Before the Independent Hearings Panel at Timaru

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to

Timaru Proposed District Plan - Hearing F

and: Fonterra Limited

Submitter 165

Statement of evidence of Susannah Vrena Tait

Dated: 9 April 2025

REFERENCE: B G Williams (ben.williams@chapmantripp.com)

M E Davidson (meg.davidson@chapmantripp.com)



STATEMENT OF EVIDENCE OF SUSANNAH VRENA TAIT

1. INTRODUCTION

- 1.1 My name is Susannah Vrena Tait.
- I am a Partner at Planz Consultants Limited. I hold Bachelor of Science and Master of Applied Science degrees. I am a full Member of the New Zealand Planning Institute and a certified commissioner under the Making Good Decisions programme. I have been employed in the practice of planning and resource management for over 20 years, both in New Zealand and Australia. A summary of my qualifications and relevant experience is contained in Appendix A to my Hearing A and Hearing B statements of evidence (dated 22 April 2024 and 5 July 2024 respectively).
- I assisted with the preparation of the submissions and further submissions made by Fonterra Limited (**"Fonterra"**) (Submitter 165) on the Timaru Proposed District Plan (**"PDP"**). I am authorised by Fonterra to provide evidence on its behalf.

2. CODE OF CONDUCT

2.1. In preparing my evidence I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Panel. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. SCOPE OF EVIDENCE

- 3.1 In preparing my evidence I have read:
 - i. The relevant s32 Evaluation Reports.
 - ii. The 'Section 42A Report: Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities' prepared on behalf of the Timaru District Council (**"Council"**) by Ms Rachael Willox.
 - iii. The 'Section 42A Report: Light and Noise' prepared on behalf of the Council by Ms Liz White.
 - iv. The 'Section 42A Report: Natural Hazards, Coastal Environment and Drinking Water Protection' prepared on behalf of the Council by Mr Andrew Willis.
 - v. The 'Section 42A Report: Public Access, Activities on the Surface of Water, and Versatile Soil' prepared on behalf of the Council by Mr Andrew Maclennan.

- 3.2 In my evidence, I will refer to the s42A report authors as **'the reporting officer'**.
- I have also read, and I am reliant on, the evidence of Mr Rob Hay (acoustic), and the evidence prepared by Ms Suzanne O'Rourke (corporate) as part of the Hearing A stream.
- 3.4 In my evidence, I set out:
 - a. An executive summary of my evidence (**Section 4**).
 - b. A summary of relevant background information (**Section 5**).
 - c. Responses to specific Fonterra submissions on the Natural Hazards ("NH") chapter (Section 6).
 - d. Responses to specific Fonterra submissions on the Versatile Soils (**"VS"**) chapter (**Section 7**).
 - e. Responses to specific Fonterra submissions on the Coastal Environment ("CE") chapter (Section 8).
 - f. Responses to specific Fonterra submissions on the Earthworks (**"EW"**) chapter (**Section 9**).
 - g. Responses to specific Fonterra submissions on the Drinking Water Protection ("**DWP**") chapter (**Section 10**).
 - h. Responses to specific Fonterra submissions on the Light ("LIGHT") chapter (Section 11).
 - Responses to specific Fonterra submissions on the Noise ("NOISE") chapter (Section 12).
 - Responses to specific Fonterra submissions on the Signs ("SIGN") chapter (Section 13).
 - k. My brief concluding statement (**Section 14**).
- 3.5 For ease of reference, the reporting officer's recommended amendments to provisions are shown in <u>purple underline</u> and purple strikethrough, and my recommended amendments to provisions are shown in <u>red underline</u> and red strikethrough.

4 EXECUTIVE SUMMARY

4.1 I consider that the amendments to the VS, CE and DWP chapters are appropriate. However, a correction is needed to remove two of the Drinking Water Protection Area overlays from the Clandeboye site (as the bores are not used for drinking water purposes).

- While I consider that the NH provisions are appropriate, I do not consider that the definition of natural hazard sensitive building is appropriate. I acknowledge that a proxy of some form is necessary to determine an appropriate natural hazard risk threshold to people and property. For commercial buildings, I consider that both building size and employee number proxies are appropriate and have recommended a building floor area of 100m² that permanently accommodates 10 or more staff.
- 4.3 I consider a small amendment to EW-R1 exclusion h. is required to provide for the realistic scenario that resource consent is often sought ahead of any building consent application process. I have proposed a carve out for any earthworks in a building footprint that are still subject to a building consent application process, so the total volume of earthworks to be assessed as part of any resource consent application process does not capture the exclusions.
- 4.4 Fonterra hold resource consent to emit higher lighting levels beyond the boundary (which also account for its rural location). I consider it appropriate for the PDP to reflect the consented lighting.
- 4.5 Fonterra are seeking that a Noise Control Boundary ("NCB") be applied to the land surrounding the Clandeboye site. The NCB will have a dual purpose; firstly, to manage noise from the site, and secondly, to manage noise sensitive activities that lie within it.
- 4.6 Fonterra hold resource consent to emit higher noise levels than what is specified in the PDP, effectively 5dBA above the permitted PDP daytime and nighttime noise levels, and 10dBA above the permitted PDP 7pm 10pm noise levels. The consented noise emissions effectively create an area where noise levels are greatest on and immediately around the Clandeboye site and decrease with distance from the major sources of noise. The area broadly following the 45 dB noise contour defines the proposed NCB, which has been regularised to reflect Fonterra owned land and cadastral boundaries that closely encompass this contour.
- 4.7 In my opinion, it is appropriate that the consented noise allowance is reflected in the PDP through the adoption of a NCB and associated rules. The proposed NCB is a transparent method to inform adjoining landowners that additional building design (insultation and ventilation) is required to protect them from higher noise emissions.
- The reporting officer and I are largely in agreement on the appropriate amendments to the PDP provisions to accommodate the NCB. However, I consider that the Clandeboye NCB should be referred to in both NOISE-P5 and NOISE-P7 (i.e. mitigate in the first instance, avoid if mitigation is absent or inadequate), which aligns with the consequential activity statuses in the proposed Clandeboye specific rule that I have recommended (permitted cascading to non-complying).
- 4.9 All recommended amendments to the PDP provisions are contained in **Appendix A**.

5 BACKGROUND

- To assist the Panel, I will briefly set out what Fonterra sought during the Hearing B stream; the provisions agreed with Mr Maclennan; and how the outcome of that hearing has a bearing on the provisions in the remainder of the PDP.
- Fonterra is seeking that a Special Purpose Zone ("SPZ") (specifically, the Clandeboye Dairy Manufacturing Zone ("CDMZ")) apply to their manufacturing site at Clandeboye (at the intersection of Canal, Milford-Clandeboye and Rolleston Roads). As set out in my Hearing B evidence, a SPZ better provides for the nature, scale and function of the Clandeboye site; reduces the regulatory burden on the site's day-to-day operations; and supporting the future development of dairy processing activities on site.
- 5.3 Following the completion of Hearing B, Mr Maclennan and I met on several occasions to discuss the provisions that would apply to the Clandeboye site. In a Joint Witness Statement¹, Mr Maclennan and I agreed on the provisions that should apply to the site, but not the planning mechanism by which they should be applied. Mr Maclennan supports a General Industrial Zone with a precinct overlay; whereas I consider that a SPZ is the appropriate planning mechanism.
- As the Panel are still to make a recommendation on the appropriate planning mechanism for managing the Clandeboye site, any reference to 'zone' in my evidence and proceedings relating to district-wide matters, can be read interchangeably as 'precinct'.
- 5.5 In addition to the Clandeboye site, Fonterra has a direct interest in the provisions that apply to the Port of Timaru. As explained by Ms O'Rourke in her evidence for Hearing A²:

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.

