

28th October 2014

The District Planner
Matamata-Piako District Council
35 Kenrick Street
PO Box 266
TE AROHA 3342

ATTENTION: Ally van Kuijk

Dear Ally

PROPOSED PLAN CHANGE:
INGHAMS ENTERPRISES DEVELOPMENT CONCEPT PLAN –
PLAN CHANGE REQUEST AND FURTHER INFORMATION RESPONSE

PLAN CHANGE REQUEST

Inghams Enterprises (NZ) Pty Ltd ('Inghams') hereby lodges a request for a private plan change pursuant to Section 73(2) and clause 21(1) of the First Schedule of the Resource Management Act 1991. The Plan Change request seeks to amend the Development Concept Plan ('DCP') provisions in the District Plan in respect of their poultry processing factory at Waihekau Road, Waitoa. Attached are revised documents that support the request.

Purpose of Request

Inghams Enterprises (NZ) Pty Ltd ('Inghams') operates a poultry processing factory at Waihekau Road, Waitoa. The site is provided for in the Operative Matamata-Piako District Plan ('District Plan') in the form of a Development Concept Plan ('DCP'). Additionally, the site holds a number of resource consents granted by both the District and Regional authorities.

Progressive development of the Inghams site means that the DCP has effectively been superseded by resource consents and no longer provides for future growth of the facility.

The purpose of the Plan Change is to ensure alignment between Inghams existing resource consents and the DCP contained within the Matamata-Piako District Plan, and to provide for additional growth and development.

Specifically, the Plan Change seeks to achieve the following outcomes:

- To increase (or delete) the daily processing number limit in birds per day, in order to allow for future growth;

- To amend the noise level limits in order to better reflect current and future noise emissions; and
- To update the DCP to reflect current site status and planned future development.

Notification

Inghams seek that Council notifies this request at the earliest opportunity.

Administration

I advise that I am the primary contact person for all regulatory and process matters in relation to the Plan Change. My contact details are:

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18 London Street,
Hamilton

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Hamilton 3240

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The processing fee deposit of \$10,000.00 for the Plan Change request was paid in September 2013.

FURTHER INFORMATION

A. Background

Following lodgement of a private Plan Change to the Operative Matamata-Piako District Plan in respect of the proposed Development Concept Plan for Inghams' poultry processing plant at Waihekau Road, Waitoa, in October 2013 the Matamata-Piako District Council issued a further information request, dated 30th October 2013. A draft response to the further information request was prepared by Inghams and discussed with Council on 12 March 2014. Council provided further comments on the draft response on 6 May 2014. Additional to the further information request, Hegley Acoustic Consultants provided a technical review (dated 23 June 2014) of the acoustic assessment provided in support of the Plan Change.

Accordingly, the following correspondence provides a formal response to the further information request, further Council comments and the acoustic assessment technical review.

Also submitted in support of this further information response is a revised Proposed Plan Change report dated October 2014. Where changes have been made to the report from that lodged with the consent, these are described below. The intent of submitting a revised document is so that the revised document can be used for notification of the application and thus avoids

any confusion from sections or plans that have been superseded by the further information response.

B. Further Information Requested 30 October 2013

1. Traffic Effects

- A. ***Effect on road pavements and road safety due to increase in traffic on the road network***
This includes the effect of increased traffic on the District's road network, the effect of an increase in heavy vehicles on Seddon Road, Waiheka Road and Ngarua Road, and the effect of an increase in traffic on the intersection of Ngarua and Waiheka Roads and the intersection of Alexandra and Waiheka Roads. Both safety and pavement deterioration need to be considered.

This request concerns two issues, traffic safety and pavement deterioration.

Traffic Safety

It is our opinion that the submitted Traffic Impact Assessment report addresses the effect of increased traffic on the District's roads, increased number of heavy vehicles on Seddon, Waiheka and Ngarua Roads¹, and the increase in traffic on the Ngarua/Waiheka Road intersection².

The effects assessment provided in section 9.3 of the Plan Change application is a summary of some of the key issues and conclusions from the submitted Traffic Impact Assessment. Accordingly, that section should be read in parallel to the Traffic Impact Assessment.

In regard to the request to assess the effect of increased traffic on the Alexandra/Waiheka Road intersection, it is our opinion that this request is unwarranted. Based on the traffic survey data collected at the Waiheka/Seddon Road intersection it is clear that very little traffic presently arrives/departs via Waiheka Road to the east (and thus onwards to Alexandra Road). Therefore we cannot reliably estimate the increase in traffic at the Alexandra/Waiheka Road intersection due to the distance from the site. Moreover, the lack of traffic also indicates that there are more convenient routes from the northeast (Te Aroha) that are used by site visitors and these routes have been addressed in the submitted Traffic Impact Assessment report.

