



FONTERRA LIMITED

SUBMISSIONS ON PROPOSED PLAN CHANGE 26 (RESIDENTIAL ZONE INTENSIFICATION) TO THE WAIPA DISTRICT PLAN

To: Plan Change 26
Planning Manager
Waipa District Council
Private Bay 2402
Te Awamutu 3840
Attention: Plan Change 26

Via email: districtplan@waipadc.govt.nz

Submitter: FONTERRA LIMITED

Contact: Suzanne O'Rourke

Address for Service: **Fonterra Limited**
[REDACTED]
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Attention: Abbie Fowler

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Fonterra wishes to be heard in support of this submission.

Fonterra could not gain an advantage in trade competition through this submission.

If others make a similar submission, Fonterra would consider presenting a joint case with them at any hearing.

1. INTRODUCTION

1.1. Fonterra Limited (“**Fonterra**”) welcomes the opportunity to submit on Proposed Plan Change 26 (“**PC26**”) to the Waipa District Plan (“**WDP**”).

1.2. This submission contains the following sections:

Section 1: Is this introduction.

Section 2: Provides background information on Fonterra’s interests in Waipa District.

Section 3: Details the reasons for the submission.

Section 4: Outlines the specific submission points.

Section 5: Outlines the decision sought by Fonterra

Section 6: Is a concluding statement.

Attachment A: Fonterra’s specific submission points on PC26.

2. BACKGROUND

2.1. Fonterra is a global leader in dairy nutrition and is the preferred supplier of dairy ingredients to many of the world’s leading food companies. Fonterra is New Zealand’s largest company, and a significant employer, with more than 11,000 New Zealand-based staff and more than 6,500 employees based overseas.

2.2. Fonterra is a farmer-owned co-operative, and the largest processor of milk in the world. It is one of the world’s largest investors in dairy research and innovation drawing on generations of dairy expertise to produce more than two million tonnes annually of dairy ingredients, value added dairy ingredients, specialty ingredients and consumer products. These products are exported to over 140 markets worldwide. Annually, Fonterra collects more than 18 billion litres of milk from its 10,500 shareholders, who are a mix of family-owned farms and corporate entities. Fonterra owns 30 milk processing sites in New Zealand. The operation of the existing dairy factory facilities is an integral part of the Fonterra business and essential to maintain the success of the company internationally.

2.3. Within Waipa District, Fonterra owns and / or operates a number of sites, including two Heavy Industrial activities (the dairy manufacturing sites at Hautapu and Te Awamutu), and rural farmland utilised to spray irrigate wastewater from the dairy manufacturing sites.

2.4. The main Fonterra properties located within Waipa District comprise:

- dairy manufacturing facilities at 287 Victoria Road, Hautapu, Cambridge (**‘Hautapu Dairy Factory’**);
- rural farmland in Hautapu, Cambridge that is utilised for spray irrigation of wastewater from the Hautapu Dairy Factory.
- dairy manufacturing facilities at 1498 Alexandra Street, Te Awamutu (**‘Te Awamutu Dairy Factory’**); and

- storage and distribution facilities associated with the Factory, accessed from 487 Factory Road, Te Awamutu.

2.5. The Hautapu and Te Awamutu Dairy Factory sites have a combined asset replacement value of \$1.5 billion, and play an important role in the rest of the Fonterra supply chain network and in Fonterra's overall operations and export industry.

Hautapu Dairy Factory Site

2.6. The Hautapu Dairy Factory has operated at the site for more than 130 years and employs over 300 people.

2.7. The site processes up to 3.3 million litres of milk (peak) from Fonterra farmer shareholders every day during the milk production season. There are a total of 8 plants which produce a range of cheese products and other high-value products including casein, whey products, lactoferrin and milk protein concentrate.

2.8. The site also provides storage of the finished product and has associated distribution facilities. Wastewater associated with the dairy factory activities is spray irrigated onto rural farmland within the surrounding area.

2.9. The Hautapu Dairy Factory is located approximately 1.0 kilometre north of the nearest Residential area (located immediately to the south of the Waikato Expressway). The nearest site utilised for spray irrigation activities associated with the dairy factory site is located approximately 200m from the nearest Residential area (located immediately to the south of the Waikato Expressway).

Te Awamutu Dairy Factory Site

2.10. The Te Awamutu Dairy Factory has operated at the site for almost 140 years and employs more than 330 people.

2.11. The site processes up to 3 million litres of milk (peak) from Fonterra farmer shareholders every day during the milk production season. There are a total of 3 plants which produce a range of whole milk powders, butter and milk fat. It is the sixth largest producer of dairy ingredients in New Zealand, and the main buttermilk producer in the Waikato region.

2.12. The site also provides storage of the finished product and has associated distribution facilities. Wastewater is treated onsite via an existing wastewater treatment plant to the north of the existing Te Awamutu Dairy Factory buildings.

2.13. The Te Awamutu Dairy Factory is located within the urban centre of Te Awamutu and is surrounded by residential activities, including residential zoned land immediately to the east, south and west. The existing residential area immediately to the east is directly adjacent to the Te Awamutu Dairy Factory site. Similarly, the existing residential areas to the south and west are located in close proximity to the Te Awamutu Dairy Factory site (on the opposite side of Factory Road to the west, and Alexandra Street to the south).

