White confirmed that the use of 'avoid' in this policy is intentional and supported by the Council's s32 analysis. It sends a strong policy signal that specific activities are not to occur within the identified noise sensitive overlays. She noted that the policy is supported by a non-complying activity status, reflecting the existing controls in the ODP relating to the airport and raceway. Ms White explained that the key change in the Proposed Plan is the extension of this approach to the Port Inner NCB. This NCB is based on a technical report commissioned by PrimePort to develop noise contours in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning, and which was provided to the Council as part of the development of the Proposed Plan and in turn reviewed by Malcolm Hunt Associates.

[326] We accept that the approach is appropriate for those identified land uses, taking into account the high level of noise associated with these activities, the impact that this would have on people undertaking noise sensitive activities in these areas, and the established higher level of risk that reverse sensitivity effects would arise, resulting in potential constraints on the established activities.

## **5.8.2 Decision**

[327] We adopt the recommendation of Ms White on NOISE-P7 and retain the policy as notified.

## **5.9 RULE NOISE-R1 – ACTIVITIES GENERATING NOISE NOT OTHERWISE LISTED IN THIS CHAPTER**

### **5.9.1 Assessment**

[328] A number of submissions requested changes to the rule to provide exemptions for specific activities. Hort NZ [245.99] supported the rule, subject to relief sought in relation to GRUZ-R14 (relating to use of airstrips and helicopter landing areas) being granted. Jet Boating [48.14] drew comparison of its activities with other temporary, intermittent noise sources (including traffic on roads) as a reason to exempt non-commercial motorised watercraft operating on the surface of waterbodies. Helicopters Sth Cant. [53.18] and NZAAA [132.22] requested exemptions for aircraft using airstrips and helicopter landing sites for activities in the Natural Open Space Zone that complies with NOSZ-XX, a rule proposed by NZAAA. Federated Farmers [182.179] considered further clarity was required as to the scope of the rule and how it was to apply, in particular to a range of temporary and intermittent farming activities to which PER 2.3 applied.

[329] Ms White relied on advice from Mr Hunt in response to those submission points and provided us with drafting changes.<sup>95</sup> We did not receive any additional evidence from the submitters on this issue. We accept Mr Hunt's advice and the drafting changes put forward by Ms White as appropriate.

### **5.9.2 Decision**

[330] We adopt the analysis and recommendations of Ms White on NOISE-R1. We have included these in **Appendix 3**.

[331] We adopt Ms White's s32AA analysis of the changes.

## **5.10 TEMPORARY ACTIVITIES: NOISE-R2, NOISE-R3 AND NOISE-R4**

### **5.10.1 Assessment**

[332] Submissions on these rules are grouped due to their focus on noise from temporary activities (temporary events, temporary military training activities and construction noise). Jet Boating [48.15] sought exemption from NOISE-R2 for non-commercial temporary event motorised watercraft operating on the surface of water bodies but did not comment further at the hearing. NZDF [151.13] requested noise standards specific to temporary military training activities be included in the District Plan for consistency reasons with other plans, further clarification of the interpretation and operation of PER-1 to PER-5 and an amendment to PER-1 to not require noise from weapons firing and use of explosives to be assessed in accordance with NZS6802:2008, stating that this standard is not designed to assess impulse sound such as gunfire.

[333] Fulton Hogan [170.36] sought that NOISE-R4, pertaining to construction noise, be amended to align with the Auckland Unitary Plan, to allow for construction in the road to exceed the noise limits in NZS6803:1999, provided that the works are for less than three nights at any one receiver and a noise management is in place. The submitter requests this approach be taken to provide for necessary road works without the need for a resource consent so that there is an exemption to comply with PER-1 for unplanned repair or maintenance works; or planned works in the road between the hours of 10pm and 7am where specific matters are met.

[334] Ms White relied on advice from Mr Hunt in response to those submission points and provided us with drafting changes for NOISE-R3 PER-1 in response to the submission from NZDF. NZDF provided a letter to the Panel setting out their position, which we have reflected on.<sup>96</sup> While the NZDF presented their case for standardising a rule framework across the country for all of its training activities they did not offer any alternative acoustic evaluation or s32AA evaluation to support their proposals. For those reasons we rely on the evidence of Mr Hunt and Ms White.

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<sup>95</sup> Liz White, s42A Report Light and Noise, 24 March 2025, paragraph 8.9.15.

<sup>96</sup> Letter from NZDF to Hearings Panel, 17 April 2025.

[335] Mr Hunt recommended drafting changes to NOISE-R4, PER-2 in response to the Fulton Hogan submission, however as Ms White pointed out the suggested change would only apply within the road reserve of a state highway, which is designated and is not subject to the rule in any event.

[336] We did not receive any additional evidence from the other submitters seeking changes to the temporary activity noise rules. We accept Mr Hunt's advice and the drafting changes put forward by Ms White as appropriate.

### **5.10.2 Decision**

[337] We accept the analysis and recommendations of Ms White, and we amend NOISE-R3 PER-1 as set out in **Appendix 3**. NOISE-R2 and NOISE-R4 are retained as notified.

[338] We adopt Ms White's s32AA analysis of the changes.

## **5.11 RULE NOISE-R5 – NOISE FROM BIRD SCARING DEVICES**

### **5.11.1 Assessment**

[339] This rule relates to the use of audible bird scaring devices (ABSD). Hort NZ [245.93] supported the proposed permitted activity with a restricted discretionary status if standards are not met but pointed out that the rules as proposed were more restrictive than the Operative District Plan without any analysis in the Council's s32 Report and background acoustic reports. The submitter requested that more enabling provisions be adopted, including noting that the trigger for mitigations at 65dBSEL and that the temporal limitation of 7am-8pm was unrealistic and should be related to just before sunrise and sunset. They requested the deletion of directional requirements in PER-3.

[340] Mr Hunt considered the proposed changes and agreed with the use of a Single Event Level (SEL) unit as defined in NZS6801:208. Mr Hunt did not agree with deleting PER-3 – relating to the orientation of devices – in its entirety, because of the nature (sharpness) of sound from these devices, when located near to a sensitive noise receiver. However, he did agree that it is not necessary where the device is located at distances exceeding 500m from any noise sensitive activity, where the sound is lesser and does not have a sharp quality to it at that distance. In terms of timing, Mr Hunt did not support permitting devices 30 minutes before sunrise, as in his view, this would lead to potentially adverse sleep impacts. In the Interim Reply he further calculated that there is the potential for the 30 minutes before sunrise to be 4.30am in the late summer and he considered this would have the potential for unacceptable sleep disturbance.<sup>97</sup> However, he considered that noise 30 minutes after sunset is acceptable, as this is not during the sensitive nighttime period. Mr Hunt did not support increasing the firing rate, as this would in his view potentially cause a far greater degree of adverse noise effects.