Pavement Deterioration

We have liaised with Council's engineers to confirm their methodology for an assessment of the pavement impacts of the proposal on Waiheka Road between Ngarua Road and the site (approximately 3.25 km). The Engineer's methodology involves physically digging test pits within the road to determine what materials and layer depth exists at present, and recording the deflections as a heavy vehicle passes over. We understand that this work is needed since Council have no as-built records of the road that we can refer to.

¹ Section 9.0 – Traffic Impact Assessment Waitoa Plant Plan Change, dated 2013

² Section 11.4 - Traffic Impact Assessment Waitoa Plant Plan Change, dated 2013

In our view the cost to collect such data via test pits and Falling Weight Deflectometer should be Council's, not Inghams, in order to establish existing conditions. Council's Asset Manager Strategy and Policy (Susanne Kampshof) has agreed with this view and is arranging for the testing to be completed. Upon the testing being completed, Inghams are willing to discuss a road upgrade or financial contribution rule should such a rule be shown to be warranted to mitigate against increased traffic effects.

B. *Enforcement of permitted activity performance standards*

Resource consents currently held by Inghams are subject to a number of conditions, whereas the proposed Development Concept Plan will enable the processing of 160,000 birds and the use of entraceways as permitted activities. As a result, please provide the framework in which the conditions of these consents will be enforceable.

Tables 1 and 2 on the following pages set out the current conditions and provides commentary as to how these conditions are addressed by the Development Concept Plan:

Table 1

LANDUSE: 102.2010.10155 (consent for the permanent use of an existing dispatch entranceway which is not in accordance with the Development Concept Plan for the Inghams NZ Ltd poultry processing site).		
Condition Number	Condition	Comments
Construction Period of the Development		
2.	That no later than six (6) months from the granting date of the consent, the dispatch entranceway shall be relocated to a position 12m South of its current location, and shall be formed and constructed generally in accordance with Appendix 3, Figure 6 Industrial Vehicle Entrance, provided that the entranceway shall be permitted to be constructed to a maximum width of 17.8m. The thickness of the concrete entrance shall be not less than 150mm with two layers of mesh. The concrete shall be 20mpa grade concrete laid on 30mm of fine granular material. An inspection of the concrete formwork for the crossing place shall be undertake by and approval obtained from Council's Resource Consent Engineer (Kaimai Consultants) prior to the pouring of the concrete vehicle crossing. Two working days notice of an inspection will be required by council staff.	Condition completed and complied with. No on-going obligations.
3.	That no longer than six (6) months from the granting date of this consent, the existing gate to the dispatch area shall be relocated so it is positioned in accordance with the approved entranceway under Condition 2.	Condition completed and complied with. No on-going obligations.
4.	That no later than six (6) months from the granting date of this consent, the proposed loading and manoeuvring area served by the dispatch entranceway shall be formed, constructed and sealed with an all-weather hardstand surface. The design, lay-out and dimensions of the loading and manoeuvring area shall be in accordance with proposal submitted by Traffic Design Group (Ref 10638.001, Dated 23 June 2010). The loading and manoeuvring area served by the dispatch entranceway shall be maintained to this standard for the life of this consent.	Condition completed and complied with. There is an on-going obligation to maintain the loading and manoeuvring area for the life of the consent. To address this a clause has been added to the performance standards for carparking, formation and manoeuvring – Refer to performance standard 1.1(5).