3. REASONS FOR SUBMISSION

- 3.1. Fonterra supports the intent of PC26 in giving effect to the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**RMA-EHS**”) and the May 2022 update of the National Policy Statement on Urban Development 2020 (“**NPS-UD**”). However, Fonterra considers that further refinement is required to ensure that urban development and intensification occurs in a manner that minimises land use conflicts as far as practicable, including avoiding or minimising the potential for reverse sensitivity effects.
- 3.2. Reverse sensitivity is a well-established planning principle, and is an adverse effect for the purposes of the Resource Management Act 1991 (“**RMA**”). It refers to the susceptibility of established, effects-generating activities (which often cannot internalise all of their effects) to complaints or objections arising from the location of new sensitive activities nearby. Reverse sensitivity effects occur in urban environments (e.g., when residential and industrial activities are located in close proximity to one another).
- 3.3. Reverse sensitivity is broader than just being about noise – concerns can relate to a wide range of effects. Such complaints can place significant constraints on the operation of established activities, as well as their potential for future growth and development. In extreme cases, reverse sensitivity effects can force established activities to relocate elsewhere or close.
- 3.4. Reverse sensitivity effects are a key issue for Fonterra across its manufacturing and distribution sites and, in its experience, they can occur regardless of compliance with resource consent conditions or with performance standards in a District or Regional Plan. Even the perception of unacceptable adverse effects which are not substantiated can result in reverse sensitivity effects (such as complaints, or submissions by neighbours against ongoing operations).
- 3.5. This often means industrial operators such as Fonterra are expected to respond to complaints, and to implement mitigation measures. The operator also incurs additional costs in consenting processes and is restricted in its ability to develop and expand operations. In this instance, it is not feasible to relocate either the Hautapu Dairy Factory or Te Awamutu Dairy Factory due to the significant asset investments in place, and as it is necessary for them to be located in close proximity to the rural communities that they service.
- 3.6. Fonterra notes that reverse sensitivity effects can occur within urban environments, such as when residential and industrial activities are located in close proximity to one another. This is the case with both the Te Awamutu Dairy Factory and the Hautapu Dairy Factory.
- 3.7. The more sensitive activities allowed to establish in close proximity to existing Fonterra manufacturing and distribution sites, the greater the likelihood that these reverse sensitivity effects will arise.
- 3.8. To mitigate potential reverse sensitivity effects while providing development capacity for business land over the short term, medium term, and long term, Fonterra considers that the presence of the nationally and regionally significant dairy industry sites at Hautapu and Te Awamutu should be recognised as a qualifying matter in terms of residential intensification provisions and should be applied to the areas around these sites. This would enable people and communities to provide for their social and economic wellbeing and for their health and safety, now and into the future, while providing for the future use of the Hautapu and Te Awamutu sites.

4. SPECIFIC SUBMISSION POINTS

- 4.1. Fonterra's specific submission points and relief sought are provided in **Attachment A**.
- 4.2. Fonterra supports the recognition of reverse sensitivity effects in PC26, including in relation to acoustic insulation. However, Fonterra also seeks that reverse sensitivity in relation to its activities is identified as a qualifying matter. This involves the identification of a new Reverse Sensitivity Qualifying Matter Overlay, within which two dwellings will be permitted rather than three. The proposed approach for the Reverse Sensitivity Qualifying Matter Overlay is the same as for the Infrastructure Constraint Qualifying Matter Overlay already within PC26.

5. DECISION SOUGHT

- 5.1. Fonterra seeks that the provisions of PC26 be amended as per the specific submission points in **Attachment A**.
- 5.2. Fonterra seeks any alternative relief which achieves the same or similar outcome as set out in **Attachment A**.

6. OVERALL CONCLUSION

- 6.1. The provisions that Fonterra has raised concerns about require amendment because without amendment, those provisions:
 - will not promote sustainable management of resources, and as such will not achieve the purpose of the RMA;
 - are contrary to Part 2 and other provisions of the RMA;
 - will not enable the social and economic well-being of the community;
 - will not meet the reasonably foreseeable needs of future generations;
 - will not achieve integrated management of the effects of use, development or protection of land and associated resources within the Waipa District;
 - will not enable the efficient use and development of Fonterra's assets and operations;
 - will not give effect to Objective 1 (New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future) or Policy 1 (Planning decisions contribute to well-functioning urban environments) in the NPS-UD to the extent necessary to fully provide for a well-functioning urban environment that provides for existing and future business activities; and
 - do not represent the most appropriate way to achieve the purpose of the RMA, the objectives of the Plan and/or the development objectives of the Medium Density Residential Standards.

Dated: 30 September 2022

Fonterra Limited

A handwritten signature in black ink, appearing to read 'Suzanne O'Rourke', written over a horizontal line.

Suzanne O'Rourke

ATTACHMENT A: FONTERRA LIMITED'S SUBMISSIONS

PLAN CHANGE PROVISION	SUPPORT/ OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECTS) NOTE: New text shown as <u>underlined</u> , and deleted text shown as strike through
Maps 56 and 57 – Qualifying Matters			
Planning Map 56 Hautapu Dairy Factory Qualifying Matters	Support in part	<p>Fonterra supports the proposal to identify and apply qualifying matters on land that is located in close proximity to Hautapu Dairy Factory (particularly the land located on the southern side of the Waikato Expressway).</p> <p>The identification of qualifying matters for stormwater constraint and infrastructure constraint on the land immediately to the south of the Waikato Expressway is supported.</p> <p>However, amendments are required to add an additional qualifying matter relating for the land surrounding the Hautapu Dairy Factory site and the land surrounding the rural farmland that is utilised for spray irrigation activities associated with wastewater from the Hautapu Dairy Factory.</p> <p>The identification of an additional qualifying matter in these specific locations is required to enable a more limited level of residential activity to occur (two dwellings per site rather than three), and to enable potential reverse sensitivity effects to be taken into account. This will recognise the national and regional significance of the Hautapu Dairy Factory site, and the existing lawfully established industrial land use activities.</p> <p>The benefits of identifying these sites as a qualifying matter in this location will outweigh the costs.</p>	<p>Retain Map 56 as notified with amendments.</p> <p>Specifically, retain the qualifying matters (stormwater constraint and infrastructure constraint) that apply to all of the land located immediately to the south of Waikato Expressway (the area surrounding the Hautapu Dairy Manufacturing site and the rural farmland that is utilised by Hautapu Dairy Factory for spray irrigation purposes);</p> <p>And</p> <p>Add a new qualifying matter that applies to all of the land within the 55 dBA Ldn noise contour surrounding the Hautapu Dairy Manufacturing site and the land within 100m of the rural farmland that is utilised by Hautapu Dairy Factory for spray irrigation purposes to enable potential reverse sensitivity effects to be assessed and mitigated.</p>
Planning Map 57 Te Awamutu Dairy Factory	Support in part	<p>Fonterra supports the proposal to identify and apply qualifying matters on land that is located in close proximity to the Te Awamutu Dairy Factory (particularly the land located immediately to the east of the Te Awamutu Dairy Factory, and to the south and west).</p>	<p>Retain Map 57 as notified with amendments.</p> <p>Specifically, retain the qualifying matters (river/gully proximity, stormwater constraint and infrastructure constraint) that apply to all of the land surrounding Te Awamutu Dairy Factory (the areas immediately to the east, \ south and west of the Dairy Factory);</p>

