



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
DEFINITIONS						
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
STRATEGIC DIRECTIONS						
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
ENERGY AND INFRASTRUCTURE						
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.			
TRANSPORT						
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
HAZARDOUS SUBSTANCES						
Alliance Group Limited	173.32	HS - Hazardous Substances	<ol style="list-style-type: none"> 1. Clarify which facilities are considered Major Hazard Facilities and which are hazardous facilities only is required. 2. Amend the Major Hazard Facility overlay as required to ensure only Major Hazard Facilities are shown. 3. Separately map the overlay and schedule of 'Hazardous Facilities' should be included in the proposed Plan to avoid confusion. 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. 	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 1×10^{-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
SUBDIVISION						

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
NOISE						
Timaru District Holdings Limited	186.38	NOISE-R8	Supports but notes several issues and seeks amendments: <ul style="list-style-type: none"> - Part of the Port Zone is not included in the rule, - The Port Noise Control Boundaries (Inner and Outer) are only intended to apply outside the Port Zone, - The Port Noise Control Boundaries were modelled based on Port noise generation from within Precinct 7 only, and <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

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			<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, excluding those sites located to the east of the Main South Railway Line and forming part of, or adjoining the Port of Timaru.</p>		the Main South Railway Line adjoining the Port of Timaru	
GENERAL RURAL ZONE						
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: 3. higher levels of amenity immediately around sensitive activities and zone boundaries; and	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: <i>GRUZ-O4 Protecting <u>Managing sensitive activities and sensitive zones</u></i> <i>Intensive primary production, mining, quarrying, <u>rural industry</u> and other intensive activities avoid or minimise generates no or minimal adverse effects on:</i> <i>1. <u>existing sensitive activities</u>; and 2. land close to in 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
GENERAL INDUSTRIAL ZONE						

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. immediately	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

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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

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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.