

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 B

and: **Fonterra Limited**
Submitter 165

Summary statement of evidence of Susannah Vrena Tait
(Planning)

Dated: 23 July 2024

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SUMMARY STATEMENT OF EVIDENCE OF SUSANNAH VRENA TAIT

- 1 I prepared evidence (dated 5 July) on behalf of Fonterra in respect of Hearing B. This statement responds to Mr Maclellan's questions¹, outlined in his summary statement dated 17 July, regarding Fonterra's request to rezone the Clandeboye dairy manufacturing site.

Offensive trades

- 2 Mr Maclellan seeks further information confirming how offensive trades will be managed on the Clandeboye site (to justify a permitted activity status).
- 3 In response I note that:
 - a. The site already contains offensive trades, being a wastewater treatment (DAF) plant and associated disposal of sludge ('*Septic tank desludging and disposal of sludge*') and a recycling facility ('*Refuse collection and disposal*'). These activities have resource consents from the Timaru District Council ('the Council') and the Canterbury Regional Council (ECan).

- b. For context, the GIZ-P5 of the Proposed District Plan (PDP) directs that:

Only allow offensive trades to establish in the General Industrial Zone where:

1. *the activity is located in a manner that will maintain the amenity values of adjacent zones; and*
 2. *the activity and buildings is designed in a way that contains or minimises nuisance effects.*
 - c. Meaning that, the consideration of offensive trades by the Council is limited to amenity effects, which would correspond to consideration of landscape effects, odour effects and possibly noise effects. I do note that the activity status in the GIZ is discretionary, meaning that the Council do not need to confine their assessment of an offensive trade to only those matters listed in GIZ-P5, but it would seem odd to include an assessment framework and then ignore it when contemplating a resource consent for an offensive trade.
 - d. The noise generated by the site is already managed by Resource Consent 3145. Fonterra is seeking to formalise this through the application of a Noise Contour Boundary (NCB) to the Clandeboye site.

¹ Summary statement of Mr Andrew Maclellan, paragraph 34

- e. The merit of landscaping has been canvassed in evidence by Mr Paul Smith. Mr MacLennan seems to concede² (although he will need to clarify) that GIZ-S6 (or related landscape rule) has limited value for the Clandeboye site.
- f. Finally, with respect to odour effects, Mr MacLennan, Mr Chilton and I are all in agreement that ECan have the primary responsibility for managing odour effects³. It is acknowledged that the Council have a responsibility with respect to setbacks of sensitive activities from effects generating activities, but this is a separate consideration to whether offensive trades on the Clandeboye site are appropriate as a permitted activity.
- g. Further types of offensive trades are not anticipated on the site as these would fall outside of Fonterra's core business. As such, they would require resource consent as a non-complying activity, as they would not fall within the definition of 'dairy processing activity'.
- h. There are also some practical considerations with respect to offensive trades establishing on the site. The nearest residential neighbour is 300m from the Clandeboye site boundary; also, if approved, the NCB, GRUZ-P5 and GRUZ-S4 will all act to limit / prevent sensitive activities establishing within the operating sphere of the Clandeboye site.
- i. The proposed zoning will locate dairy processing activities (which could include offensive trades) closer to the Clandeboye kindergarten. Given that the Council do have a role in managing the separation of sensitive activities from effects producing activities, I consider it appropriate that offensive trades are prevented from establishing in 37 Rolleston Road and 2-10 Kotuku Place. I propose the following amendment to the CDMZ rules:

CDMZ-R1 Dairy processing activities		
CDMZ	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The activity complies with all the standards of this chapter.</p> <p>PER-2</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p>

² Summary statement of Mr Andrew MacLennan, paragraph 32

³ Evidence of Mr Richard Chilton, paragraphs 30 – 34 and Section 42A Report: Rural Zones, paragraph 13.2.19

	<u>The activity is not an offensive trade located on 37 Rolleston Road or 2-10 Kotuku Place</u>	
CDMZ-R2	<u>Any other industrial activity and any offensive trade on 37 Rolleston Road or 2-10 Kotuku Place</u>	
CDMZ	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable

- 4 The amendments to CDMZ-R1 and CDMZ-R2 mean that offensive trades on 37 Rolleston Road and 2-10 Kotuku Place are discretionary activities.
- 5 In conclusion, I see little merit in applying an unnecessary consenting burden on the Clandeboye site, when there are other mechanisms in place (including the requirement for ECan consent), to manage the effects of any offensive trades (relating to dairy processing activities) establishing at the site.

Ancillary activities

- 6 I outlined in my EIC⁴ the limitations of GIZ-R2 to the Clandeboye site. Notwithstanding that, I do not think that ancillary activities extend to specific activities covered by other rules in the PDP. If that were the case, then offensive trades on the Clandeboye site ancillary to the dairy processing would not require consent pursuant to GIZ-R4. I think there are sensible limitations to how ancillary activities can be defined and applied.