Qualifying Matters		<p>The identification of qualifying matters for river/gully proximity, stormwater constraint and infrastructure constraint on the land immediately adjacent to and surrounding the Te Awamutu Dairy Factory site is supported.</p> <p>However, amendments are required to add an additional qualifying matter for the land surrounding the Te Awamutu Dairy Factory site and the land surrounding the storage and distribution facilities associated with the Te Awamutu Dairy Factory, accessed from 487 Factory Road, Te Awamutu to enable potential reverse sensitivity effects to be assessed and mitigated.</p> <p>The Te Awamutu Dairy Factory and its associated storage and distribution facilities are located within an established urban area that includes residential land immediately to the east, and to the south and west of the Te Awamutu Dairy Factory site.</p> <p>The existing provisions relating to acoustic treatment for noise sensitive activities do not afford the existing Dairy Factory site adequate protection with respect to future residential development and intensification in the area surrounding the Te Awamutu Dairy Factory site.</p> <p>The identification of an additional qualifying matter in this specific location is required to enable a more limited level of residential activity to occur (two dwellings per site rather than three), and to enable potential reverse sensitivity effects to be taken into account. This will recognise the national and regional significance of the Te Awamutu Dairy Factory site, and the existing lawfully established industrial land use activities.</p> <p>The benefits of identifying as a qualifying matter in this location to enable potential reverse sensitivity effects to be assessed and mitigated will outweigh the costs.</p>	<p>And</p> <p>Add a new qualifying matter that applies to all of the land within the 55 dBA Ldn noise contour surrounding the Te Awamutu Dairy Factory (the areas immediately to the east, \ south and west of the Dairy Factory); and the land surrounding the storage and distribution facilities associated with the Te Awamutu Dairy Factory accessed from 487 Factory Road, Te Awamutu to enable potential reverse sensitivity effects to be assessed and mitigated.</p>
Planning Maps 4,23, and 24; and 8,37 and 38	Support	<p>Fonterra supports the proposal to retain the existing planning maps that identify the existing dairy manufacturing sites at Te Awamutu and Hautapu, and the corresponding dairy manufacturing noise contour boundaries, with the changes showing the updates introduced by PC26.</p>	<p>Retain the following notations on the Planning Maps as notified:</p> <ul style="list-style-type: none"> - The identification of the Hautapu Dairy Factory and associated noise contour boundaries on the Planning Maps for Policy Areas 4, 22 and 23; and

Dairy Manufacturing Noise contour maps and Dairy Manufacturing Sites		<p>Specifically:</p> <ul style="list-style-type: none"> - The Planning Maps for Policy Areas 4, 23 and 24 identify the Hautapu Dairy Factory and associated noise contour boundaries. - The Planning Maps for Policy Areas 8, 37 and 38 identify the Te Awamutu Dairy Factory and associated noise contour boundaries. - The Planning Map Legend identifies the boundaries of the dairy manufacturing sites with a solid blue line; and the dairy manufacturing noise contours as a solid crimson line. 	<ul style="list-style-type: none"> - The identification of the Te Awamutu Dairy Factory and associated noise contour boundaries on the Planning Maps for Policy Areas 8, 37 and 38.
New Qualifying Matter – All Sections			
Qualifying Matters All Sections	Support in part	<p>Fonterra supports the proposal to identify and apply qualifying matters on land that is located in close proximity to / surrounding the Te Awamutu Dairy Factory and Hautapu Dairy Factory sites (the land surrounding the sites described in Section 2.4 above).</p> <p>The identification of qualifying matters for river/gully proximity, stormwater constraint and infrastructure constraint on the land immediately adjacent to and surrounding the Te Awamutu Dairy Factory site is supported.</p> <p>Similarly, the identification of qualifying matters for river/gully proximity, stormwater constraint and infrastructure constraint on the land immediately adjacent to and surrounding the Te Awamutu Dairy Factory site is also supported.</p> <p>However, amendments are required to add an additional qualifying matter relating to land surrounding the Te Awamutu and Hautapu Dairy Factory sites, (including the land surrounding the storage and distribution facilities associated with the Te Awamutu Dairy Factory, accessed from 487 Factory Road, Te Awamutu; and the land surrounding the rural farmland in Hautapu that is utilised for spray irrigation activities associated with wastewater from the Hautapu Dairy Factory) to enable</p>	<p>Amend all sections to include an additional qualifying matter relating to the land surrounding the Te Awamutu and Hautapu Dairy Factory sites, (including the land surrounding the storage and distribution facilities associated with the Te Awamutu Dairy Factory, accessed from 487 Factory Road, Te Awamutu; and the land surrounding the rural farmland in Hautapu that is utilised for spray irrigation activities associated with wastewater from the Hautapu Dairy Factory), to enable a more limited level of residential activity to occur (two dwellings per site rather than three), and to enable potential reverse sensitivity effects to be assessed and mitigated.</p>