[341] The Panel heard from Hort NZ on the issues of the use of ABSD throughout the District and enquired as to the frequency and location of complaints in order to assist our

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<sup>97</sup> Liz White, Interim Reply, Appendix D.

understanding of the risk of adverse effects and the appropriate response, including the efficiency and efficacy of the proposed rule framework.

[342] Mr Hay provided acoustic evidence on behalf of Hort NZ.<sup>98</sup> Mr Hay commented that it is uncommon to see a requirement for a 500m 'setback' and control on direction of fire for ABSDs. Whilst described as a setback, our reading of the proposed rule (as amended by Ms White), is that ABSD located more than 500m away from the noise sensitive activity building may be orientated in any direction, but within 500m it must be orientated away from the building.

[343] Mr Hay considered that meeting the noise limits outlined in PER-2 will require distance setbacks, controls on the type of device used, or screening, perhaps in combination. All of these will reduce the 'sharpness' of the sound from ABSD. He therefore considered that a stand-alone distance setback and limitation on the direction of fire is not necessary to control the 'sharpness' from this source, as the control on noise level will inherently achieve this goal. Mr Hay noted that other methods could mitigate the 'sharpness' factor, including topography and close physical screening, therefore he was concerned that PER-3 precluded growers from demonstrating that the noise limits in PER-2 can be achieved given the specific nature of their site, or with additional screening. A permitted activity control which requires a standard setback and direction of fire, regardless of the noise output of the device, or how it is screened does not reflect the ability for site specific responses to controlling noise level and the resulting effect.

[344] Mr Hay noted that there are a number of different types of ABSDs and the rule appeared focused on 'gas guns'. He was concerned that there is inherent variability in the noise of ABSD. This means that the selection of a specific device, in combination with allowances for screening as described above could achieve similar outcomes in terms of noise effect, to what is currently proposed by the rule. His evidence is that this can be achieved without a specific distance setback, and orientation control, allowing flexibility for growers.

[345] We also heard from Mr Vance Hodgson who provided a planning evaluation of the proposed rule framework and the changes requested by Hort NZ.<sup>99</sup> Mr Hodgson referred to GRUZ-O1 he interpreted as supporting a more flexible framework that enabled growers to meet the required acoustics standards accounting for the particular circumstances, rather than prescribing setback and directional requirements.

[346] In terms of the difference of opinion between Hort NZ and Mr Hunt regarding the temporal restrictions, we find that the 7am – 8pm restriction is unrealistic and the more appropriate reference is to sunrise and sunset. In terms of the 30 minutes before and after, we accept the evidence of Mr Hunt and Mr Hodgson that 30 minutes after sunset, will have little impact on sensitive land uses. Mr Hunt remained concerned about the 30 minutes prior to sunrise, potentially impacting on sleep disturbance.

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<sup>98</sup> William Hay, Statement of Evidence, 9 April 2025.

<sup>99</sup> Vance Hodgson, Statement of Evidence, 9 April 2025

[347] Mr Hunt acknowledged that the potential noise issues related to the 'gas gun' type scarer and therefore the rules should reflect that.

[348] We requested evidence from the Council on the frequency and location of complaints from use of ABSD. The Council reported three instances, one of which was related to use at the wastewater treatment ponds in 2015, and two in the Pleasant Point Highway area in 2017.<sup>100</sup>

[349] Mr Hodgson also referenced GRUZ-O2 which sought to achieve higher levels of amenity immediately around sensitive activities. He considered that NOISE-R5 PER-4 is not nuanced to achieve this, but NOISE-R5 PER-2 does, through limiting the noise received within the notional boundary of noise sensitive activities. In his opinion crops form the character and qualities of the area, which necessarily require bird management for many crops to grow. In support of his opinion, he referenced GRUZ-O3 which provides for protecting primary production from reverse sensitivity and GRUZ-O4 which provides protection for sensitive activities and sensitive zones, specifically from the effects of intensive primary production, mining, quarrying and other intensive activities.

[350] We accept the evidence of Hort NZ that bird management in horticulture requires adaptable, integrated, and changeable techniques that respond to matters like crop type, seasonality, bird type, and behaviour, including the ability of birds to acclimatise to any one measure. We agree that the rules ought to enable the flexibility required by the horticulturalists to ensure the devices are effective while addressing any adverse effects on existing sensitive activities.

[351] In the context of the objectives and policies in the General Rural Zone, and having considered the scale of the effects of bird scarers and the limited number of historical complaints we find that NOISE-R5 PER-2 provides adequate protection for noise sensitive uses, and that the rule framework should provide flexibility for growers to locate and orientate devices, as they see fit whilst meeting the standards in PER-2, along with a temporal restriction that reflects practical use of devices. Accordingly, we accept the amendments to PER-3. Ms White amended her position in her Interim Reply<sup>101</sup> and accepted the changes to PER-4, to reflect 30 minutes before sunrise until 30 minutes after sunset, which better achieves the General Rural Zone objectives and policies.

### **5.11.2 Decision**

[352] We adopt the analysis and recommendations of Ms White for the reasons above. We amend NOISE-R5 PER-1, PER-2, PER 3 and PER-4. We have included the changes in **Appendix 3**.

[353] In terms of s32AA we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and and for giving effect to other relevant statutory instruments.

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<sup>100</sup> Liz White, Interim Reply Appendix C.

<sup>101</sup> Liz White, Interim Reply Hearing F, Light and Noise, 6 June 2025, Appendix A.

## 5.12 RULE NOISE-R8<sup>102</sup> - PORT ZONE NOISE

### 5.12.1 Assessment

[354] Property Income [56.1], Fonterra [165.112], PrimePort [175.66] and TDHL [186.38] identified there is a gap in the rule because part of the Port Zone is not covered by the NCB. Mr Hunt and Ms White agreed a gap existed and Mr Hunt supported the inclusion of the new provision proposed by the submitters. We accept the submission and the additional provisions for the Port Zone outside Precinct 7 as set out in the s42A Report. We are of the view that the activity status for non-compliance with the NOISE-S1 component of the rule should remain non-complying for the reasons outlined by Ms White in her summary statement and as confirmed in the Interim Reply for the reasons she provides.<sup>103</sup>

[355] PrimePort [175.66] and TDHL [186.38] identified other discrepancies with the proposed rule which applied noise limits within Precinct 7, the core operational area of the Port, where it was intended none would apply (as is the case in the ODP). There was agreement between Mr Hunt and Dr Trevathan (appearing for TDHL) as to the amendment required to address the issue which is incorporated in the s42A Report recommended version of the rule. We accept the submission point and the resolution as being appropriate.