5.	That no later than one week after completion of the proposed entranceway work, all damage to the street kerb, storm water channel and road carriageway by the development and construction works associated with the development shall be repaired to the satisfaction of the council at the expense of the consent holders.	Condition completed and complied with. No on-going obligations.
6.	That the consent holder shall notify Council's Monitoring Officer of the expected completion date for the works undertaken under Conditions 2-6 at least one week before the works are expected to be completed.	Condition completed and complied with. No on-going obligations.
7.	That no later than six (6) months from the granting date of this consent, the existing entranceway to the South of the dispatch area (referred to in the application as the "Wastewater Access") shall be provided with a 3m wide two coat chip strip (or equivalent) for the length of this entranceway which adjoins the seal edge of the road carriageway. The pavement formation will require some preparation work to ensure the seal can be applied correctly.	Condition completed and complied with. No on-going obligations.
On-Going use of the Dispatch Area and Subject Entranceway		
8.	<p>That prior to the completion of the construction of subject dispatch entranceway in accordance with the requirements of Conditions 2-6, the consent holder shall submit to Council a Management Plan (prepared by a suitably qualified person) for the continued use of the subject entranceway and associated loading and maneuvering area. This Management Plan shall be approved by Council's Environmental Services Manager prior to the commencement of the use of this entranceway. The Management Plan will need to detail the processes and protocols in place to ensure that no poultry product vehicles manoeuvre in the traffic lanes (road carriageway) of Waiheka Road and no conflict occurs between any vehicle using the subject entranceway. It shall address, but not necessarily be limited to, the following:</p> <p><u>Site Development Plan</u> These site development plans shall include a final site plan showing the layout of the subject entranceway following its completion, and the removal of obstructions from the manoeuvring area. The final site plan shall be in accordance with the report by Traffic Design Group, as submitted with this application (Ref 10638.001, Dated 23 June 2010) and the subsequent loading and maneuvering plans (Ref:C1, C2 and C3 dated 29 September 2010, and C4 and C5 dated 18 October 2010)</p> <p><u>Vehicle Details</u> Information shall be provided regarding the types and sizes of vehicles expected to use the subject entranceway to demonstrate that the design of this entranceway and manoeuvring area can accommodate the expected level of traffic (while eliminating reverse maneuvering from the site onto the road reserve).</p>	<p>Condition completed and complied with.</p> <p>As worded there is no on-going obligation to continue to comply with the Management Plan if the consent were surrendered. However Inghams currently do operate the entranceway in accordance with the Management Plan and will continue to do so into the future. A clause has been added to the performance standards for access – Refer performance standard 1.1(4)(d) to ensure future compliance.</p>

	<p><u>Protocols</u> Protocols shall be provided for the use of the remote control gate and subject entranceway. The protocols will need to detail the rules that will apply to the use of the entranceway and the remote control gate, how these rules will be communicated to all vehicles and staff using the subject entranceway and how conflicts will be managed.</p> <p><u>Contingency Plans/Measures</u> The consent holder shall outline the measures in place to deal with the turnover of staff and vehicle drivers, mechanical failures or breakdowns of the remote control gate and/or vehicles. Furthermore the consent holder shall outline the systems in place to record and keep a register of any event where a conflict between vehicles occurs. This register shall be made to Council upon request.</p> <p><u>Other Relevant Matters</u> Any other relevant matters that affect the performance of this consent shall be included in the Management Plan, including the provision for discharge of stormwater from the on-site loading and manoeuvring area, and the management of vehicle use at the wastewater access to Inghams site.</p> <p><u>Advice Note</u> <i>When reviewing the Management Plan submitted by the consent holder, Council's Environmental Services Manager will pay specific regard to the information supplied in support of this application from Traffic Design Group. This includes their confirmation that the manoeuvring plans referenced above have assessed an 18m semi-trailer poultry product truck and a service vehicle to the maximum size of an 8m rigid truck.</i></p>	
9.	<p>That the approved Management Plan in Condition 8 above shall be implemented and complied with for the life of this consent. Any proposed variation to the Management Plan shall be submitted to Council's Environmental Services Manager for approval. Should any variation be approved by Council's Environmental Services Manager, then it shall become the Operative Management Plan.</p>	<p>Condition completed and complied with.</p> <p>As worded there is no on-going obligation to continue to comply with the Management Plan if the consent were surrendered. However Inghams currently do operate the entranceway in accordance with the Management Plan and will continue to do so into the future.</p> <p>A clause has been added to the performance standards for access – Refer performance standard 1.1(4)(d) to ensure future compliance.</p>
10.	<p>That all vehicles greater than 5.2m in length shall enter the subject entranceway from a Southern Direction from Waihekau Road.</p>	<p>This procedure is covered in the Management Plan and has been added to performance standards for access – Refer performance standard 1.1(4)(d)(i).</p>