		potential reverse sensitivity effects to be assessed and mitigated.	
Section 1 – Strategic Policy Framework			
Policy 1.3.3.2 Out of sequence and out of zone plan changes	Support in Part	Fonterra supports the proposal to add a new Policy to address out of sequence and out of zone plan changes but observes that reverse sensitivity matters are an important consideration for any out of sequence and out of zone plan changes. The matters specified in (a) – (d) of the Policy need to be expanded to include an additional matter (e) to address reverse sensitivity effects associated with development occurring in close proximity to established industrial activities including dairy manufacturing sites.	Amend Policy 1.3.3.2 to include the following additional matter: e) <u>Avoid the potential for reverse sensitivity effects on lawfully established industrial activities including dairy manufacturing sites.</u>
Section 2 – Residential Zone: Section 2.2 Resource Management Issues			
2.2.7 Neighbourhood Amenity	Support	Fonterra supports the amendments proposed to Resource Management Issues 2.2.7 and 2.2.20 in Section 2 – Residential Zone (deleting reference to the Te Awamutu Dairy Factory in Issue 2.2.7 and deleting 2.2.20 in its entirety) provided that identical resource management issues (with the Operative District Plan ('ODP') wording) are included within the new Residential Medium Density Zone provisions proposed as Section 2A. The existing Resource Management Issues read: <i>Neighbourhood Amenity</i> <i>2.2.7 There is the potential for reverse sensitivity effects when noise sensitive activities locate close to some existing activities such as the Te Awamutu Dairy Manufacturing site,-roads with high traffic volumes, and railway lines.</i> <i>Non-residential activities</i>	Amend Resource Management Issues 2.2.7 and 2.2.20 in Section 2 Residential Zone as notified; and Retain new Resource Management Issues 2A.2.7 and 2A.2.19 in Section 2A Medium Density Residential Zone as notified.

		2.2.20 Within the Residential Zone, in Te Awamutu, there are existing out of zone activities where significant investment has been made. It is important that these activities are recognised.	
Section 2 – Residential Zone: Policies			
Policy 2.3.2.11 Residential development in the vicinity of the Te Awamutu Dairy Manufacturing site	Support	<p>Fonterra supports the deletion of Policy 2.3.2.11 from Section 2 – Residential Zone provided that an identical policy (with the ODP wording) is included within the new Residential Medium Density Zone provisions proposed as Section 2A.</p> <p>Policy 2.3.2.11 reads:</p> <p><i>Policy - Residential development in the vicinity of the Te Awamutu Dairy Manufacturing site</i></p> <p><i>2.3.2.11 To maintain anticipated levels of residential amenity and to reduce the potential for reverse sensitivity effects on the Te Awamutu Dairy Manufacturing site by requiring new dwellings or bedroom additions to be acoustically treated.</i></p>	<p>Delete Policy 2.3.2.11 from Section 2 Residential Zone as notified; and</p> <p>Retain new Policy 2A.3.4.10 in Section 2A Medium Density Residential Zone</p>
Proposed Section 2A – Medium Density Residential Zone (NEW)			
Section 2A Medium Density Residential Zone	Support in part	<p>Fonterra supports the insertion of a new Section (Section 2A Medium Density Residential Zone) to the extent that it gives effect to the RMA-EHS and NPS-UD, insofar as it relates to the residential zoned land in the vicinity of the Fonterra sites at Hautapu and Te Awamutu.</p> <p>The introduction to the zone as set out in Section 2A.1 is supported. However, additional wording is required to protect Fonterra’s existing dairy manufacturing and spray irrigation sites in Hautapu and Te Awamutu from potential reverse sensitivity effects.</p> <p>The issue of reverse sensitivity is an important consideration for intensified residential development in proximity to the dairy manufacturing sites.</p> <p>The objectives, policies and rules for the Medium Density Residential Zone should include consideration of reverse</p>	<p>Amend Proposed Section 2A to include provisions relating to consideration of reverse sensitivity effects associated with residential development occurring in the vicinity of Fonterra’s Dairy Manufacturing sites at Te Awamutu and Hautapu.</p> <p>Amend the Introduction in Section 2A.1 of the Proposed Medium Density Residential Zone to include the following sentence (added at the end of the Introduction, as para 2A.1.9):</p> <p><u>Development within the zone should not create land use conflicts and/or reverse sensitivity effects, particularly in relation to the existing Dairy Manufacturing Sites at Hautapu and Te Awamutu.</u></p> <p>Amendments are also required to the objectives, policies, and rules for the Medium Density Residential Zone to include consideration of the reverse sensitivity effects associated with existing dairy manufacturing sites at Hautapu and Te Awamutu.</p>

		sensitivity effects associated with Fonterra's existing dairy manufacturing activities within Waipa District.	
Resource Management Issues			
2A.2.7 Residential Amenity	Support in part	<p>Fonterra supports the inclusion of Resource Management Issues 2A.2.7 and 2A.2.20 in proposed Section 2A – Medium Density Residential Zone.</p> <p>The Resource Management Issues read:</p> <p><i>Residential Amenity</i></p> <p><i>2A.2.7 There is the potential for reverse sensitivity effects when noise sensitive activities locate close to some existing activities such as the Te Awamutu Dairy Manufacturing site,-roads with high traffic volumes, and railway lines.</i></p> <p><i>Non-residential activities</i></p> <p><i>2A.2.19 Within the Residential Zone, in Te Awamutu, there are existing out of zone activities where significant investment has been made. It is important that these activities are recognised.</i></p> <p>It is important the new Residential provisions in Proposed Section 2A (Medium Density Residential Zone) recognise and provide for existing lawfully established industrial activities such as Te Awamutu Dairy Factory. The recognition of the potential for reverse sensitivity effects when noise sensitive activities locate close to the Te Awamutu Dairy Factory, and acknowledgement of the significant investment that has been made at the Te Awamutu Dairy Factory within the District Plan is supported, and is a key consideration for future residential intensification.</p>	Retain Resource Management Issues 2A.2.7 and 2A.2.19 as notified.
Objectives and Policies			
Objective 2A.3.1	Support	Fonterra supports the addition of new Objective 2A.3.1 and in particular, the reference to 'enabling 'all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future'.	Retain Objective 2A.3.1 as notified