[356] ECan [183.143] noted that the Regional Coastal Environment Plan (RCEP) also includes noise provisions for the Port Activity Area and sought to obtain a better understanding of the integration of the proposed rules with the provisions in the RCEP Rule 8.21. It sought that amendments to NOISE-R8 are considered to, where possible, ensure alignment with the RCEP rule. Ms White, Mr Hunt and Dr Trevathan all agreed that it was not possible to reconcile the RCEP rule with the Proposed Plan given the latter is more up to date and aligns with the requirements of the NPS. They recommended no change, and we agree. We reject the submission point from ECan for those reasons.

### 5.12.2 Decision

[357] We adopt the recommendations of Ms White and make the amendments to NOISE-R8<sup>102</sup> in **Appendix 3**.

[358] We adopt the s32AA evaluation undertaken by Ms White in her s42 Report and as updated in the Interim Reply.

## 5.13 RULE NOISE-R9<sup>104</sup> –BUILDINGS FOR USE BY NOISE SENSITIVE ACTIVITIES

### 5.13.1 Assessment

[359] This rule addresses various setback and insulation requirements for new buildings and alterations to existing buildings, for use by a noise sensitive activity not addressed in NOISE-R12.<sup>105</sup> NOISE-R9 includes setbacks and insulation requirements for noise sensitive activity

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<sup>102</sup> Now renumbered NOISE-R9 in the Decision Version of the provisions.

<sup>103</sup> Liz White, Interim Reply, Appendix A, page 2

<sup>104</sup> Now renumbered NOISE-R11 in the Decision Version of the provisions.

<sup>105</sup> Now renumbered NOISE-R14 in the Decision Version of the provisions, which addresses the Port Inner Control Boundary Overlay, Airport Noise Control Boundary Overlay and Raceway Noise Control Boundary Overlay.

buildings proximate (at varying distances) from the state highway, railway line, and the NCZ, LCZ, LFRZ, MUZ, TCZ, CCZ, GRZ, MRZ and the Outer Control Boundary of the Port Noise Control Overlay.

[360] Submitters requested the rule be limited to new buildings and not alterations. There is an issue as to the scale of alterations if they are to be captured. Issues are also raised as to the type of noise sensitive activity in a building and whether it should include staff of industrial and commercial activities. We did not receive any specific evidence that demonstrated that staff occupying buildings used for industrial or commercial activities should be exempt from the general standards proposed.

[361] Waka Kotahi lodged further submissions seeking that alterations to existing buildings are included, and this was elaborated on in the evidence of Mr Pearson and Dr Chiles. Ms White and Mr Hunt also agreed that significant alterations should be captured and proposed a 20% threshold. Mr Pearson considered that 20% is not a practical or equitable measure of an alteration, as larger rooms and/or buildings will be allowed greater increases than that of a smaller habitable room (i.e. small bedroom) and are likely to result more exposure to noise effects. The 20% increase is also not limited by any timeframes and could lead to accumulated growth without any form of noise mitigation. Mr Pearson and Dr Chiles' alternative was to allow for fixed areas of increase over a set time. For example, the Waikato District Plan allows alterations of a habitable room of 5m<sup>2</sup> every 10 years without requiring noise mitigation.

[362] We accept that alterations should be included as it provides an opportunity for mitigation of noise effects on people occupying those buildings, and we agree that the extent of alterations should be significant, rather than small incremental alterations, where the cost of insulation may be prohibitive of otherwise desirable changes to a building. Whether it is 20% or 5m<sup>2</sup> every 10 years is somewhat arbitrary as each have their merits. We do not consider there is any real risk of people 'gaming' the system by incrementally replacing a dwelling slightly less than 20% at a time, as the cost and practicality of staged alterations makes this unlikely. In the end we were persuaded that the 20% threshold is simpler and more easily ascertained. Therefore, we prefer the Council's proposed method of a 20% increase in the floor area of a habitable room to be appropriate and sufficiently certain to be enforceable, whilst achieving the desired acoustic mitigation outcome. Mr Hunt recommended a minor refinement of the rule to make it clear the 20% relates to a building or room used for noise sensitive activities. We accept the change is appropriate for the reasons he provides.<sup>106</sup>

[363] We have addressed the effect of alterations to existing noise sensitive buildings in the Clandeboye Dairy Manufacturing Precinct NCB separately above, and exempted alterations to buildings existing at the time of notification of the Proposed Plan.

### *State Highway Noise*

[364] Waka Kotahi [143.118] sought amendments to address reverse sensitivity in close proximity to the state highway with prescribed distances in PER-1, and parts of PER-2 to ensure human health is protected from state highway generated noise effects. The submitter

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<sup>106</sup> Liz White Interim Reply, Appendix D.

stated that the 40m and 80m distances are not appropriate for State Highway 1, where the speed limit is greater than 50 km/hour, and that a 100m distance would be better. Waka Kotahi proposed an alternative by including variable noise contours which could be implemented as a state highway noise control overlay. With respect to PER-1, Waka Kotahi considered that the proposed approach, which specifies how much noise reduction the building has to provide, could result in a deficiency in sound insulation in some houses (and parts of houses) and some with too much insulation due to the variable external traffic noise. The submitter's preference is to specify the resulting noise inside a habitable space, as it considers that this is a more effects-based approach. In relation to PER-2, the submitter stated that the standard appears to provide alternative pathways for compliance but is concerned that PER-2.b does not provide for an equivalent standard to the other pathways in PER-2.a and in PER-1.

[365] Waka Kotahi did not provide any maps or contours with their submission. We found that the submission was sufficiently clear for prospective submitters to understand the setbacks proposed relative to the speed limits on the state highway to be prescribed in the rule without mapping. However, we agree with Ms White that a 'contour' approach would be problematic as prospective submitters would have been unable to ascertain whether they were impacted absent the contour maps.<sup>107</sup> In any event Mr Pearson accepted there were issues of scope.<sup>108</sup> We have not considered a state highway noise contour for that reason.

[366] Waka Kotahi did not pursue performance standards for road-traffic vibration and noise in outdoor living spaces.

[367] We received expert planning evidence from Mr Pearson and acoustics evidence from Dr Chiles. Dr Chiles and Mr Hunt disagreed as to the setback distance required, and the method of insulation, with Mr Hunt preferring the Proposed Plan's external to internal façade reduction. Dr Chiles preferred the more targeted internal standard, which he also recommended for rail noise discussed below.