11.	That no more than two service vehicles shall be permitted to use the dispatch area at any one time.	This procedure is covered in the Management Plan and has been added to the performance standards for access – Refer performance standard 1.1(4)(d)(ii).
12.	That vehicle movements shall be managed by the consent holder in a manner that prevents any more than one poultry product truck and two service vehicles from needing to use the dispatch area and subject entranceway at any one time. All vehicle access to the site and on-site vehicle manoeuvring shall be in accordance with the information and protocols provided in the approved Management Plan. No poultry product truck shall be permitted to park or manoeuvre in the road reserve. Service vehicle manoeuvring at the subject entranceway must be clear of the road carriageway (i.e. traffic lanes) of Waiheka Road.	These procedures are covered in the Management Plan and are either provided for or have been added to the performance standards for access or for carparking, formation and manoeuvring – Refer performance standards 1.1(4)(d)(iii) and 1.1(5) respectively.
13.	That the area of the road reserve adjoining the subject entranceway directly to the North shown to be used as a temporary parking space for service vehicles waiting for the opening of the remote control gate (on Traffic Design Group manoeuvring plans C1 and C2) shall be maintained by the consent holder as a fully formed and sealed part of the road reserve.	Condition completed and complied with. Ongoing maintenance is dealt with by the addition to the access performance standards – Refer performance standard 1.1(4)(d)(iv).
14.	That all on-site parking by service vehicles shall be clear of the manoeuvring areas required for poultry product truck access to, from and within the dispatch area.	This procedure is covered in the Management Plan and has been added to the performance standards for carparking, formation and manoeuvring – Refer performance standard 1.1(5).
15.	That prior to the commencement of the use of the subject entranceway (upon the completion of all work required by Conditions 2-6), the consent holder shall provide a plan which shows the location of the existing “Poultry product truck” advisory signs to the North and South of the subject site (as required by conditions of the previous land-use consent, MPDC Ref: RCN 0397). The signs shall be maintained in their current position for the life of this consent.	Condition completed and complied with. Ongoing maintenance is dealt with by the addition to the access performance standards – Refer performance standard 1.1(4)(d)(v).
16.	That all vehicles which use the subject dispatch entranceway and the wastewater entranceway must not track loose material onto the road carriageway of Waiheka Road that may cause a hazard/nuisance to road users.	This procedure is covered in the Management Plan. Ongoing management is dealt with by the addition to the access performance standards – Refer performance standard 1.1(4)(d)(vi).
17.	That the manoeuvring area served by the Wastewater Access (as shown in the report by Traffic Design Group submitted with this application, reference 10638.001, Dated 23 June 2010) is kept clear of all impediments and obstructions to vehicle manoeuvring for the life of this consent.	This procedure is covered in the Management Plan with ongoing management dealt with by the addition to the access performance standards – Refer performance standard 1.1(4)(e).

Landscaping		
18.	That no more than the specified 12m strip of existing landscaping (as indicated in Part D of the application for this consent) at the Northern end of the subject property be removed as part of the proposed development.	Condition completed and complied with. No on-going obligations.
19.	That prior to the commencement of the use of the subject entranceway, the consent holder shall submit to Council for approval by Council's Environmental Services Manager, an updated Landscaping Plan for the site which shows the provision of an additional strip of Landscaping elsewhere on-site to cater for the 12m strip which will be removed as part of this development. The Landscape Plan shall include information regarding the species proposed (i.e. type, height at maturity etc.) and the manner in which the landscaping (and its health) will be maintained over time.	Condition completed and complied with. There is an on-going obligation to maintain the landscaping and this has been covered in the submitted 'Landscape and Visual Assessment' and in the landscaping performance standard – Refer performance standard 1.1(7)(a).
20.	That within the first planting season following from the approval of the Landscaping Plan referred to in Condition 19 above, all proposed landscaping shall be planted in accordance with the Landscaping Plan. Furthermore, the proposed landscaping shall be maintained (including the replacement of any dead or damaged plantings with like species) for the life of this consent.	Condition completed and complied with. There is an on-going obligation to maintain the landscaping and this has been covered in the submitted 'Landscape and Visual Assessment' and in the landscaping performance standard – Refer performance standard 1.1(7)(a).

Table 2

LANDUSE: RCD 0688 (consent to process up to 160,000 poultry per day from Inghams site).		
Condition Number	Condition	Comments
4.0 Roading, Entranceways, Loading and Car Parking		
4.1	That, within two months of the date of granting this consent, the Consent Holder shall submit for the approval of Council's Roading Asset Manager details of the formation, construction or upgrading of the vehicle entrance shown as "Vehicle Access 4" on the Development Concept Plan. The design of the vehicle entrance shall be generally in accordance with the standards, as contained in Appendix 3 of the Proposed Matamata – Piako District Plan, appropriate to the use of the entrance. The details to be submitted shall furthermore include road markings in the vicinity of the entrance and signage to be displayed at the entrance.	Condition completed and complied with. No on-going obligations.
4.2	That, prior to commencement of construction of the vehicle entrance, the Consent Holder shall submit for the approval of Council's Roading Asset Manager, a safety plan for the management of traffic during the construction stage.	Condition completed and complied with. No on-going obligations.
4.3	That, prior to the commencement of this consent, the Consent Holder, entirely at his own cost, shall construct the vehicle entrance, associated road marking and signage in accordance with the details as approved pursuant to Condition 4.1 and furthermore to the satisfaction of Council's Roading Asset Manager.	Condition completed and complied with. No on-going obligations.