The Fonterra site at Timaru Port employs up to 75 staff and in 2022 to 2023 processed over 76,800 containers (known as twenty foot equivalent units or 'TEUs') of product. The coolstore and drystore operations at Timaru Port collectively employ approximately 45 staff, have a combined storage space for 63,500 pallets and process 17,000 TEUs of product. The Timaru Port services the Clandeboye factory site and exports 14% of Fonterra's total dairy products to international markets.

5.6 For this reason, Fonterra has a particular interest in the NH and CE chapters, and other provisions relating to the Port Zone (**"PORTZ"**) in the PDP.

¹ Joint Witness Statement (Planning) dated 2 October 2024 https://www.timaru.qovt.nz/ data/assets/pdf file/0003/938262/Hearing-B-TDC-Memoof-counsel-Fonterra-JWS-4-Oct-2024.pdf

² Hearing A Evidence of MS Suzanne O'Rourke, paragraph 21 and 22

6 NATURAL HAZARDS

- Fonterra³ made submissions on NH-O1, -P1, -P4, -R1, -R4, -R7, -R8 and -S2. The recommendations by the reporting officer⁴ were to variably accept, accept in part or reject Fonterra's submissions (which amounted to retaining, amending or deleting the provisions in response to the submissions of Fonterra and others). Having considered the comments of the reporting officer, I generally support the recommendations. In particular, I support the amendment to NH-R1 that permits buildings, structures and earthworks that do not worsen flooding on an adjoining property (held in separate ownership); and the change in the NH-R4 activity status from non-complying to restricted discretionary (because the effects are able to be readily identified and addressed as matters of discretion).
- 6.2 Notwithstanding my support for the amendments to the NH provisions, I have concerns with the new definition of 'natural hazard sensitive building'. The notified definition (for 'natural hazard sensitive activity') was:

Buildings which:

- 1. contain one or more habitable rooms; and / or
- 2. contain two or more employees on a full time basis; and / or
- 3. are a place of assembly;

but excludes regionally significant infrastructure and garages that are either detached or attached that do not meet the building code requirements for a habitable space.

6.3 While the definition recommended by the reporting officer (for 'natural hazard sensitive building') is:

Buildings which:

- 1. is/are used as part of the primary activities on the site; or
- 2. <u>contains habitable rooms; or</u>
- 3. <u>buildings which are connected to a potable water supply and</u> wastewater system.

For the purposed of clause 1, the following buildings are not included.

- i. farm sheds used solely for storage; or
- ii. animal shelters which comply with v below: or
- iii. carports; or
- iv. garden sheds; or
- v. any buildings with a dirt/gravel or similarly unconstructed floor; or
- vi. <u>any buildings or extensions with a building floor area less than 30m²;</u> or
- vii. Regionally Significant Infrastructure.

Note: This definition also applies to the conversion of existing buildings into natural hazard sensitive buildings and extensions greater than 30m² to existing natural hazard sensitive buildings.

³ Submissions 165.45 – 165.52

⁴ Section 42A Report: Natural Hazards, Coastal Environment and Drinking Water Protection, paragraphs 7.13.13, 7.16.8, 7.18.17, 7.27.21, 7.30.19, 7.33.9, 7.34.16 and 7.37.7

- I appreciate the comments of the reporting officer⁵ that 'the NH chapter is not only concerned with risk to people, it is also concerned with risk to buildings, and this is consistent with the approach taken in the CRPS. However, building risk is more or less significant depending on the value and significance of the building at risk'. But I consider that the approach recommended by the reporting officer merely adopts another proxy (size of building instead of number of staff) to determine the value or significance of a building.
- I agree that a proxy of some kind is necessary or appropriate, this is seen in other District Plan chapters (such as building area or staff numbers for determining traffic generation). But I consider that this needs to be set at a reasonable level so as not to unnecessarily burden landowners and developers. Noting that, if a building falls outside the 'natural hazard sensitive building' definition, this does not stop a landowner or developer determining that it is sufficiently valuable or significant and protecting it accordingly. Having considered the submissions on the definition, I consider that both a building floor area and an employee number is appropriate for determining value / significance. The 100m² GFA minimum I have recommended avoids capturing smaller, often portable buildings and the minimum of 10 staff was supported by a number of other submitters (and as such, I consider it appropriate). My recommended amendments to the definition are included in **Appendix A**.
- 6.6 The NH provisions appended to the s42 Report also include PORTZ specific provisions. The reporting officer⁶ notes that the specific provisions are required because:

In my opinion the current PDP natural hazard and coastal hazard provisions for the Port are not sufficiently tailored to achieve both flexibility for the continued Port operations and to manage risk appropriately.

- 6.7 While Fonterra does not have scope to address these provisions, I support the bespoke PORTZ provisions that acknowledge the functional and locational needs of the Port operations and development, and in particular make allowance for a practical response to building design providing for 'flood resilient' buildings where they cannot practically meet minimum finished floor levels.
- 6.8 Lastly, Fonterra also made a further submission⁷ opposing an ECan submission⁸ seeking to amend the definition of 'High Hazard Area'. The reporting officer⁹ has recommended that the ECan submission be accepted in part to ensure that the definition of High Hazard Area aligns with the CRPS. However, the reporting officer has acknowledged that the CRPS definition has some practical limitations (particularly in relation to seawater inundation) and has

⁵ Above n 4, paragraph 7.8.5

⁶ Above n 4, paragraphs 7.3.4 and 7.3.7

⁷ Further submission 165.35FS

⁸ Submission 183.84

⁹ Above n 4, paragraph 7.5.7

recommended a more workable definition (that has also been used in the Proposed Waimakariri District Plan). I support the reporting officer's approach.

6.9 With regards to the interplay between the High Hazard Area definition and the PORTZ, my understanding is that, because the new suite of PORTZ provisions do not refer to High Hazard Area, this environmental factor does not become a consenting consideration. Given the need for the PORTZ to have workable provisions that recognise its locational and functional needs, I support this approach.

7 VERSATILE SOILS

- 7.1 Fonterra¹⁰ made two submissions on the VS chapter a general submission seeking alignment of the chapter with the NPS-HPL and a specific submission on VS-P2. A related submission¹¹ on the Description of the District Rural Areas has also been considered by the reporting officer as part of the VS chapter.
- 7.2 With respect to giving effect to the NPS-HPL, I am largely satisfied that the recommendations of the reporting officer¹² achieve that to the extent possible (noting Mr Maclennan's position that a plan change is necessary to fully implement NPS-HPL).
- 7.3 Lastly, with respect to the Rural Areas description, Fonterra sought amendments to better reflect the NPS-HPL. The reporting officer¹³ has recommended that this submission be accepted and I support this recommendation. As an aside, I note that Ms Hollier recommended other Fonterra submissions be accepted on the Rural Areas description as part of the Hearing A workstream which are not reflected in the text copied across to paragraph 9.4.5 of the s42A Report: Public Access, Activities on the Surface of Water, and Versatile Soil.