		<p>Objective 2A.3.1 reads:</p> <p><i>Objectives – Medium Density Residential Standards</i></p> <p><i>2A.3.1 A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i></p> <p>Residential development must not impede upon Fonterra’s ability to operate on their existing sites within the Waipa District, including the dairy manufacturing sites at Hautapu and Te Awamutu.</p>	
<p>Policy 2A.3.4.10</p> <p>Residential Development in the vicinity of the Te Awamutu Dairy Manufacturing site</p>	Support	<p>Fonterra supports the addition of New Policy 2A.3.4.10 within the new Residential Medium Density Zone provisions in Section 2A.</p> <p>Policy 2A.3.4.10 reads:</p> <p><i>Policy - Residential development in the vicinity of the Te Awamutu Dairy Manufacturing site</i></p> <p><i>2A.3.4.10 To maintain anticipated levels of residential amenity and to reduce the potential for reverse sensitivity effects on the Te Awamutu Dairy Manufacturing site by requiring new dwellings or bedroom additions to be acoustically treated.</i></p> <p>Residential development around the Te Awamutu Dairy Factory site must address reverse sensitivity effects and provide appropriate acoustic treatments.</p>	Retain Policy 2A.3.4.10 as notified
<p>Policy 2A.3.7.1</p> <p>Comprehensive design of compact housing, retirement village accommodation and associated</p>	Support	<p>Fonterra supports the reference to reverse sensitivity effects in Policy 2A.3.7.1.</p> <p>Reverse sensitivity effects are an important consideration for the land use activities listed, particularly in relation to the existing dairy manufacturing sites.</p> <p>Development of this nature is expected to not create land use conflicts and/or reverse sensitivity effects.</p> <p>Policy 2A.3.7.1(h) reads:</p>	Retain 2A.3.7.2(h) as notified.

care facilities, rest homes and visitor accommodation		2A.3.7.1 To ensure that compact housing, retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by: (h) Addressing reverse sensitivity effects; and	
2A.4.2 Performance Standards – Building Setbacks			
Rule 2A.4.1.3(b)–(c)	Support in part	A corresponding provision is required to the assessment criteria in Rule 21.1.2A.5(u). This will provide for the recognition of reverse sensitivity effects as a matter of discretion.	<p>Include reverse sensitivity as a matter of discretion:</p> <p>(b) ... Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:</p> <p>...</p> <ul style="list-style-type: none"> • Alignment with any relevant Urban Design Guidelines adopted by Council; <u>and</u> • Reverse sensitivity. <p>(c) ... Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:</p> <p>...</p> <ul style="list-style-type: none"> • Alignment with any relevant Urban Design Guidelines adopted by Council; <u>and</u> • <u>Reverse sensitivity.</u>
Rule 2A.4.1.1	Support in part	To be able to effectively consider the reverse sensitivity effects for the Hautapu and Te Awamutu Dairy Factories, a similar approach should be taken to the Infrastructure Constraint Qualifying Matter. That is, a new activity status needs to be provided that restricts the number of dwellings to two per site within the Reverse Sensitivity Qualifying Matter Overlay. This will still provide twice the amount of density allowed under the current WDP, while ensuring that reverse sensitivity is properly provided for.	<p>Add a new activity status:</p> <p>(cA) Up to three dwellings per site outside of the Reverse Sensitivity Qualifying Matter Overlay.</p> <p>(cB) Up to two dwellings per site within the Reverse Sensitivity Qualifying Matter Overlay.</p>

Rule 2A.4.1.3	Support in part	For the reasons outlined earlier in this submission, it is appropriate to restrict the level of additional residential enablement in close proximity to Fonterra's key activities in the district. This is a consequential change to the changes outlined earlier in this submission.	<p>Add new restricted discretionary activities and matters of discretion:</p> <p><i>(cA) Four of more dwellings per site outside the Reverse Sensitivity Qualifying Matter Overlay.</i></p> <p><i>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:</i></p> <ul style="list-style-type: none"> • <i>Building location, bulk and design; and</i> • <i>Development density; and</i> • <i>Landscaping; and</i> • <i>Location of parking areas and vehicle manoeuvring; and</i> • <i>Crime Prevention Through Environmental Design; and</i> • <i>Traffic generation and connectivity; and</i> • <i>Privacy within and between adjoining sites; and</i> • <i>Noise; and</i> • <i>The outcomes of an infrastructure capacity assessment; and</i> • <i>Stormwater disposal; and</i> • <i>Alignment with any relevant Urban Design Guidelines adopted by Council; and</i> • <i>Reverse sensitivity.</i> <p><i>(cB) Three of more dwellings per site within the Reverse Sensitivity Qualifying Matter Overlay.</i></p> <p><i>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:</i></p> <ul style="list-style-type: none"> • <i>Building location, bulk and design; and</i> • <i>Development density; and</i>
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			<ul style="list-style-type: none"> • Landscaping; and • Location of parking areas and vehicle manoeuvring; and • Crime Prevention Through Environmental Design; and • Traffic generation and connectivity; and • Privacy within and between adjoining sites; and • Noise; and • The outcomes of an infrastructure capacity assessment; and • Stormwater disposal; and • Alignment with any relevant Urban Design Guidelines adopted by Council; and • Reverse sensitivity.
2A.4.2 Performance Standards – Building Setbacks			
<p>Rules 2A.4.2.4 to 2A.4.2.6</p> <p>Setbacks Limits of Discretion</p>	Support	<p>Fonterra supports the reference to reverse sensitivity effects as one of the limits of discretion for activities that do not comply with the setbacks rules (Rules 2A.4.2.4 to 2A.4.2.6) and require resource consent for a restricted discretionary activity.</p> <p>The Rule reads:</p> <p><i>Activities that fail to comply with Rules 2A.4.2.4 to 2A.4.2.6 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</i></p> <ul style="list-style-type: none"> - <i>Reverse sensitivity effects; and</i> 	Retain the reference to reverse sensitivity effects as a limit of discretion for Rules 2A.4.2.4 to 2A.4.2.6 (Setbacks) as notified.
2A.4.2 Performance Standards – Outlook Space (per dwelling)			
<p>Rules 2A.4.2.12 to 2A.4.2.20</p> <p>Outlook Space Limits of Discretion</p>	Support	<p>Fonterra supports the reference to reverse sensitivity effects as one of the limits of discretion for activities that do not comply with the outlook space rules (Rules 2A.4.2.12 to 2A.4.2.20) and require resource consent for a restricted discretionary activity.</p> <p>The Rule reads:</p>	Retain the reference to reverse sensitivity effects as a limit of discretion for Rules 2A.4.2.12 to 2A.4.2.20 (Outlook) as notified.