[368] On the issue of the distance from the state highway to require insulation requirements, Mr Hunt said that there is no evidence or reasoning provided to offset the additional compliance costs that may be experienced at such locations distant from the highway (where often the highway noise is minimal, being at least partially screened by the built environment). Mr Hunt has further considered this request by using the NZTA road noise calculator tool and considers that this supports the use of an 80m distance, given the future traffic noise levels which are predicted in the Timaru District, (as opposed to other areas in the country). Mr Hunt concluded that noise levels alongside the 100km parts of State Highway 1 appear unlikely to exceed 57 dB LAeq(24 hours) at distances beyond 80m.

[369] Dr Chiles disagreed and in his opinion the evidence of noise exposure from this detailed mapping<sup>109</sup> demonstrates that a distance of 100 m from State Highway 1 is warranted

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<sup>107</sup> Although we acknowledge that the contours for nationwide state highways are available on line <https://www.arcgis.com/home/item.html?id=7fd0c57e57e274e579b05c27c66e2a4fa> as noted in Dr Chiles evidence at paragraph 7.

<sup>108</sup> Stuart Pearson, Statement of Evidence, 16 April 2025, paragraph 3.4

<sup>109</sup> [https://www.timaru.govt.nz/\\_\\_data/assets/pdf\\_file/0005/1023278/Submitter-143-NZ-Transport-Agency-Waka-Kotahi-Timaru-District-Modelled-State-Highway-Noise-Contours-response-to-Minute-34.pdf](https://www.timaru.govt.nz/__data/assets/pdf_file/0005/1023278/Submitter-143-NZ-Transport-Agency-Waka-Kotahi-Timaru-District-Modelled-State-Highway-Noise-Contours-response-to-Minute-34.pdf)

where the speed limit is above 50 km/h. Dr Chiles had allowed for uncertainty in the projections identified when converting the contours to maps.<sup>110</sup> Mr Pearson also noted that Dr Chiles' opinion is consistent with other districts within Canterbury where the modelled noise contours have not been used, such as within the Christchurch District Plan (Rule 6.1.7.2.1) and the Selwyn District Plan (NOISE-R3).

[370] In the Council's Interim Reply, Mr Hunt provided further comment and noted that in real terms the difference between 80m and 100m is quite minor owing to the way sound propagates away from a trafficked road.<sup>111</sup>

Sound propagates as a 'line source' as it moves away from the traffic stream with the rate of reduction over distance (without any allowance for ground absorption) being 3 dB reduction per doubling of distance from the road (10 times the log of 2). This means the difference in received noise at 80m is less than 1 decibel (10 times  $\log(100/80)$ ) greater than the level received at 100m. This minor acoustic difference of <1dB falls well within the 3dB Dr Chiles describes within his approach to noise modelling (page 3 of Appendix A to his evidence) that he states is to allow for 'inherent modelling uncertainty'.

[371] Mr Hunt also notes that within Timaru the areas of the state highway with posted speed limits above 50km/h have variable speeds, and are not set at a constant of 100km/h.

[372] Waka Kotahi provided a s32 evaluation report<sup>112</sup> which tested the alternatives of 'do nothing', modelled 'contour' setback, a 'metric' setback of 80-100m which triggered insulation requirements or a building 'yard' setback. Although the preference was a modelled setback, it could not be pursued due to scope issues. The next best alternative was the metric setback. The report concluded a preference for the metric to include an 80-100m band. We did not receive a detailed comparison between the effectiveness or efficiency of 80m v 100m, we were simply left with two acousticians who did not agree with the threshold.

[373] We received differing opinions from acoustic witnesses as to the pros and cons of providing external façade insulation requirements compared with a more targeted internal noise insulation standard. As we have found in Section 5.3 above we have accepted a rule framework that allows optionality as to the method of insulation

[374] Returning to which metric should apply to trigger insulation requirements, we consider the best evidence we have is that within 80m of a state highway with posted speeds of greater than 50km/hr receivers are most likely to experience indoor noise environments exceeding the performance standard. Beyond that distance there is uncertainty in the modelling and small margins of improved noise mitigation in real terms between the two metrics. On balance we consider that a metric of 80m coupled with the requirement for the more targeted internal noise insulation measurement for sleeping and habitable spaces is the most appropriate in the context of the documented health and amenity effects of road traffic noise.

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<sup>110</sup> Dr Chiles, Appendix A

<sup>111</sup> Liz White, Interim Reply, Appendix d

<sup>112</sup> Assessment of Plan Provisions to Provide for Human Health and Amenity in accordance with s32 of the Resource Management Act, April 2024 (Version9).

### *Noise sensitive activities in the Māori Purpose Zone (MPZ)*

[375] Te Rūnanga o Ngāi Tahu [185.53] considers the potential noise risk could be much lower than indicated in the Background Report<sup>113</sup> and therefore the rules could be excessive. The submitter stated that there is limited land that is suitable for buildings and ‘noise sensitive activities’ within the Māori Purpose Zone (MPZ), and increased costs with running services to buildings further away from the road, as well as the costs of insulating or bringing an acoustic expert into the District for an assessment. Te Rūnanga o Ngāi Tahu did not attend the noise hearing, however we note that Ms Pull had earlier provided evidence regarding the definition of ‘sensitive activities’ and recommended that Papakāinga and Marae be deleted from the definitions. We asked Ms White to review that evidence and revisit her recommendations which she did. Ms White noted that the memorandum from Ms Pull<sup>114</sup> addressed ‘sensitive activities’ rather than ‘noise sensitive activities’. However, given the issues raised by Ms Pull are relevant to the definition of ‘noise sensitive activities’, Ms White accepted that it was not necessary to include ‘Papakāinga’ in the definition of noise sensitive activities, but that ‘sleeping areas’ within Marae buildings should be included, resulting in a narrowing of the term ‘Marae buildings’.

### *Railway noise*

[376] KiwiRail [187.77] also requested that the rule is amended to apply within 100m (rather than 40m) of the railway network, because noise and vibration can create adverse health and amenity effects, and an impact on the amenity of residents of a building. The submitter sought that PER-1 is amended to apply to an alteration to an existing building, PER-1.2 amended to add “excluding acoustic insulation installed to address rail noise”; and PER-2.b amended to require a 50m rather than 20m setback. The submitter also sought the inclusion of a new condition requiring compliance with a new vibration standard (NOISE-S7) within 60m of the ‘boundary of a rail network’, however this was not pursued at the hearing, and an ‘alert layer’ was suggested instead.

[377] There were differences in opinion between Mr Hunt and Dr Chiles as to the method to evaluate noise exposure. Mr Hunt was of the view that a 24 hour average was appropriate given the relatively low daily movements of the rail network through Timaru. He also said in the Interim Reply that:

I consider the request to apply reverse sensitivity noise protection out to 100m is based on assessing rail noise over a short, one hour period with KiwiRail assuming there would be two freight trains every one hour period over the whole day which I consider over-estimates daily rail noise typically experienced in the Timaru district., Dr Chile’s has avoided dealing with the whole day effects of rail noise which would be much lower if the typical daily rail traffic through the Timaru district is taken into account.