Objectives and policies

- 7 I do not necessarily consider that the GIZ objectives and policies are incompatible with the activities undertaken on the Clandeboye site, I just do not think they are relevant or serve any useful purpose. Objectives and policies guide resource management outcomes in two ways: firstly, they inform the rules and standards for a zone and define what is permitted, or generally anticipated; and secondly, they guide decision making in the event that resource consent is required.
- 8 With respect to the rules, I have set out my concerns with GIZ rules and how they relate to the Clandeboye site in my evidence in chief⁵. However, I further note that the approach taken in the CDMZ framework provides Fonterra with a much narrower scope for establishing industrial activities on the site than the GIZ. Under the CDMZ, Fonterra may establish activities related to dairy processing as permitted activities and all other industrial activities are discretionary activities. Whereas if the Clandeboye site were to retain the GIZ, any type of industrial activity could be established on the site which, in my opinion, is contrary to the urban form outcomes that the

⁴ EIC, paragraph 6.7.12

⁵ EIC, paragraphs 6.7.10 – 6.7.14

Council are trying to achieve by consolidating industrial activities in the GIZ within the district's urban centres (consistent with directions in the Canterbury Regional Policy Statement and the Timaru Growth Management Strategy). The limitations proposed on activities by the CDMZ (inadvertently) improves urban form outcomes for the Council.

- 9 If I have interpreted Mr Maclellan's summary statement correctly, we are in agreement that GIZ-S1, S2 and S6 are not appropriate for the Clandeboye site. As the Clandeboye site is not in close proximity to a Residential Zone, GIZ-S4 and S5 are not applicable to the site. That leaves GIZ-S3 (setbacks), which I consider to be of some relevance, but note that the CDMZ applies a larger setback to boundaries adjoining a Rural Zone (being all the boundaries of the CDMZ). On this basis, none of the standards (in their proposed form) are relevant to the Clandeboye site.
- 10 On the basis of my discussion set out in paragraphs 8 and 9, it then stands that the objectives and policies (which have guided those rules and standards) have limited relevance.
- 11 Perhaps more importantly, is the relevance of the GIZ objectives and policies in the event that resource consent is required. The Clandeboye site is not located in an urban environment, it is not near a Residential Zone, it is not reticulated to public services, and it is not intended for activities other than dairy processing activities, so while it could be argued that development on the Clandeboye site wouldn't offend the GIZ objectives and policies, nor can it be said, in my opinion, that the GIZ objectives and policies support the intended outcomes of the Clandeboye site and guide decision making in the event that resource consent is required.

National Policy Statement for Highly Productive Land

- 12 My evidence in chief clearly sets out a pathway through Clause 3.6 and 3.11⁶ of the National Policy Statement on Highly Productive Land 2022 (NPS-HPL). I will not retrace my discussion of the relevant clauses here, but perhaps what my evidence did not close out is whether, having found a pathway through the relevant clauses, I consider that the proposal is consistent with the relevant NPS-HPL objective and policies.
- 13 Firstly, I think it is a logical conclusion that, having found a pathway through the relevant clauses of the NPS-HPL, then the proposal will be consistent with the policies of the document (or in this case, is an appropriate exception to the policy directives).
- 14 But to set this out more explicitly, I am satisfied that the proposal to extend the CDMZ into highly productive land (HPL) is consistent with the relevant NPS-HPL objective and policies. Given the scale and significance of the Clandeboye site; the inability to relocate the operations; the need to rezone this land to meet the requirements of Clandeboye's operations (and therefore meet district demand for industrial land); and the decarbonisation benefits associated with the biomass conversion project, I consider that the

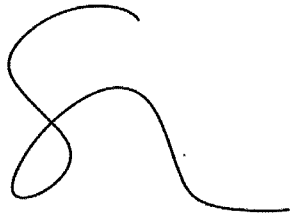
⁶ EIC, paragraphs 6.8.5 – 6.8.17

expansion of the CDMZ onto HPL is appropriate despite not prioritising the land for land-based primary production activities.

- 15 Lastly, I would note that the effects of climate change are a s7 consideration and the risks from natural hazards are a s6 consideration (which will become more frequent as a consequence of climate change). When the NPS-HPL is read in the context of the purpose and principles of the RMA, there is a compelling case to forfeit a small area of land to achieve Fonterra's decarbonisation objectives.

Conclusion

- 16 Lastly, I note that I too am happy to continue to engage with Mr MacLennan in respect of the rezoning that Fonterra seeks for the Clandeboyne site.



Susannah Vrena Tait

23 July 2022