		<p>Activities that fail to comply with Rules 2A.4.2.12 to 2A.4.2.20 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <p>Reverse sensitivity effects; and</p>	
Rules – Noise insulation: noise sensitive activities			
<p>Rule 2A.4.2.42</p> <p>Noise insulation</p>	<p>Support in part</p>	<p>Fonterra supports addition of new Rule 2A.4.2.42 within the new Residential Medium Density Zone provisions in Section 2A.</p> <p>Rule 2A.4.2.42 reads:</p> <p><i>Rules – Noise Insulation: Noise sensitive activities</i></p> <p><i>2A.4.2.42 Where a noise sensitive activity is proposed within the 55 dBA Ldn noise contour of the Te Awamutu Dairy Manufacturing Site shown on the Planning Maps it shall be designed to achieve 35dB LAeq inside habitable rooms of new dwellings or new habitable rooms to existing dwellings whether attached or detached.</i></p> <p><i>Activities that fail to comply with Rules 2A.4.2.40 to 2A.4.2.42 will require a resource consent for a discretionary activity.</i></p> <p>The requirement for noise sensitive activities located within the 55dBA Ldn noise contour of the Te Awamutu Dairy Factory to be designed to incorporate appropriate acoustic insulation to comply with the applicable noise standards is supported. Residential development around the Te Awamutu Dairy Factory site must provide appropriate acoustic insulation.</p> <p>The Discretionary Activity status for activities that do not comply is also supported provided that the owner and operator of the Te Awamutu Dairy Factory is considered an affected person in accordance with section 95E of the Act for any such applications.</p> <p>However, amendments are required to Rule 2A.4.2.42 so that the requirement to provide noise insulation for noise sensitive activities is applicable to both the Te Awamutu and Hautapu Dairy Manufacturing sites.</p>	<p>Amend Rule 2A.4.2.42 as follows:</p> <p>2A.4.2.42</p> <p>Where a noise sensitive activity is proposed within the 55 dBA Ldn noise contour of the Te Awamutu Dairy Manufacturing Site <u>or the Hautapu Dairy Manufacturing Site as</u> shown on the Planning Maps it shall be designed to achieve 35dB LAeq inside habitable rooms of new dwellings or new habitable rooms to existing dwellings whether attached or detached. Activities that fail to comply with Rules 2A.4.2.40 to 2A.4.2.42 will require a resource consent for a discretionary activity;</p> <p>and</p> <p>Retain the Discretionary Activity Status for activities that do not comply with Rule 2A.4.2.42;</p> <p>and</p> <p>Require the Te Awamutu Dairy Factory and Hautapu Dairy Factory to be a potentially affected party for any such application.</p>

		Any noise sensitive activity occurring within the noise contour boundary of the Te Awamutu or Hautapu Dairy Factory sites should comply with the same noise insulation provisions.	
2.5 Section 21 – Assessment Criteria and Information Requirements			
21.1.2A Medium Density Residential Zone: Restricted Discretionary Activities			
Rule 21.1.2A.5 More than two dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay or more than three dwellings per site outside the Infrastructure Constraint Qualifying Matter Overlay	Support in part	<p>Fonterra supports the Assessment Criteria in Rule 21.1.2A.5. However, amendments are required to include an additional standard relating to reverse sensitivity effects.</p> <p>Reverse sensitivity effects on adjacent commercial, industrial and rural zones are not adequately provided for within the assessment criteria.</p> <p>Consideration of reverse sensitivity effects on lawfully established industrial activities including the Hautapu and Te Awamutu Dairy Factory sites is considered an appropriate matter for inclusion within the Assessment Criteria, and is relevant in terms of both the building design and site layout.</p> <p>A new standard is proposed to ensure reverse sensitivity is afforded appropriate weighting and consideration in the assessment under Rule 21.1.2A.5.</p> <p>The following (new) standard is proposed for Rule 21.1.2A.5:</p> <p><i>(u) The extent of adverse effects including reverse sensitivity effects on adjacent commercial, industrial or rural zones, and lawfully established industrial activities including the Hautapu and Te Awamutu Dairy Factory Sites.</i></p>	<p>Amend Rule 21.1.2A.5 as follows:</p> <p>Add the following additional (new) standard:</p> <p><u>(u) The extent of adverse effects including reverse sensitivity effects on adjacent commercial, industrial or rural zones, and lawfully established industrial activities including the Hautapu and Te Awamutu Dairy Factory Sites.</u></p>
Rule 21.1.2A.5A		To be able to effectively consider the reverse sensitivity effects for the Hautapu and Te Awamutu Dairy Factories, a similar approach should be taken to the Infrastructure Constraint Qualifying Matter in Rule 21.1.2A.5. That is, a new set of assessment criteria needs to be provided for the situation where there are more than two dwellings per site within the Reverse	<p>Add new Rule 21.1.2A.5A:</p> <p><i>More than two dwellings per site within the Reverse Sensitivity Qualifying Matter Overlay or more than three dwellings per site outside the Reverse Sensitivity Qualifying Matter Overlay.</i></p> <p><i>(a) Whether the site is located within or outside of the Reverse Sensitivity Qualifying Matter Overlay.</i></p>