Dr Chiles states at para 7.5 that the use of 24-hour averages in this instance would significantly under-represent adverse noise effects from freight train pass-bys. He confuses the issue at para 7.5 by making reference to the 15

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<sup>113</sup> District Plan Review Topic 11: Noise and Vibration, Stage 2 Report ‘Recommendations for Managing Reverse Sensitivity Effects, by Malcolm Hunt Associates, 15 October 2018.

<sup>114</sup> Memorandum of Ms Pull, 31 May 2024

minute assessment period recommended within NZS6802, however this is irrelevant as NZS6802 states (at clause 1.2.1) that this Standard is not to be used for the assessment of transportation noise.

I consider that the lower level of noise effects indicated when rail noise is averaged over 24 hours is the correct answer when viewed on the basis of the international evidence. The preferred methods assessing transport noise within NZ (and almost universally adopted internationally) is to assess transportation noise on a 24 hour time period. This is the basis for assessing noise from road traffic, ports, airports and heliports in NZ.

Para 2.4 of Dr Chiles 'Appendix A' implies there is some evidence pointing to international noise annoyance response curves being generally applicable for the New Zealand population. If this is the case, then NZ should adopt the 24 hour noise assessment basis for assessing rail noise annoyance found internationally. I have resisted adopting the 1 hour effects assessment promoted by Dr Chiles as I consider this to be inconsistent with methods adopted elsewhere and over-emphasises the short-duration noise effects of rail movements. Apart from some work completed by Marshall Day Acoustics some years ago (referred to at para 5.5 of Dr Chile's evidence) the 1 hour metric does not appear to have found favour among other NZ noise experts. That is not to say I do not support measures to address reverse sensitivity noise and vibration effects of the Main South Line. Rather, I consider NOISE-R9 is correctly worded so that acoustic insulation (and ventilation) be applied to any new or altered building housing a noise sensitive activity located within the most affected areas which is, in my view, located within only the first 40m measured from the rail track.

[378] Dr Chiles on the other hand considered an average noise level over periods of one hour to be more appropriate. KiwiRail disputed the description of use being 'low movements' and pointed out that it was not just the movements on the main trunk line, but the multiple movements associated with the Port that needed to be factored in.

[379] Mr Hunt's opinion was that given the limited number of daily rail movements (including infrequent passenger trains) there is no indication that rail noise levels received beyond 40m from the railway line would be sufficient to require the acoustic protection provided by NOISE-R9.<sup>115</sup>

[380] Dr Chiles opinion was that the notified distance of 40m is inadequate to protect noise sensitive activities in new and altered buildings from adverse health effects, and 100m is a more appropriate distance. A 100m distance reflects a reasonable compromise to capture the most affected sites without requiring assessment where building treatment is less likely to be required. The 100m distance also aligns with the assumed sound levels for rail volumes and one hour average.

[381] Ms Heppelthwaite, the planning witness for KiwiRail outlined a proposal to include both a Rail Vibration Alert Overlay, which had no regulatory controls, and the use of Rail Noise Control Boundary as being the most effective way to apply the 100m control for NOISE-R9.

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<sup>115</sup> Appendix 3, s42A Report, page 7.

[382] As was the case with noise from the state highway network Dr Chiles and Mr Hunt differed on the method of insulation. In the case of noise from rail we prefer Dr Chiles' approach for the same reasons as we did for road noise. We adopt the same reasoning and evaluation under s32AA and have provided for optionality in the standard.

[383] On the issue of what distance and from what point should it be measured, we note that the Proposed Plan used the term 'railway line' which was not opposed by KiwiRail in their written submission, however in the written submission other terminology was used, including 'rail corridor', and in evidence 'rail network'. In response to the issues raised, Counsel for KiwiRail considered the rail network equated with the designated area, and incorporated areas that could be used for noise generating uses, therefore the preference was a measurement from the designated boundary. In our view the rule in the Proposed Plan was clear, and railway line equates with the rail tracks that are used by trains, as that is the source of noise that the proposed insulation requirements seek to address, not general rail yard activities. Therefore, we have proceeded on the basis that whatever distance is determined to be most appropriate, it is measured from the railway line, not the boundary of the designation, which in some cases may be some distance from the tracks.

[384] KiwiRail provided a generic s32 evaluation<sup>116</sup> that was prepared to support the general nationwide approach to setback and insulation requirements. We accept that the s32 Report generally describes the benefits of the rail network, and the potential effects on noise sensitive activities from rail operations. However, the s32 Report does not provide a sufficient basis to satisfy us that there are any real reverse sensitivity effects on KiwiRail in the Timaru District given the designated land and the intermittent nature of noise.

[385] In answer to questions from the Panel, Ms Grinlinton-Hancock (Manager of the RMA team for KiwiRail) explained a scenario where a North Island operation needed to modify its alert systems to reduce impacts on neighbouring residential activities, however, the risk and effect was not quantified in any real way and it was difficult to translate this to Timaru. We do however accept the evidence of Dr Chiles that train noise can impact on sleep disturbance, and whilst effects are generally less than traffic or aircraft noise, providing insulation for habitable spaces to achieve a desirable internal noise environment will mitigate health and amenity effects. We find that a 100m distance as measured from the railway line to be appropriate to trigger a need for evaluation and where necessary acoustic insulation for parts of a building to achieve the appropriate indoor noise environment. We prefer the internal noise standard to the external façade standard for the same reasons discussed above in relation to noise from the state highway.

[386] We accept the evidence of KiwiRail that there is benefit in adding an alert layer for vibration effects up to 60m from the railway line. We accept Ms White's further clarification that this be added into the EPlan planning maps as a "Non-District Plan Layer" in the same manner as the railway itself is included as a "Non-District Plan Layer", as depicted in her Final Reply.<sup>117</sup> We agree with the recommended changes, although the management of "Non District Plan Layers" is a matter for the Council's administration of the Plan once operative.

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<sup>116</sup> Catherine Heppelthwaite, Statement of Evidence, 9 April 2025, Attachment B.

<sup>117</sup> Liz White, Final Reply, paragraph 21

### **5.13.2 Decision**

We adopt the analysis and recommendations of Ms White in relation to NOISE-R9<sup>118</sup>, as set out above, with the exception of the setback from the railway line, which we increase to 100m. We have made the same change to NOISE-S3 and NOISE-S4.

[387] We make no change to NOISE-R9 as it relates to the state highway. However, we have made associated changes to the insulation standard in NOISE-S3 to incorporate the option of providing an internal noise standard and the inclusion of ventilation requirements for all habitable rooms.