8 COASTAL ENVIRONMENT

8.1 Fonterra¹⁴ made submissions on CE-O6, -P9, -P10, -R4, -R6, -S1 and -S2. The recommendations by the reporting officer¹⁵ were to variably accept, accept in part or reject Fonterra's submissions (which amounted to retaining or amending the provisions in response to the submissions of Fonterra and others). Having considered the comments of the reporting officer, I generally support the recommendations. In particular, I support the change in the CE-R4.3 activity status from non-complying to restricted discretionary for smaller

¹⁰ Submissions 165.80 and 165.81

¹¹ Submission 165.12

¹² Section 42A Report: Public Access, Activities on the Surface of Water, and Versatile Soil, section 9.

¹³ Above n 11, paragraph 9.4.4

¹⁴ Submissions 165.88 - 165.94

¹⁵ Above n 4, paragraphs 8.9.11, 8.17.12, 8.18.20, 8.24.29, 8.26.9, 8.34.5 and 8.35.8

- scale structures (because the effects are able to be readily identified and addressed as matters of discretion).
- 8.2 Similar to my comments above regarding treatment of the PORTZ in the NH chapter, I also support the specific PORTZ provisions proposed for the CE chapter (in relation to coastal hazards). I acknowledge the comment of the reporting officer¹⁶ regarding the duplication of PORTZ hazard management provisions in the NH and CE chapters, and I support any consolidation of the provisions for improved Plan readability.

9 EARTHWORKS

- 9.1 Fonterra¹⁷ sought to remove the Clandeboye site from EW-S1 (and consequently remove any maximum earthworks limits for the site). The reporting officer¹⁸ has recommended that this submission be rejected.
- 9.2 Having considered the comments of the reporting officer, I am satisfied that there is ample flexibility to enable the scale of earthworks at the Clandeboye site that could reasonably be expected. However, I have my reservations about the workability of EW-R1 Exclusion h., which excludes '...[earthworks] within the building footprint, or within 2m of the outer edge of, a building that has building consent and that complies with EW-S3....
- 9.3 In reality, most developments will seek resource consent (if they need it) ahead of building consent to avoid unnecessary expense (design changes, declined applications etc). However, EW-R1 does not account for this reality, meaning that earthworks within a building footprint but are yet to secure building consent (and which are over the minimum area standard) will need resource consent (before also going through the building consent process).
- 9.4 I consider that this issue can be simply rectified by the following amendment:
 - ...[earthworks] within the building footprint, or within 2m of the outer edge of, a building that has building consent, or will be addressed as part of a building consent application process, and that complies with EW-S3.
- 9.5 Any resource consent granted for a site can identify earthworks which have not been approved and will be subject to a building consent process. It is my understanding that it is due process for councils to cross reference any building consent application to a resource consent, so the unconsented earthworks should be readily identifiable in the process.

¹⁶ Above n 4, paragraph 7.3.11

¹⁷ Submission 165.95

¹⁸ Section 42A Report: Earthworks, Relocated Buildings and Shipping Containers, Signs and Temporary Activities, paragraph 9.6.15

10 DRINKING WATER PROTECTION

- 10.1 Fonterra¹⁹ made a submission on DWP-R5 seeking that existing industrial activities or the expansion of existing industrial activities be exempt from this rule. The reporting officer²⁰ has recommended that the submission be accepted.
- 10.1.1 As noted in my Hearing B evidence, there are four Drinking Water Protection Areas located within the Clandeboye site (see **Figure 1** below).



Figure 1: Proposed Drinking Water Protection Areas

- 10.1.2 Since lodging its submission, Fonterra has advised me that Bores (1) and (2), as marked on **Figure 1**, are not drinking water bores. Rather, Bore (1) (CRC reference K38/1078) is a capped bore that is used occasionally for groundwater monitoring and Bore (2) (CRC reference K38/0383) is a capped bore and serves no current purpose. As such, pursuant to Schedule 1, Clause 16 of the RMA, I consider that the Drinking Water Protection Areas covering Bores (1) and (2) can be removed from the PDP to correct an error in relation to their use/classification.
- 10.1.3 Bores (3) and (4) (marked on **Figure 1**) are located within the Clandeboye site. I agree with the comments of Mr Thomas²¹ that the Water Services Act 2021 manages private water supplies, and I do not consider that the PDP needs to duplicate the process (by also requiring non-complying resource consent). Therefore, I support the proposed amendment to DWP-R5 as it ensures that industrial activities undertaken in identified industrial areas are not subject to unnecessary consenting burden.

¹⁹ Submission 165.96

²⁰ Above n 4, paragraph 9.5.5

²¹ Evidence of Neil Thomas on Drinking Water Protection, paragraph 9.9

11 LIGHT

- 11.1 Fonterra²² made submissions on LIGHT-O1, -O2, -P1, -P3, -R1.1, -R1.2, -S1 Table 23 and on the definition of 'light sensitive activity'. The recommendations by the reporting officer²³ were to variably accept, accept in part or reject Fonterra's submissions (which amounted to retaining, amending or deleting the provisions in response to the submissions of Fonterra and others).
- I generally support the amendments proposed by the reporting officer to the objectives and policies of the chapter. But consider that the important role of lighting in protecting the health and safety of people in the workplace is not sufficiently emphasised and recommend that a new policy (taken from the Selwyn District Plan) be added.
- 11.3 In relation to lighting provisions for the Clandeboye site, the reporting officer²⁴ has recommended that Fonterra's submission to have site specific lighting provisions be rejected because the proposed provisions do not account for daytime limits and would apply at the notional boundary of a property which is not a standard used in the PDP.
- 11.4 In 2017, Resource Consent 102.2016.206 (**Appendix B**) was granted to enable the construction of the mozzarella plant at the Clandeboye site. This resource consent included a lighting condition that states:
 - Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 1 lux measured in the vertical plane at the windows of household units on any other sites, between the hours 10.00pm and 7.00am, and 10 lux at all other times.
- On this basis, I consider it appropriate that the PDP reflect Resource Consent 102.2016.206 by including a new rule for the Clandeboye site. My recommended amendments (and consequential amendments) to the LIGHT chapter are included in **Appendix A**.
- I support the reporting officer's²⁵ recommendation to include the CDMZ in the right hand column of Table 23 and to delete the Light Sensitive Activity definition (because I agree that the focus of the chapter is not on maintaining dark sky).
- 11.7 Lastly, I consider that clarification is needed confirming that Table 22 specifies lighting levels experienced at <u>receiving</u> zones (rather than <u>emitting</u> zones).

²² Submissions 165.97 - 165.104

²³ Section 42A Report: Light and Noise, paragraphs 7.2.10, 7.3.29, 7.4.15, 7.4.16, 7.5.15, 7.6.23 and 7.6.24

²⁴ Above n 22, paragraph 7.5.13

²⁵ Above n 23, paragraph 7.6.14 and 7.3.23

12 NOISE

12.1 Fonterra²⁶ made submissions on the NOISE Introduction, -O1, -O2, -P1, -P5, -P7, -R8, -R9, -S3, -S4, Table 24, as well as seeking a new NOISE rule. The submissions can broadly be split into those to manage noise at the Clandeboye site and those to manage noise at the Port site.

CLANDEBOYE SITE

The primary tool for managing noise effects at the Clandeboye site is the Noise Control Boundary ("NCB") proposed by Fonterra. The extent of the NCB is shown in **Figure 1 of Mr Hay's evidence**. The NCB will have a dual purpose; firstly, to manage noise from the site, and secondly, to manage noise sensitive activities that lie within it.