		<p>Sensitivity Qualifying Matter Overlay. This must include the addition of (u) identified and justified above.</p>	<p>(b) Amenity values, including design features that promote privacy and neighbourhood coherence – such as yards, height, fencing and screening, separation and orientation of dwellings to obstruct sight lines between living areas.</p> <p>(c) The extent to which adequate vehicle parking and the provision of safe vehicle entrances for both pedestrians and vehicles, car parking and manoeuvring and vehicle access to rubbish and recycling compounds, and access for emergency vehicles has been provided.</p> <p>(d) The extent of adverse effects on the surrounding road network, including on the function of intersections.</p> <p>(e) The adequacy of the servicing proposed for the development.</p> <p>(f) The adequacy of the site to accommodate the proposed density of development. In particular for compact housing developments involving seven or more dwellings, whether it is located in the areas where this type of development is encouraged under Compact Housing Policy.</p> <p>(g) The provision of lighting for amenity and crime prevention, without being a nuisance to residents.</p> <p>(h) The provision of connections to public walkways/cycleways and the road network.</p> <p>(i) Open space character including on-site landscaping, retention of mature trees, provision of shared driveways.</p> <p>(j) Outdoor living spaces for independent living units that are private and have good access to sunlight in midwinter.</p> <p>(k) The location of outdoor storage areas and rubbish and recycling compounds so that the appearance from the street is not adversely affected and on-site amenity, such as the provision of outdoor living spaces is not compromised.</p> <p>(l) The design of the road boundary setback:</p> <p>(i) Street definition - the extent to which units as opposed to garages orient and face the street creating a strong interface between the public and private domains. Designs need to</p>
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			<p><i>avoid street frontages that are dominated by garages and outdoor storage areas; and</i></p> <p><i>(ii) Landscaping - the type and nature of the landscaping both within the road boundary setback and throughout the development so that it contributes both to the neighbourhood and to on-site amenity; and</i></p> <p><i>(iii) Access way design - the width and proportion of the frontage as well as the landscaping and the materials to be used.</i></p> <p><i>(m) Building design including:</i></p> <p><i>(i) The extent to which solar potential and good solar aspect is optimized within the development; and</i></p> <p><i>(ii) Colours; and</i></p> <p><i>(iii) The materials to be used and how they are to be repeated within the development; and</i></p> <p><i>(iv) Detail of roof pitches; and</i></p> <p><i>(v) Details of doorways and the provision of shelter for visitors; and</i></p> <p><i>(vi) Windows, revetment, balconies and recesses; and</i></p> <p><i>(vii) Garaging to create visual continuity and cohesion and reflect a residential character.</i></p> <p><i>(n) Designs shall avoid monolithic walls in favour of designs that incorporate smaller scale building elements to promote feelings of interest and diversity.</i></p> <p><i>(o) Visually permeable fences and glazing of façades that provide for surveillance from the dwelling to the street and other public places such as walkways and reserves.</i></p> <p><i>(p) Integration with neighbouring residential development through consistency of façade treatment, including building proportions, detailing, materials and landscape treatment.</i></p> <p><i>(q) The extent to which compact housing development involving seven or more dwellings within the C1 and C2 / C3 structure plan areas:</i></p>
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			<p><i>(i) Includes 'universal access' design principles within design, maximising accessibility for all users.</i></p> <p><i>(ii) Provides an internal movement network layout that is legible and enables good connectivity.</i></p> <p><i>(iii) Maximises safety for pedestrians, by:</i></p> <p><i>(r) Providing dedicated pedestrian access to dwellings and areas of communal open space, demarcated through materials, colours and/or texture.</i></p> <p><i>(s) Minimises the need for vehicular backing manoeuvres where site size and layout allows, by providing safe turning areas.</i></p> <p><i>(t) Facilitates an internal movement network that provides for dedicated vehicle access to each dwelling, such as may include:</i></p> <p><i>(i) Using rear lanes where vehicle access off a public street is difficult or compromises pedestrian and visual amenity.</i></p> <p><i>(ii) Providing shared vehicular access layout for larger developments.</i></p> <p><i>(iii) Uses surface treatments to clearly demarcate vehicular entrances.</i></p> <p><i>(iv) Takes into account safety and accessibility if visitor car parking is provided within the development.</i></p> <p><i>(v) Provides clearly visible main pedestrian entries from the street or lane to each dwelling at ground floor level.</i></p> <p><i>(vi) Maximises the visual relationship between dwellings and adjacent streets, lanes and public open spaces, through provision of windows and balconies at upper levels.</i></p> <p><i>(vii) Minimises the number of dwellings with internal and outdoor living areas oriented to the south.</i></p> <p><i>(viii) Dwellings are designed to provide private outdoor areas adjacent to living areas.</i></p> <p><i>(ix) Orientates windows to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</i></p>
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			<p><i>(x) Provides adequate storage space for each residential unit, including for larger items such as bicycles and outdoor equipment.</i></p> <p><i>(xi) For apartment style developments, provides communal open spaces with edges that are activated or overlooked by adjacent streets, lanes or dwellings.</i></p> <p><i>(xii) Integrates proposed communal open spaces with the development's wider pedestrian network.</i></p> <p><i>(xiii) Compatibility of the proposed development with the existing and likely future surrounding environment including the residential density (minimum and maximum) of the development.</i></p> <p><i>(u) The extent of adverse effects including reverse sensitivity effects on adjacent commercial, industrial or rural zones, and lawfully established industrial activities including the Hautapu and Te Awamutu Dairy Factory Sites.</i></p>
Rule 21.1.2A.6 Building Height	Support in part	<p>Fonterra supports the Assessment Criteria in Rule 21.1.2A.6 for building height. However, amendments are required to include an additional standard relating to reverse sensitivity effects.</p> <p>Reverse sensitivity effects on adjacent commercial, industrial and rural zones, particularly from buildings overlooking adjacent industrial activities is not adequately provided for within the assessment criteria.</p> <p>Consideration of reverse sensitivity effects on lawfully established industrial activities including the Hautapu and Te Awamutu Dairy Factory sites is considered an appropriate matter for inclusion within the Assessment Criteria, and is relevant in terms of both the building design and site layout.</p> <p>A new standard is proposed to ensure reverse sensitivity is afforded appropriate weighting and consideration in the assessment of building height under Rule 21.1.2A.6.</p> <p>The following (new) standard is proposed for Rule 21.1.2A.6:</p>	<p>Amend Rule 21.1.2A.6 as follows:</p> <p>Add the following additional (new) standard:</p> <p><i>(f) Minimising overlooking adjacent industrial activities including Te Awamutu Dairy Factory to reduce reverse sensitivity effects.</i></p>