[388] We have included these changes in **Appendix 3**.

[389] In terms of s32AA we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **5.14 RULE NOISE-R12<sup>119</sup> – NEW NOISE SENSITIVE ACTIVITIES**

### **5.14.1 Assessment**

[390] Road Metals [169.35] and Fulton Hogan [170.37] submitted that a new rule is necessary to address new sensitive activities in proximity to lawfully established quarries. The submitters did not attend the hearing. Ms White already identified that GRUZ–S4 provides for setbacks. No change was recommended to be made. We accept that recommendation.

### **5.14.2 Decision**

[391] We make no change to NOISE-R12.

## **5.15 NEW STANDARDS**

### **5.15.1 Assessment**

[392] KiwiRail [187.80] sought that a new standard relating to indoor railway vibration is added to the Noise Chapter in the Proposed Plan, however the request was amended to include an alert layer only, which we address above.

### **5.15.2 Decision**

[393] No new standard is required.

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<sup>118</sup> Now renumbered NOISE-R11 in the Decision Version of the provisions.

<sup>119</sup> Now renumbered NOISE-R14 in the Decision Version of the provisions.

## **5.16 STANDARD NOISE-S3 – ACOUSTIC INSULATION**

### **5.16.1 Assessment**

[394] NOISE-S3 sets out the acoustic insulation standards for noise sensitive activities near the state highway, railway line, some commercial zones and has been amended to include the GRUZ between 100 - 300m of a frost fan.

[395] Fonterra [165.114] sought that the matters of discretion are deleted from NOISE-S3. This is a consequential change arising from their request that non-compliance with NOISE-S3 (in NOISE-R9) is made a non-complying activity. We have already determined that non-complying activity status is not appropriate in the context of NOISE-R9.

[396] We have earlier described the issues raised by Waka Kotahi [143.119] and KiwiRail [187.78], who wish to introduce a new 'effects based', or targeted internal noise standard rather than the external façade standard for road traffic and railway noise. We have determined that there is merit in the approach for the reasons outlined by Dr Chiles.

[397] Kāinga Ora [229.60] considers that the standard is broad and may unnecessarily restrict activities where effects can be appropriately managed. It sought deletion of the application of the standard to sites within specified distances from the state highway or railway line.

[398] Waka Kotahi did not pursue its request for an outdoor noise standard or vibration standard for traffic noise.

[399] Ms White did not recommend any changes to NOISE-S3 as a result of these submissions, other than the recommended changes as a consequence of submissions on frost fans and NOISE-R9<sup>120</sup> as discussed above.

### **5.16.2 Decision**

[400] We adopt the analysis and recommendations of Ms White in response to these submissions and make no further changes to NOISE-S3 beyond those already discussed as a result of submissions on frost fans and NOISE-R9.<sup>120</sup> We have provided for alternative methods of noise insulation.

## **5.17 STANDARD NOISE-S4 – VENTILATION REQUIREMENTS**

### **5.17.1 Assessment**

[401] NOISE-S4 relates to the ventilation requirements for noise sensitive activities near the state highway, railway line, and commercial, industrial and mixed-use zones and within the outer control boundary of the Port Noise Control Overlay.

[402] Fonterra [165.115] sought that the matters of discretion are deleted from NOISE-S4. This is a consequential change arising from their request that non-compliance with NOISE-S4

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<sup>120</sup> Now renumbered NOISE-R11 in the Decision Version of the provisions.

(in NOISE-R9<sup>120</sup>) is made a non-complying activity. As we have concluded above, we do not accept that non-complying status is appropriate give the defined issues.

[403] Waka Kotahi [143.120] sought amendments to recognise and provide for thermal comfort and cooling requirements for all habitable rooms. The submitter is also concerned that the matters of discretion provide allowance for non-compliance without addressing the adverse effects.

[404] KiwiRail [187.79] wished to ensure ventilation provides controllable cooling and heating to maintain an appropriate room temperature. The submitter also sought to amend the matters of discretion to relate specifically to the required mechanical ventilation and compliance with the standard only. It considers that Matters 1, 3 and 4 are not appropriate and sought that they are deleted. KiwiRail also requested drafting changes so that the standards applied to any habitable room, not just study or bedroom areas.

[405] In terms of the requests for changes to the standard we heard from Mr Pearson from Waka Kotahi, Ms Hepplethwaite and Ms Grinlinton-Hancock from KiwiRail and from Mr Hunt and Ms White for the Council. Mr Hunt noted the focus of the standard was maintaining areas where quiet surrounds were important such as study and sleeping, and in other areas indoor health and amenity were likely adequately addressed through methods compliant with the NZ Building Code. Dr Chiles pointed out that activities requiring focus can occur in other areas not just a study, so there is a level of impracticability with the notified standard. His opinion was that occupants should have a genuine choice as to whether they open windows or not, therefore ventilation and temperature control were important in the Timaru District. Mr Hunt referenced a report prepared by Beca Consultants,<sup>121</sup> which recommended cooling in various regions, including Christchurch, but not others such as Southland. Dr Chiles pointed out that Timaru was in the same temperature zone as Christchurch and also experienced extremely hot summer days.

[406] We agree that ventilation and cooling requirements should apply to sleeping areas, and there is benefit in extending those requirements to areas where quiet environments are required for focused work and study. We are not convinced that the standard should apply to all habitable areas, but accept that in most dwellings at least, those areas for focused work, may differ and not be confined to a 'study or office'. Similarly, an area designated for 'study' or office, may not be used for that purpose or necessary be a separate room. The use of spaces can change over time to meet the needs of occupants of a building. Therefore, we see benefit in providing greater flexibility in the standard to provide that ventilation must be provided within any part of a building used for sleeping and/or focused work or study, such as a bedroom, office, or study.

### **5.17.2 Decision**

[407] We accept the analysis and recommendations of Ms White, however we make an additional change to NOISE-S4 to ensure ventilation is provided to any part of a building used

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<sup>121</sup> Beca, Ventilation Systems Installed for Road-traffic Noise Mitigation, 26 June 2014

for sleeping or focused work or study. The amendments to NOISE-S4 are included in **Appendix 3**.

[408] In terms of s32AA we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and and for giving effect to other relevant statutory instruments.

## **5.18 NOISE LIMITS (TABLE 24)**

### **5.18.1 Assessment**

[409] Table 24 sets out the noise performance standards for receiving zones and areas, compliance time periods and noise limits that apply. A number of submissions supported the table as notified and others sought changes to some standards. Fonterra [165.116, 165.116A], Property Income [56.2], TDHL [186.39] and PrimePort [175.69] sought changes to address the extent of the Port Zone and exempt noise generated within the Port Zone, which is addressed separately.