Resource Consent 3145

- 12.3 In January 1998, Council granted resource consent (reference 3145)

 (Appendix C) to Fonterra to exceed the noise standards of the Proposed Plan (now the Operative District Plan). The resource consent set the following noise limits for the Clandeboye site:
 - (a) All activities shall be conducted so that the following no as limits are met at any point within:
 - i) The notional boundary of any existing rural residence:

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Daytime (7.00am to 10.00pm) - L<sub>10</sub> 55dBA
Night-time (10.00pm to 7.00am) - L<sub>10</sub> 45dBA
- L<sub>max</sub> 75dEA
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ii) The existing Clandeboye School boundaries:

Daytime (7.00am to 10.00pm) - L₁₀ 55dBA

- The dwellings in the vicinity of the Clandeboye site that existed at the time resource consent was granted are shown in **Figure 3 of Mr Hay's evidence**. There have been no new dwellings constructed within the proposed NCB since 1999²⁷.
- 12.5 At the notional boundary of those dwellings that existed in January 1998, the resource consent permits noise emissions from the Clandeboye site that are 5dBA above the permitted PDP daytime and nighttime noise levels, and 10dBA above the permitted PDP 7pm 10pm noise levels. I have set this out in **Table 1** below:

 $^{^{26}}$ Submissions 165.5 and 165.105 – 165.116A

²⁷ Note: the aerial photo is sourced from Canterbury Maps and covers 1995 – 1999

	Resource consent 1343	PDF
Daytime (0700 - 1900)	L ₁₀ 55dBA	50 dB L _{Aeq (15 min)}
Evening (1900 - 2200)	L ₁₀ 55dBA	45 dB L _{Aeq (15 min)}
Nighttime (2200 – 0700)	L ₁₀ 45dBA L _{max} 75 dBA	40 dB L _{Aeq (15 min)} 70 dB L _{AFmax}

Pocource concept 1345

DUD

Table 1: Noise comparison

- 12.6 The consented noise emissions effectively create an area where noise levels are greatest on and immediately around the Clandeboye site and decrease with distance from the major sources of noise. The area broadly following the 45 dB noise contour defines the proposed NCB, which has been regularised to reflect Fonterra owned land and cadastral boundaries that closely encompass this contour.
- 12.7 In my opinion, it is appropriate that the consented noise allowance is reflected in the PDP through the adoption of a NCB and associated rules. The proposed NCB is a more transparent method that informs adjoining landowners that additional building design (insultation and ventilation) is required to protect them from higher noise emissions. In his evidence, Mr Hay made the following comments on the proposed NCB and related rules²⁸:

...The concept of an NCB is a well established and nationally proven framework that would protect Fonterra's ability to operate on its established and mature site, while providing certainty to Council and the local community as to where future noise effects lie and how these will be responded to...

...At the NCB Fonterra proposes a daytime noise limit of 55 dB LAeq (15 min) and a night-time noise limit of 45 dB LAeq (15 min) / 70 dB LAFmax. These noise limits will ensure that all existing dwellings receive noise levels that are the same as present or permitted by the current resource consent, while providing Fonterra flexibility for ad hoc daytime only activities that may have localised noise effects...

...It is my view that reverse sensitivity rules should create the lowest cost or restriction on the dwelling owner that is appropriate to the provision of acceptable amenity. Individuals who are aware of a noise source can make a choice to do better but should not be forced to do more than the minimum justifiable by the potential effect...

²⁸ Evidence of Rob Hay, paragraphs 13.7, 50 and 74

Purpose of the NCB

- 12.8 The proposed NCB will have two functions; it will restrict noise from the Clandeboye site (ensuring compliance at the nearest existing notional boundary and consequently limiting noise levels on other properties), as well as being a method for controlling the potential for reverse sensitivity effects from any new noise sensitive activities seeking to locate within the NCB.
- 12.9 The first function sets a daytime and nighttime noise rating level limit (55 dB $L_{Aeq~(15~min)}$ and 45 dB $L_{Aeq~(15~min)}$ respectively) for the Clandeboye site (consistent with resource consent 3145).
- 12.10 With respect to its second function, the NCB will notify landowners that noise sensitive activities require additional building design to protect the Clandeboye site from reverse sensitivity effects. As noted by Ms O'Rourke in Hearing A²⁹:

Reverse sensitivity effects generally result from complaints by just a few residents.... The effect of such complaints can be as significant as leading to a reduction in operating hours at a site and therefore a loss of productivity. Due to Fonterra's legal requirement to accept milk...there can be significant operational issues for the site as a result of reverse sensitivity complaints

- 12.11 It is now standard practice for land use planning to proactively avoid the potential for reverse sensitivity effects which can undermine the operation and development of activities that are known to generate adverse effects beyond their property boundary. The proposed NCB therefore provides the appropriate mechanism to protect the amenity values of those living in close proximity to the site and reduces the potential for reverse sensitivity effects.
- 12.12 The requirement to manage noise sensitive activities at the Clandeboye site is already provided for by NOISE-O2, -P5 and -P7, which very clearly articulate that effects generating activities should not be constrained by noise sensitive activities.

Amendments to NOISE provisions

12.13 The adoption of the proposed NCB will require the inclusion of a new NOISE rule and consequential changes to NOISE-O2, -P5, -P7, -R9, -S3 and -S4. I have included the amended provisions in **Appendix A**.

Planning discussion

12.14 The reporting officer³⁰ and I largely agree on the provisions that need to be amended to provide for the Clandeboye NCB and avoid reverse sensitivity effects on the Clandeboye operations. However, there are two additional provisions that I consider need amendment.

²⁹ Evidence of Ms Suzanne O'Rourke, Hearing A, paragraph 50

³⁰ Above n 23, paragraph 8.3.10

- 12.15 Firstly, I have recommended amendments to NOISE-S4 on the advice of Mr Hay and to align with the recommended amendments to NOISE-S3 (as insulation and ventilation must be managed together).
- 12.16 Secondly, I consider that the activity status for inappropriately designed noise sensitive activities in the Clandeboye NCB should be non-complying and that reference to the Clandeboye NCB should be included in both NOISE-P5 and -P7, for the following reasons:
 - i. NOISE-P5 requires 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. Whereas, NOISE-P7 seeks to avoid subdivision and noise sensitive activities (unless noise effects can be mitigated). NOISE-P5 informs NOISE-R9 and NOISE-P7 informs NOISE-R12.
 - ii. NOISE-R9 provides (as a permitted activity) for noise sensitive activities in higher noise environments where noise mitigation measures are adopted. Whereas NOISE-R12 makes no provision for noise sensitive activities within the specified NCBs as a permitted activity.
 - iii. I support a permitted activity status for noise sensitive activities in the Clandeboye NCB provided that noise mitigation is incorporated into the building design. Where noise sensitive activities do not appropriately address the potential for reverse sensitivity effects in the Clandeboye NCB (either through insultation or expert reporting), then I consider that they should be non-complying activities (whereas NOISE-R9 defaults to restricted discretionary activity status).
 - iv. I consider that a non-complying status emphasises that a non-compliant noise sensitive activity is inappropriate within the (consented) operating sphere of the Clandeboye site and should be avoided as it would be unable to achieve the desired resource management outcome, which is to protect the Clandeboye site from reverse sensitivity effects.
 - v. Furthermore, I note that the consented noise environment in the vicinity of the Clandeboye site is 5dBA above the PDP permitted levels. In my opinion, a restricted discretionary activity status (for a non-compliant noise sensitive activity) sends the wrong message that noise sensitive activities are generally anticipated within this elevated noise environment.
 - vi. As such, I consider that the Clandeboye NCB should be referred to in both NOISE-P5 and NOISE-P7 (i.e. mitigate in the first instance, avoid if mitigation is absent or inadequate), which aligns with the consequential activity statuses in the proposed Clandeboye specific rule (permitted cascading to non-complying).
 - vii. While I have drafted the Clandeboye specific rule to sit under NOISE-R9, I am ambivalent about whether the rule is nested under NOISE-R9 or NOISE-R12. The rule I have drafted could easily be relocated to NOISE-R12 if this is preferred by the Panel. In my opinion, it is not the location of

the proposed rule that is most pertinent to managing the potential for reverse sensitivity effect, but rather the acknowledgment of the Clandeboye NCB in the both NOISE-P5 and -P7 and the cascading activity status (which corresponds to the policy framework) from permitted to non-complying.