		<i>(f) Minimising overlooking adjacent industrial activities including Te Awamutu Dairy Factory to reduce reverse sensitivity effects.</i>	
Rule 21.1.2A.8 Setbacks	Support in part	<p>Fonterra supports the Assessment Criteria in Rule 21.1.2A.8 for setbacks, particularly standards (a) and (h) which read:</p> <p><i>(a) The extent to which the road boundary setback is appropriate in the location, particularly where located adjoining a Character Street.</i></p> <p><i>(h) Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones.</i></p> <p>The above assessment criteria afford some consideration of setbacks in terms of location and reverse sensitivity.</p> <p>However, amendments are required to the Assessment Criteria to also require setbacks to consider the potential for reverse sensitivity effects on lawfully established industrial activities including dairy manufacturing sites.</p> <p>A larger setback is likely to be more appropriate for residential development occurring in close proximity to the Te Awamutu or Hautapu Dairy Factory Sites.</p>	<p>Amend Rule 21.1.2A.8 to include the following additional assessment criteria (k):</p> <p><u>(k) The extent to which the development will have reverse sensitivity effects on lawfully established industrial activities including dairy manufacturing sites.</u></p>
21.1.2A Medium Density Residential Zone: Discretionary Activities			
Rule 21.1.2A.24 Noise insulation: noise sensitive activities	Support	<p>Fonterra supports the assessment criteria proposed for Noise insulation: noise sensitive activities in Rule 21.1.2A.24.</p> <p>Rule 21.1.2A.24(a) reads:</p> <p><i>(a) The extent to which the design of the buildings and or layout of the site mitigates the effects of noise through any alternative methods.</i></p>	Retain Rule 21.1.2A.24(a) as notified
Rule 21.1.15.6 Subdivision in the Medium	Support in part, oppose in part	Fonterra supports the assessment criteria proposed for subdivision in the Medium Density Residential Zone; and in particular, Assessment Criteria (e) which reads:	Retain Rule 21.1.15.6 as notified; and add the following additional (new) standard:

Density Residential Zone		<p>(e) <i>The extent to which the proposal has taken sufficient account of proximity to the dairy manufacturing sites.</i></p> <p>However, the assessment criteria should also include provision to ensure reverse sensitivity is afforded appropriate weighting and consideration.</p>	<p><u>(w) The extent to which the proposed subdivision and/or development creates land use conflicts and/or reverse sensitivity effects.</u></p>
Section 15.4 Rules Activity Status Table 15.4.1			
<p>Rule 15.4.1.1(e)</p> <p>Matters of discretion for restricted discretionary subdivision</p>	Support	<p>Fonterra supports the inclusion of reverse sensitivity effects and proximity to dairy manufacturing sites as Matters of Discretion for restricted discretionary activities in the Activity Status Table for Rule 15.4.1.1(e):</p> <p>Subdivision that meets all the performance rules in Part A or; Part A and Part C for 7 or more lots:</p> <p>The matters of discretion include:</p> <ul style="list-style-type: none"> - <i>The potential for reverse sensitivity effects; and</i> - <i>Proximity to the dairy manufacturing sites; and</i> 	<p>Retain the references to ‘the potential for reverse sensitivity effects’ and ‘proximity to the dairy manufacturing sites’ as matters of discretion for Restricted Discretionary Subdivision (Activity Table 15.4.1.1(e)) as notified.</p>
<p>Rule 15.4.1.1(o)</p> <p>Matters for non-complying subdivision</p>	Support	<p>Fonterra supports the inclusion of reverse sensitivity effects as a Matter for a non-complying subdivision in the Activity Status Table for Rule 15.4.1.1(o):</p> <p>Subdivision to create three to six lots for infill housing between 350m² to 500m² in conjunction with a land use consent for the development:</p> <p>Assessment is restricted to the following matters:</p> <ul style="list-style-type: none"> - <i>reverse sensitivity effects.</i> 	<p>Retain the reference to reverse sensitivity effects as a matter of assessment for Non-Complying Subdivision (Activity Table 15.4.1.1(o)) as notified.</p>