[410] Southern Proteins [140.19], Barkers [179.23], Hilton Haulage [168.9], North Meadows [190.13], and J R Livestock [241.31] sought that the GIZ is removed from the table. These submitters opposed an in-zone limit being applied within the GIZ, on the basis that noise limits are appropriate along the zone boundary with sensitive zones, or at the notional boundary of noise sensitive activities in other zones, but are not appropriate within the zone itself.

[411] Oliver, G. [14.1] sought that the daytime noise limit for those zones included in Row 1 of Table 24 (General Residential, Open Space and Recreation Zones, Rural Zones and the Māori Purpose Zone) is increased from 50 to 55 dB LAeq.

[412] Foodstuffs [193.9] sought application of Row 4 in the Table to the MRZ, at 18A Hobbs Street, where within 40m of the boundary of the adjacent LCZ. It notes that the Plan proposes to change the commercial zoning of 18A Hobbs Street under the ODP, to MRZ, which results in the location of the LCZ/MRZ boundary moving much closer to the supermarket. The submitter is concerned that as a result of the zone change, lower noise limits will now apply closer to the supermarket, representing a significant change in the operating environment for the supermarket which creates a possible compliance issue.

[413] Hort NZ [245.100, 245.101] considered that 55dB LAeq is an appropriate noise limit for the GRUZ, to reflect the nature of the receiving environment, which is different to the Residential Zone. It sought that the GRUZ is deleted from Row 1 of Table 24, and included instead in Row 2, with the limit applied only to the notional boundary of a building used for a noise sensitive activity in the GRUZ. This results in a 5dB increase in the noise limits applying.

[414] In terms of the issues raised by the Port related submitters<sup>122</sup>, Ms White noted that Table 24 does not come into play for activities within the Port Zone, which are subject to

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<sup>122</sup> Fonterra [165.116, 165.116A], Property Income [56.2], TDHL [186.39] and PrimePort [175.69]

NOISE-R8<sup>123</sup> not R1. She recommended a minor correction which makes that clearer. We accept that advice.

[415] Mr Hunt recommended that noise limits still apply within the GIZ given the range of potential uses, however he recommended increasing the limit to 75 dB LAeq (15 min), being the maximum recommended in NZS6802:2008; removing the site-to-site L<sub>Amax</sub> limit, as his view is that compliance with this type of limit is not considered essential for providing site-to-site noise compatibility between sites; and exempting compliance with site-to-site noise limits for boundaries of sites in the same ownership, stating that noise effects in this situation are better managed internally rather than through a District Plan. We accept his recommendation.

[416] Submitter Oliver, G. did not attend the hearing. We note that Row 1 of Table 24 is supported by the Council's s32 Report and pre-report technical information. We agree with Ms White that no change is required for Row 1 for the reasons she has outlined in her s42A Report.

[417] In response to Foodstuffs' submission on Table 24 Ms White recommended that the request is generally accepted. However, as noted by Mr Hunt, she recommended that the boundary between the MRZ and LCZ is amended to extend the current LCZ boundary by 10m, and that the higher noise limit should only be applied to those parts of the MRZ within 30m of the boundary with the adjacent LCZ (i.e. the first 10m of the 40m sought by the submitter is already included through this area being zoned LCZ). We accept Ms White's recommendation for the reasons outlined. In her Interim Reply Ms White noted that as a result of a subdivision the original address has changed, and she therefore recommended the reference be amended to 'the Hobbs Street Noise specific control area'. We accept that recommendation.

[418] In terms of the request by Hort NZ to increase noise limits in the GRUZ, to reflect the working nature of the environment, Mr Hunt noted that certain uses associated with the use of the rural environment are already exempt from the standard.

[419] NOISE-R1 already exempts "activities of a limited duration required for normal seasonal agricultural, horticultural and forestry activities, such as harvesting". He considered that as a range of activities are permitted in the GRUZ, it is necessary for other permitted activities (i.e. those not already exempted) in the GRUZ to comply with the 50 dB limit within the notional boundary, to provide adequate amenity protection for residential uses that are permitted under GRUZ-R4 and GRUZ-R5. Mr Hunt also referred to GRUZ-O1 and GRUZ-O2.3 which on the one hand provides for the working environment of the Rural Zone, but also anticipates higher levels of amenity immediately around sensitive activities<sup>124</sup>. Ms White considered that because the noise limits only applied to the notional boundary around noise sensitive activities then the lower noise limit is appropriate to assist in achieving those outcomes, noting that it is ensuring a level of amenity in the immediate vicinity of noise sensitive activities; not in the wider rural environment. We agree with Ms White's recommendations and make no change to Table 24 in response to the Hort NZ submission.

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<sup>123</sup> Now renumbered NOISE-R9 in the Decision Version of the provisions.

<sup>124</sup> As per Part 3 of the Decision, now confined to 'existing' sensitive activities.

## 5.18.2 Decision

[420] We adopt the changes to Table 24 recommended by Ms White in her s42A Report and have included these in **Appendix 2** and **Appendix 3**.

[421] We adopt her s32AA evaluation for the changes made.

## 5.19 DEFINITIONS

### 5.19.1 Assessment

#### *Noise sensitive activity*

[422] Fonterra [165.16] seek that 'community facility' is added to the definition of 'noise sensitive activity', on the basis that these facilities, which provide generally for the congregation of people, are also sensitive to noise and in its view, likely to give rise to reverse sensitivity effects. The submitter notes that in the alternate, reference to 'place of assembly' would also be acceptable.

[423] KiwiRail [187.6] sought deletion of the definition and its replacement with the following, which in its view lists all noise sensitive activities and will assist with clear interpretation:

Means any lawfully established:

- a. residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga;
- b. educational activity;
- c. health care activity, including hospitals;
- d. congregation within any place of worship; and
- e. activity at a marae.

[424] Ms White did not support the change to the definition of 'noise sensitive activity' to include community facilities as she considered that it would create some inconsistencies throughout the Plan and capture a number of activities where the regulatory framework which required setbacks and insulation requirements were impractical. We agree with her concerns.

[425] In terms of the amendments requested by KiwiRail, Ms White was similarly concerned about inconsistencies throughout the Plan, and she provided examples of this. We accept her recommendation in response.