I have completed a s32 analysis for the proposed NCB, which is contained in **Appendix** D. The s32 confirms that the proposed NCB is the most appropriate method to achieve the objectives (and policies) of the PDP (specifically NOISE-O2, NOISE-P5 and NOISE-P7), which have been determined by the Council (as part of the original s32 assessment) as the most appropriate way to achieve the purpose of the RMA.

PORT SITE

- 12.18 Fonterra's submission to include a noise rule for the PORTZ outside of Precinct 7 was accepted in part by the reporting officer (on the advice of Mr Hunt)³¹.
- 12.19 A new PORT-R8.2 has been proposed by the reporting officer, which adopts, in full, the wording proposed by Fonterra. I support the recommendation of the reporting officer. I consider that it is an appropriate resource management approach to provide for the operational noise requirements of activities within the PORTZ, being Regionally Significant Infrastructure³². I note the evidence of Mr Hay where he confirms that it would be best practice to also include a daytime limit for the PORTZ outside Precinct 7. The recommended wording for NOISE-R8.2 is included in **Appendix A**.
- 12.20 I have recommended that the activity status for non-compliance with NOISE-S1 be amended to discretionary (from non-complying), as this is consent with other activities in the PORTZ (NOISE-R8.1).

General comments

12.21 For completeness, I support the reporting officer's³³ recommendations to retain or amend NOISE-O1, -P1, -P7, -R8.1 and Table 24.

13 SIGNS

13.1 Fonterra³⁴ made submissions on SIGN-O1, -P1, -R1, -R4, -S3, -S4 and -S6. The reporting officer³⁵ has largely recommended that the Fonterra submissions be accepted or has recommended minor additions / amendments (in response to other submissions) that I consider to be appropriate. I generally support the recommendations of the reporting officer, particularly the provision for 'official signs', which are a critical health and safety tool at the Clandeboye site (SIGN-

³¹ Above n 23, paragraph 8.12.6

³² As defined by the Canterbury regional Policy Statement

 $^{^{33}}$ Above n 23, paragraphs 8.4.23, 8.6.10, 8.8.6, 8.12.8 and 8.18.15

³⁴ Submissions 165.117 - 165.123

³⁵ Above n 23, paragraphs 8.2.1, 11.2.11, 11.4.24 and 11.7.8

- PX and SIGN-P1); the increased height of freestanding signs (SIGN-S3); and the increased sign area for large road frontages (SIGN-S4).
- However, I do not support the amendment to SIGN-S6 recommended by the reporting officer (to limit signage to one per road frontage). Firstly, it is not clear which submission provides scope for such a change, and secondly, if signage is to be limited, I consider that one sign per vehicle access or one sign per defined length of road frontage to be appropriate.

14 CONCLUSION

- 14.1 I consider that the amendments to the VS, CE and DWP chapters are appropriate.
- I consider that the NH, SIGN and EW provisions are largely appropriate, but further refinement is needed to make the provisions more workable.
- 14.3 Fonterra hold resource consents to emit both light and noise beyond the boundary is the Clandeboye site that exceeds the levels permitted in the PDP. I consider it appropriate for the PDP to reflect the consented environment.

Susannah Vrena Tait

9 April 2025

APPENDIX A

Recommended amendments to the PDP provisions

NATURAL HAZARD

Definition of natural hazard sensitive building

Buildings which:

- 1. is/are used as part of the primary activities on the site and are greater than 100m² (building floor area) that permanently accommodate 10 or more staff; or
- 2. <u>contains habitable rooms; or</u>
- 3. <u>buildings which are connected to a potable water supply and wastewater system.</u>

For the purposed of clause 1, the following buildings are not included.

- i. farm sheds used solely for storage; or
- ii. animal shelters which comply with v below: or
- iii. carports; or
- iv. garden sheds; or
- v. any buildings with a dirt/gravel or similarly unconstructed floor; or
- vi. any buildings or extensions with a building floor area less than 10030 m²; or
- vii. Regionally Significant Infrastructure.

Note: This definition also applies to the conversion of existing buildings (over 100m² building floor area) into natural hazard sensitive buildings and extensions greater than 30m² to existing natural hazard sensitive buildings that result in a total building floor area of 100m² or more.

LIGHT

LIGHT-PNEW:

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.

LIGHT-R1	Artificial outdoor lighting	
1.		
All zones other than the Port Zone and the Clandeboye Dairy Manufacturing Zone outside Light Sensitive Areas the Long- tailed		

Bat Habitat Protection Area Overlay		
2. Port Zone		
3. Clandeboye Dairy Manufacturing Zone	Activity status: Permitted Where: PER-1 All exterior lighting must be oriented so that light is emitted away from any adjoining and adjacent zones; and PER-2 LIGHT-S2 is complied with; and PER-3 The vertical illuminance level at a window of any residential unit on an adjoining property between 7am and 10pm does not exceed 10lux; and PER-4 The vertical illuminance level at a window of any residential unit on an adjoining property between 10pm and 7am does not exceed 10pm and 7am does not exceed 11ux.	Activity status when compliance not achieved: Discretionary
4. 3. Longtailed Bat Habitat Protection Area Overlay ³⁰	<u></u>	<u></u>

LIGHT-S1	General lighting standards	
All zones excluding Port Zone and the Clandeboye Dairy Manufacturing Zone		

NOISE

NOISE-02 Reverse sensitivity

The Airport, Raceway, State Highway, railway lines, and the Port, the Clandeboye Dairy Manufacturing site and existing and anticipated activities located within commercial, mixed use and Industrial zones are not constrained by reverse sensitivity effects arising from noise sensitive activities.

NOISE-P5 Reverse sensitivity

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:

- 1. the type of noise generating activity; and
- 2. other noise sources in the area; and
- 3. the nature and occupancy of the noise sensitive activity; and
- 4. mitigation measures, including acoustic insulation, screening and topography.

For the purpose of this Policy, higher noise environments include:

- 1. Commercial and Mixed Use Zones; and
- Residential zones in close proximity to any General industrial zone and areas within the Port Noise Outer Control Boundary and within that part of the Medium Density Residential Zone and City Centre Zone located within the Port Noise Inner Control Boundary; and
- 3. locations in close proximity to a State Highway or the railway line; and
- 4. land within 300m of an existing or consented frost fan; and
- 5. the General Rural Zone within the Clandeboye Noise Control Boundary.

NOISE-P7 Noise sensitive activities within noise control boundaries

Within the Airport Noise Control Boundary Overlay, Port Noise Inner Control Boundary Overlay (excluding areas within the City Centre Zone and Medium Density Residential Zone), the Clandeboye Noise Control Boundary and the Raceway Noise Control Boundary Overlay, avoid:

- 1. subdivision, unless it will not facilitate the establishment of additional noise sensitive activities; and
- noise sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.

NOISE-RNEW	Noise from the Clandeboye Dairy Manufacturing Zone	
<u>CDMZ</u>	Activity status: Permitted Where: PER-1:	Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary

The maximum 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:

- 1. <u>7am 10pm: 55dBLA_{eq_(15 min)}</u>
- 2. <u>10pm 7am: 45dB LA_{eq (15}</u> <u>min)</u> <u>and 75 L_{AFmax}</u>

<u>Matters of discretion are restricted</u> <u>to:</u>

- 1. <u>The operational requirements</u> of the CDMZ; and
- 2. The effect of noise on adjoining sensitive activities within the Noise Control Boundary.

NOISE-R8	Noise from activities within the Port Zone	
1. Port Zone within Precinct 7		
2. Port Zone outside Precinct 7	Activity Status: Permitted Where: PER-1 NOISE-S1 is complied with; and PER-2 1. On any day between 7am and 10pm, noise generated must not exceed 55 dB LAeq (15 min) when measured at or within any residentially zoned site. 2. On any day between 10pm to 7am the following day, noise generated must not exceed 45 dB LAeq (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 LAeq and 75 dB LAmax. Note: For the purpose of Port Noise, daytime is defined as 7am to 10pm on any day, and night time is defined as 10pm to 7am the following day.	Activity status when compliance not achieved with PER-1 and PER-2: Discretionary Activity status when compliance not achieved with PER-1: Non-complying

NOISE-R9		se sensitive activity and alterations noise sensitive activity (not listed in
1. Any site Within 40m of a State Highway with a posted speed limit of 50 km/hr or less	Activity status: Permitted Where:	Activity status when compliance not achieved with PER-1.1 or PER-2: Restricted Discretionary
2. Noise Control Boundary of the Clandeboye Dairy Manufacturing Zone	Activity status: Permitted Where: PER-1 The building is acoustically insulated and ventilated in accordance with: 1. NOISE-S3 and NOISE-S4; and 2. the acoustic insulation must be assessed in accordance with ISO 717-1:2020 Acoustics — Rating of sound insulation in buildings and of building elements — Part 1: Airborne sound insulation; or PER-2 An acoustic design certificate signed by a suitably qualified acoustic engineer demonstrates either: a. the level of noise incident on the most exposed part of the exterior of any habitable room can be shown under a reasonable maximum use scenario to not exceed the following noise limits at all points 1.5m above ground level, and any part of the floor levels above ground: i. less than 55 dB LAeq(1h) for road noise; or	Activity status when compliance not achieved: Non-complying

iii. <u>Less than 57 dB LAeq(1</u>	
<u>hr) for port noise; or</u>	
b. the building is at least 20	
metres from all roads	
subject to the standard	
and/or the railway line and there is a solid building,	
fence, wall or landform that	
completely blocks the lineof-	
sight from all parts of all	
windows and doors to all	
parts of any road surface	
subject to the standard, or all	
points above 3.8 metres for railway track.	
Note: This standard applies in	
addition to, and does not affect the requirements of, the Building	
Act 2004.	
<u></u>	

NOISE-S3	Acoustic insultation	
1		Matters of discretion are restricted to: 1. effects on the ability of existing or permitted activities to operate or establish without undue constraint; and 2. any legal instrument proposed; and 3. mitigation of noise achieved through other means; and 4. the amenity of present and future residents of the site.
2 Noise Control Boundary of the Clandeboye Dairy Manufacturing Zone		Matters of discretion are restricted to: 5. effects on the ability of existing or permitted activities to operate or establish without undue constraint; and 6. any legal instrument proposed; and 7. mitigation of noise achieved through other means; and 8. the amenity of present and future residents of the site.

	Note: in respect of the Clandeboye Dairy Manufacturing site, the matters of discretion are not applicable as noncompliance with NOISE- R9 is a non-complying activity.
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NOISE-S4	Ventilation requirements	
Any site wWithin 40m of a State Highway with a posted speed limit of 50 km/hr or less Noise Control Boundary of the Clandeboye Dairy Manufacturing Zone	Activity status: Permitted Where:	Activity status when compliance not achieved with PER-1.1 or PER-2: Restricted Discretionary Note: in respect of the Clandeboye Dairy Manufacturing site, the matters of discretion are not applicable as noncompliance with NOISE-R9 is a non-complying activity.

APPENDIX B - Resource Consent 102.2016.206



16 February 2017

Kirsten Judd Fonterra PO Box 79026 Christchurch 8446

Dear Carmen

Resource Consent No.102.2016.206 Site Redevelopment Works 6 Rolleston Road, RD 26, Clandeboye

I wish to advise that your resource consent application was granted under delegated authority on a non-notified basis by Timaru District Council on 16 February 2017.

It is considered the proposed development is acceptable in terms of the matters listed under section 104 of the Resource Management Act 1991 (the Act). Consent is granted for site redevelopment works and the construction of a mozzarella cheese plant subject to the following conditions being imposed on the consent.

Consent Conditions

General

1. The development shall be carried out in accordance with the plans (Fonterra Clandeboye – Site Location and Proposed Development Areas, dated November 2016, prepared by Golder Associates; Temporary Contractors Village, Drawing No C-200, Issue 7 and 9, New Staff Carpark Layout, Drawing No C-205, Ground Floor Plan, Drawing No A1-01, Sections, Drawing No A3-01 and A3-02 and Landscape Plan, Drawing No C-208 prepared by Stiles and Hooker, attached and stamped as approved on 16 February 2017) and the application as submitted under reference 102.2016.206, with the exception of the amendments required by the following conditions of consent.

Reason: To ensure that the development is carried out in accordance with the application.

Contractor's Environmental Management Plan

2. The development shall be carried out in accordance with the Contractor's Environmental Management Plan, dated October 2016 and appended to the application. Any amendments to this Plan shall be submitted to the District Planning Manager for acceptance and shall be:

1

- (a) Only for the purpose of improving the efficiency of the proposed works and avoiding, remedying or mitigating any adverse effects on the environment arising from the proposed works; and
- (b) Consistent with the conditions of this resource consent.

Reason: To ensure that adverse effects during construction works on the environment are avoided, remedied or mitigated.

Lighting

3. Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 1 lux measured in the vertical plane at the windows of household units on any other sites, between the hours 10.00pm and 7.00am, and 10 lux at all other times.

Reason: To ensure compliance with Part D4, Section 4.2, Rule 5.8 of the District Plan.

Landscaping

- 4. Landscaping shall be established in accordance with the approved Landscaping Plan and the following parameters:
 - (a) Trees shall be evergreen; capable of reaching a height of at least 8 metres and a diameter of 5 metres; and shall have a minimum height of 2 metres at the time of planting.
 - (b) Trees shall be planted no more than 10 metres apart.
 - (c) Areas between trees shall be landscaped with plants spaced out no more than one metre apart.

Reason: To ensure that an acceptable level of amenity is maintained in the surrounding environment.

Temporary Contractor's Village

5. Within six months of construction works being completed the temporary contractor's village shall be decommissioned and all associated built form shall be removed. Redundant areas previously occupied by the temporary contractor's village shall be re-grassed or re-vegetated as indicated on the 'New Staff Car Park Layout' drawing No.C-205.

Reason: To ensure that an acceptable level of amenity is maintained.

6. No overnight accommodation shall be provided for within the temporary contractor's village.

Reason: To ensure that the development is carried out in accordance with the application.

Review

- 7. At anytime, the consent authority may serve notice on the consent holder to review the conditions of this consent for the purpose of:
 - a. Dealing with any adverse effects on the environment, which may arise from the exercise of the consent and where it is appropriate to deal with at a later stage.
 - b. Addressing any inaccuracies with the information made available to the consent authority by the applicant which materially influenced the decision made on the application and the effects of the exercise of consent are such that it is necessary to apply more appropriate conditions.