[426] We did ask Ms White to consider changes requested by Te Rūnanga o Ngāi Tahu to the definition of 'sensitive activities' to remove reference to Papakāinga and Marae, as requested by Ms Pull in her Memorandum.<sup>125</sup> Ms White responded in her Interim Reply and

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<sup>125</sup> Memorandum of Ms Pull for Te Rūnanga o Ngāi Tahu, 31 May 2024.

noted the different functions of the definitions of 'sensitive activities' and 'noise sensitive activities' in the rule framework. She did not agree that the deletion of Papakāinga was appropriate but accepted a small change to the reference to Marae to confine this to sleeping spaces within a Marae, given the wide range of activities and buildings that are present in a Marae complex. We accept that explanation.

### *Bird Scaring Device*

[427] Hort NZ [245.7] support the definition of 'bird scaring device', subject to a minor amendment to read "...gas guns and avian distress alarms". Ms White accepted the minor grammatical change, as do we.

### **5.19.2 Decision**

[428] We make minor corrections to the definition of 'noise sensitive activity' and 'bird scaring device' but otherwise retain the definitions as notified for the reasons given by Ms White. The minor amendments are set out in **Appendix 3**.

## **6 SIGNS**

### **6.1 GENERAL SUBMISSIONS**

#### **6.1.1 Assessment**

[429] Go Media [18.9], Fi Glass [161.9], Griff Simpson Family [199.9], and Red Sky [233.9] consider that the s32 report for the SIGN Chapter fails to provide an adequate planning assessment to support the proposed SIGN Chapter as notified and seek that billboard and off-site signs are better enabled. Fi Glass [161.10] also sought amendments to the SIGN Chapter to address a range of matters including, but not limited to, increases to the maximum area and height of signage and more appropriate illumination/lighting standards.

[430] Submissions from ECan [183.1 and 183.4] raised concerns regarding how height is determined and use of terminology to define floor areas of buildings. These submissions are addressed in Part 2 and Part 3 of our Decision Report relating to definitions.

[431] Fonterra [165.121, 165.122 and 165.123] lodged submissions relating to signage with a particular focus on seeking that the sign provisions appropriately apply to the Clandeboye site which is the subject of a rezoning request.

[432] Ms Williams evaluated these submissions in her s42A report. Ms Williams noted that some of the specific matters raised in general submissions are addressed in relation to specific provisions contained in the SIGN Chapter. In relation to the Fonterra submissions, Ms Williams supported the signs provisions recognising a new Clandeboye Manufacturing Zone if such a zone is created. The rezoning request has been addressed in Part 3 of our decision where the decision is to have a Clandeboye Dairy Manufacturing Precinct within the GIZ. On that basis we agree with Ms Williams that this should be reflected within the SIGN Chapter, if differentiation is needed between this precinct and the provisions applying to the GIZ. At the

**APPENDIX E – LIST OF SUBMITTERS TO BE SERVED WITH A COPY OF THE NOTICE**

<b>Submitter name</b>	<b>Attention information</b>	<b>Address for service</b>
Aggregate and Quarry Association	Straterra - Jerremy Harding	jeremy@straterra.co.nz
Alliance Group Limited	Mitchell Daysh Limited - Doyle Richardson	doyle.richardson@mitchelldaysh.co.nz
Barkers Fruit Processors Limited	Davis Ogilvie (Aoraki) Ltd - Penelope Gallagher	penny.g@do.nz marley.regenvanu@barkers.co.nz
Federated Farmers	James Sutherland	jsutherland@fedfarm.org.nz ajohnston@fedfarm.org.nz ELinscott@fedfarm.co.nz
Foodstuffs South Island Limited	Saunders & Co - Chris Fowler	chris.fowler@saunders.co.nz shona.walter@saunders.co.nz
Fulton Hogan Limited	Helen Caley	helen.caley@fultonhogan.com bob.willis@fultonhogan.com
GJH Rooney	Nathan Hole	nathan.hole@rooneygroup.co.nz
Horticulture New Zealand	Leanne Roberts	leanne.roberts@hortnz.co.nz alisa.robertson@hortnz.co.nz sarah.cameron@hortnz.co.nz
J R Livestock Limited	Davis Ogilvie (Aoraki) Ltd - Penny Gallagher	penny.g@do.nz
Kāinga Ora - Homes and Communities	Mel Rountree	developmentplanning@kaingaora.govt.nz

Kiwirail Holdings Limited	KiwiRail Holdings Ltd - Sheena McGuire	sheena.mcguire@kiwirail.co.nz
Lineage Logistics New Zealand Limited	Anthony Harper Lawyers  - Gerard Cleary	gerard.cleary@ah.co.nz
New Zealand Agricultural Aviation Association	Tony Michelle	eonzaaa@aviationnz.co.nz
NZ Frost Fans Limited	James Witham - James Withell	1429 Omahu Road, Hastings 4175
NZ Pork Industry Limited	Penny Cairns	penny.cairns@pork.co.nz info@pork.co.nz
Penny Nelson, Director-General of Conservation Tumuaki Ahurei	Liz Williams	lwilliams@doc.govt.nz
Port Blakely Limited	Saunders & Co - Chris Fowler	chris.fowler@saunders.co.nz shona.walter@saunders.co.nz zrobinson@portblakely.com
PrimePort Limited	Novo Group Limited - Kim Seaton	kim@novogroup.co.nz
Radio New Zealand Limited	Chapman Tripp – Hadleigh Pedler	Hadleigh.Pedler@chapmantripp.com
Road Metals Company Limited	Daryl Elwyn McMilan	daryl@roadmetals.co.nz

Rooney Earthmoving Limited	Rooney Group Limited - Nathan Hole	nathan.hole@rooneygroup.co.nz
Rooney Farms Limited	Rooney Group Limited - Nathan Hole	nathan.hole@rooneygroup.co.nz
Rooney Group Limited	Rooney Group Limited - Nathan Hole	nathan.hole@rooneygroup.co.nz
Rooney Holdings Limited	Rooney Group Limited - Nathan Hole	nathan.hole@rooneygroup.co.nz
Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	Royal Forest & Bird Assoc - Nicky Snoyink	n.snoyink@forestandbird.org.nz
Rural Contractors New Zealand Incorporated	Mitchell Daysh Limited - Graeme Mathieson	graeme.mathieson@mitchelldaysh.co.nz
Silver Fern Farms Limited	Mitchell Daysh Limited - Steve Tuck	steve.tuck@mitchelldaysh.co.nz
Te Rūnanga o Ngāi Tahu	Trudy Heath	rachael.pull@ngaitahu.iwi.nz TTW@ngaitahu.iwi.nz
Timaru Developments Limited	Rooney Group Limited - Nathan Hole	nathan.hole@rooneygroup.co.nz

Transpower New Zealand Limited	AM Consulting - Ainsley McLeod	ainsley@amconsulting.co.nz
Waka Kotahi NZ Transport Agency	Waka Kotahi NZ Transport Agency - Stuart Pearson	Stuart.Pearson@nzta.govt.nz