Reason: To ensure that adverse effects on the environment are avoided, remedied or mitigated

Yours faithfully

Mark Geddes

District Planning Manager

ADVICE NOTES

Commencement

This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

Right of Objection

If you do not agree with any of the conditions of this consent, you have a right to object to the condition under section 357A of the Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Timaru District Council within 15 working days of receipt of this decision.

Subsequent Right of Appeal to the Environment Court

Any person who has made an objection under section 357A of the Act may appeal to the Environment Court against the decision on the objection pursuant to section 358 of the Act.

Notice of such an appeal must be in the prescribed form, state the reasons for the appeal and be lodged with the Environment Court (PO Box 2069, Christchurch 8013) within 15 working days after the decision on the objection being notified to that person, or within such further time as the Environment Court may allow.

Appeal Direct to the Environment Court

If you do not agree with the decision, an alternative to a section 357A objection, or if section 357A does not apply, is to appeal the decision under section 120 of the Act to the Environment Court.

The notice of appeal shall be in the prescribed form; state the reason for the appeal and the relief sought; state any matters required by the regulations; and be lodged with the Environment Court (PO Box 2069, Christchurch 8013) within 15 working days notice of the decision being received. Notice of the appeal must also be served on Timaru District Council within 15 working days within the same period. Notice of the appeal must also be served on any person who made a submission in relation to the application within 5 working days of the notice being lodged with the Environment Court. If you are in any doubt about the correct procedures, you should seek legal advice.

Minor Correction of Resource Consents

Section 133A of the Act provides the consent authority may at its discretion issue an amended consent that corrects minor mistakes or defects in the consent within 20 working days of the grant. If you consider that the consent contains a minor mistake or defect you may advise the Timaru District Council of the same.

Lapsing of Consents

A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or, an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

Change or Cancelation of Conditions

An application to change or cancel a condition of this consent can be made under section 127 of the Act.

Review of Consent

A consent authority may, in accordance with section 129 of the Act, serve notice on a consent holder of its intention to review the conditions of a resource consent.

Monitoring of Consent

Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. This includes monitoring of the provision of any plans or documentation required by a condition of consent. Additional charges may apply for this monitoring.

Other Consents May Be Required

This resource consent authorises the Land Use or Subdivision applied for only. The consent does not give the consent holder the right to:

- Use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legal established.
- Conduct any activity that requires resource consent from Environment Canterbury (ECan). You are advised to contact ECan to ascertain if consent is required for the proposed development.
- Authorise building or utility services construction work that requires separate consent/approval.

Charges

Charges, set in accordance with section 36 of the Act, shall be paid to the Timaru District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.

District Services Advice Notes

 In accordance with TDC Bylaws, Clause 1003.1, no person shall drive or operate any vehicle over any footpath or berm other than at a specifically designed and constructed vehicle crossing.

- In accordance with TDC Bylaws, Clause 1004.1, any proposed new vehicle access to a private property or any modification to any such existing vehicle access shall require specific approval by Council.
- In accordance with TDC Bylaws, Clause 1502.1, every person who proposes to:
 - (a) Draw water from the Water Network Infrastructure; or
 - (b) Discharge sewage to the Sewer Network Infrastructure; or
 - (c) Discharge Stormwater to the Stormwater Network Infrastructure; or
 - (d) Discharge to the sewer network infrastructure any trade waste (either continuously, intermittently or temporarily); or
 - (e) Vary the characteristics of a consent or approval to discharge that has previously been granted; or
 - (f) Vary the conditions of consent or approval that has previously been granted; or
 - (g) Vary the location of the point of supply or discharge that has previously been granted; or
 - (h) Significantly change the method or means of pre-treatment for discharge under an existing consent; or
 - (i) Disconnect from any network infrastructure service; shall complete an application on an approved form for the supply of such service, together with payment of any prescribed charges. The applicant shall provide all of the details required by Council.
- In order for the Timaru District Council to ensure on-going compliance with its stormwater discharge requirements; any connection to Timaru District Council's stormwater disposal network may need to include a system for the treatment of stormwater.
- In accordance with TDC Bylaws, Clause 1505.3, no person shall provide any network infrastructure service to any other party without approval from Council.
- In accordance with TDC Bylaws, Chapter 15, Clause 1515.4, no person shall carry out excavation work in a road reserve or public place without approval from Council.
- The Council will (if deemed necessary) seek a peer review of any designs or plans submitted by the consent holder by a nominated professional at a full cost to the consent holder.

Landscaping

The following native tree species would be suitable for planting at Clandeboye:

Trees

- South Island Kowhai (Sophora microphylla)
- Lemonwood (Pittosporum eugenoides)
- Narrow Leaved Lacebark (Hoheria angustifolia)
- Long Leaved Lacebark (Hoheria sexstylosa)
- Ribbonwood (Plaigianthus reguis)
- Black Matipo (Pittosporum tenuifolium)
- Tree Daisy (Olearia dartonii)

Shrubs

- Bush Daisy (Olearia avicennifolia)
- Hebe sp (salicifolia, ellipitca, odora, stricta, parviflora)
- MingiMingi, Coprosma (propinqua, crassifolia, acerosa, rotundifolia)
- Wire Netting Bush Corokia cotoneaster
- Snow Grasses (Chinochloa sp)
- Meuhlenbeckia astonii
- Tussocks and sedges (Poa cita, Poa colensoi, Festuca novae zelandiae, Carex testacea, Amenenanthele lessoniana)
- Mountain Flax (Phormiun cookianum)
- Flax (phormium tenax)
- Shore Ribbonwood (Plaigianthus divaricatus)
- Ramarama (Lophomyrtus sp)

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

• An assessment against the provisions of the NES will be required to be made if the tanker re-fuelling station is to be re-orientated or relocated. Particular regard will be required to be given to regulation 8(3) of the NES.

APPENDIX C

Resource Consent 1345



2 KING GEORGE PLACE PIG. BDX 522 TMARU TELEPHONE (03) 684-6199

TIMARU DISTRICT COUNCIL

EXTENSION 8255 FACSIMILE (03) 684-2209

P5/2/6

in reply please contact: Carole Tobin

30 January 1998

District Planner
TIMARU DISTRICT COUNCIL

Dear Sir

RESOURCE MANAGEMENT ACT 1991
NOTIFIED APPLICATION FOR RESOURCE CONSENT 31 45
NOISE EMISSION - CLANDEBOYE DAIRY FACTORY
ROLLESTON ROAD, TEMUKA

Enclosed is Council's Hearing Committee's decision on the above application, which was heard on Wednesday, 21 January 1998.

In accordance with Sections 120 and 121 of the Resource Wanagement Act 1991, there is a right of appeal to the Environment Court against this decision. Any such appeal must be lodged within fifteen working days of the date of receipt of this letter.

Yours faithfully

G S Broker

GROUP MANAGER PLANNING AND REGULATION

Enc ct:lma **RESOURCE CONSENT 3145**

DECISION OF THE HEARINGS COMMITTEE OF THE TIMARU DISTRICT COUNCIL ON AN APPLICATION FOR RESOURCE CONSENT FOR NOISE EMISSION, CLANDEBOYE FACTORY, CORNER ROLLESTON ROAD, CANAL ROAD AND MILFORD-CLANDEBOYE ROAD - RESOURCE CONSENT 3145.

The Committee considered this application which had been publicly notified on 3 May 1997 with five submissions received. One of those submissions was withdrawn and after additional information being obtained a pre-haaring meeting was held. The remaining submissions were from Mrs R E Chapel, Clandeboye Preschool, A and G Kruize and Crown Public Health Timeru Limbed.

A pre-hearing meeting was held and as a result agreement was reached over conditions which could be attached, with the submitters and the applicant agreeing to waive their rights to attend a hearing.

Exceeding the noise performance standards is a discretionary activity in the industrial H Zone of the Proposed Plan. It was noted that the afforts the company has made meant that overall the noise levels are reduces from those which have occurred in the past. Provided that the conditions are adjusted to, the Committee was satisfied that the application was an appropriate one to least we its consent.

Accordingly the Committee resolved under authority delegated to it by Council pursuant to Section 105 of the Resource Management Act 199° to grant its consent to a discretionary land use consent in order to allow Alpine Many Products Limited to operate and maintain its dairy factory and ancillary activities at the company site at the intersection of Milford Clandeboye Road, Canál Road and Rolleston Road, at noise levels which exceed those specified in the Transition of Proposed District Plans, subject to the following conditions:

- (a) All activities shall be conducted so that the following no see limits are met at any point within:
 - i) The notional boundary of any existing rural residence:

Daytime (7.00am to 10.00pm) - L₁₀ 55dBA Night-time (10.00pm to 7.00am) - L₁₀ 45dBA - L_{max} 75dBA

ii) The existing Clandeboye School boundaries:

Daytime (7.00am to 10.00pm) - L10 55dBA

Noise shall be measured in accordance with NZSG801:1991 and assessed in accordance with NZSG802:1991.

Note: The notional boundary is as stated in N2:S680 1:19 19 Measurement of Sound, le the notional boundary is defined as a line 20 metres from the facade of any household unit or at the legal boundary where this is closer to the household unit.

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- in addition to the fees payable for the processing of this application, the applicant shall pay the Council a monitoring fee (current) fill), which will cover the cost of setting up a monitoring programme and dainying out one site inspection to ensure compliance with the conditions imposed. Where further inspections are required the charge presently fixed by the Council for those further inspections is \$75.00 for each visit. The charges for monitoring have been fixed in accordance with Section 36 of the Resource Management Act 1991 and may change from time to time in accordance with that section. The current rates of charges by the Council are available upon request, and an invoice will be rendered at the time charges become payable. Failure to pay these charges will be a breach of these conditions.
- (c) That the applicant maintain a register of all complaints made to it in respect of noise and make this available to Council on request at arry reasonable time.

APPENDIX D

S32 report for Clandeboye NCB

New Noise Control Boundary for the Clandeboye Dairy Manufacturing Site

s32 Evaluation

1. Introduction

- 1.1 Fonterra owns and operates the Clandeboye Dairy Manufacturing site ("Clandeboye site"). The Clandeboye site is operated under resource consent 3145, which enables daytime and nighttime noise levels that are 5dBA greater than the PDP noise performance standards (as notified), and 10dBA greater than the PDP 'evening' limits (1900 2200).
- 1.2 Fonterra (Submitter 165) submitted on the NOISE chapter of PDP to create a Noise Control Boundary ("NCB") for the Clandeboye site. As Fonterra requested this amendment, the following report ("s32 Report") evaluates the proposal (i.e., proposed NCB) under section 32 of the Resource Management Act ("RMA" or "Act"). This s32 Report provides "a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal".
- 2. The extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act
- 2.1 Section 32(1)(a) requires this s32 Report to "examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act". The NOISE objectives (as amended in the s42A Report: Lighting and Noise) are:

NOISE-O1 Activities that generate noise

Noise effects generated by activities are compatible with the purpose, character and qualities of each <u>receiving</u> zone and do not compromise the health and well-being of people and communities.

NOISE-O2 Reverse sensitivity

The Airport, Raceway, State Highway, railway lines and the Port and <u>existing and anticipated</u> activities located within commercial, mixed use and Industrial zones are not constrained by reverse sensitivity effects arising from noise sensitive activities.

- 2.2 No further evaluation of the objectives is considered necessary. Despite the small amendment to include reference to the Clandeboye site, there are no substantive changes to the objectives that alter their intent. The Section 32 Report: Noise Chapter determined that the objectives are the most appropriate way to achieve the purpose of the Act.
- 3. s32(1)(b) Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives.
- 3.1 Section 32(1)(b)(i) requires this s32 Report to "examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options for achieving the proposal".
- 3.2 The proposal could be achieved by other methods (as an alternative to pursuing the NCB request through the PDP), including a consent notice on the relevant Records of Title, an advice note in the PDP, direct contact with the affected landowners, a rule specifying an 'affected' distance from the Clandeboye site in the PDP. No further action (maintain the status quo) is also an option.
- 4. s32(1)(b)(ii) Assessing the efficiency and effectiveness of the provisions in achieving the objectives
- 4.1 Other than consequential amendments to acknowledge the Clandeboye NCB, there is no substantive amendments to the notified policies in the NOISE chapter. As with the NOISE objectives, NOISE-P1, -P5 and -P7 are relevant to the proposal and are considered to achieve

the objectives (as determined by the Section 32 Report: Noise Chapter). It is also clear, from the Section 32 Report: Noise Chapter, that a NCB is a viable method for achieving the objectives, as such the focus of this report is on whether it is the most appropriate method for the Clandeboye site.

- 4.2 Alternatives 1, 2, 3, and 4 do not require noise sensitive activities to take any action (or secure resource consent) to appropriately protect occupants from the elevated noise levels consented for the Clandeboye site. Furthermore, Alternatives 2 and 4 require an additional administrative process to be carried out, which cannot be captured as part of this District Plan Review process (with Alternative 4 needing to be completed on an ongoing basis as landowners may change). Lastly, Alternatives 3 and 5 do not provide a clear or explicit direction on landowners and could be overlooked by landowners (map features are much easier to understand at a glance). The proposal is considered the most appropriate method (compared to the alternatives) to achieve the objectives as it is administratively less intensive, clearly illustrated on planning maps and sets clear standards for protecting environmental health.
- 4.3 The proposal provides for several environmental, social, and economic benefits, including incorporating suitable acoustic design elements to mitigate environmental health effects; protecting residential amenity; avoiding reverse sensitivity effects that could constrain Fonterra's operations and investment (thereby safeguarding employment and the overall economic benefits to the district, region and country); improving clarity for property owners; and is administratively more efficient for Fonterra and Council. No cultural benefits were identified.
- 4.4 There are some social and economic costs associated with the proposal including an encroachment on personal property rights; a potential reduction in property value (although not a resource management issue); and a direct financial cost to landowners to insulate noise sensitive activities, seek expert acoustic reporting or apply for resource consent. No environmental costs were identified because the noise emissions are already consented. No cultural costs were identified.
- 4.5 There is sufficient information to determine the appropriate approach to managing the noise emissions from the Clandeboye site. The risk of reverse sensitivity effects and environmental health effects (the risk of not acting) are considered to outweigh the risk of acting (and requiring appropriate insulation of noise sensitive activities, which can largely be achieved by building to code).

5. S32(1)(b)(iii) – Summarising the reasons for deciding on the provisions

5.1 The proposed NCB is the most appropriate method to manage noise emissions from the Clandeboye site, protecting Fonterra from reverse sensitivity effects while safeguarding nearby resident's health and wellbeing. The proposal achieves the NOISE objectives and the RMA's purpose.