4.4	That, within two months of the date of granting this consent, the Consent Holder shall submit for the approval of Council's Roding Asset Manager a plan prepared by a registered Engineer providing design, construction and formation details of the widening of Waiheka Road in the vicinity of "Vehicle Access 4", to provide an adequate turn pocket and slip lane to ensure safe vehicle ingress and egress to the site.	Condition completed and complied with. No on-going obligations.
4.5	That, prior to commencement of construction of the road widening, the Consent Holder shall submit for the approval of Council's Roding Asset Manager, a safety plan for the management of traffic during construction.	Condition completed and complied with. No on-going obligations.
4.6	That, prior to the commencement of this consent, the Consent Holder, entirely at his own cost, shall construct the road widening, associated road marking and signage in accordance with the details as approved pursuant to Condition 4.4 and furthermore to the satisfaction of Council's Roding Asset Manager.	Condition completed and complied with. No on-going obligations.
4.7	That, for the duration of this consent, heavy vehicles shall not approach the site by means of the section of Waiheka Road north of the Seddon Road intersection, but instead shall use only those routes indicated on the Distribution Route Plan by McCracken Surveys dated 11 July 2003, and the Broiler Farm Route Plan submitted by Inghams Enterprises in support of this application, or any amendments thereto approved in writing by Council's Roding Asset Manager.	This is a standard operating procedure, is covered in the Traffic Impact Assessment and is covered by performance standard 1.1(4)(f).
4.8	That, the Consent Holder shall disclose the prohibition on use of the section of Waiheka Road north of the Seddon Road intersection and details of the authorized routes pursuant to Condition 4.7, in the Traffic Management Section of the Environmental Management Plan. The Consent Holder shall bring these requirements to the attention of all drivers of heavy vehicles serving the site, and shall take all practicable steps to ensure compliance with Conditions 4.1.	This is a standard operating procedure, is covered in the Traffic Impact Assessment and is covered by performance standard 1.1(4)(f).
4.9	That, within two months of the date of granting this consent, the Consent Holder shall submit for the approval of Council's Roding Asset Manager details of all physical works proposed to be undertaken to ensure the closure of Vehicle Access 3.	Condition completed and complied with. No on-going obligations.
4.10	That, prior to commencement of construction of the closure of Vehicle Access 3 (and only if significant construction work is involved), the Consent Holder shall submit for the approval of Council's Roding Asset Manager, a safety plan for the management of traffic during the construction stage.	Condition completed and complied with. No on-going obligations.
4.11	That, prior to the commencement of this consent, the Consent Holder, entirely at his own cost, shall undertake all works required to ensure the closure of Vehicle Access 3 as approved pursuant to Condition 4.9 and furthermore to the satisfaction of Council's Roding Asset Manager.	Condition completed and complied with. No on-going obligations.

4.12	That, within two months of the date of granting this consent, the Consent Holder shall submit for the approval of Council's Rooding Asset Manager a plan showing details of the design, formation and construction of all driveways, loading, manoeuvring, carparking area (for at least 344 parks including designated disabled and visitors parks) and hard stand areas. The design shall comply with the requirements as set out in Appendix 3 and Appendix 6 of the Proposed Matamata-Piako District Plan, formed and paved with an all weather surface generally in accordance with Section 302.10.5.3 of NZS 4404:1981 and constructed to carry the volume and weight of traffic intended to use the areas.	Condition completed and complied with. No on-going obligations.
4.13	That, prior to the commencement of this consent, the Consent Holder, entirely at his own cost, shall complete the construction of all hard stand areas as approved pursuant to Condition 4.12 and furthermore to the satisfaction of Council's Rooding Asset Manager, including the physical demarcation of carparks and designation of dedicated disabled and visitor parking.	Condition completed and complied with. No on-going obligations.

In summary of **Tables 1 and 2** above, it is our view that the existing consent conditions have either already been met or are provided for in the proposed performance standards.

2. Visual Effects and Landscaping

A. *Implementation of landscaping*

The proposed Development Concept Plan states that to be a permitted activity and process 160,000 birds that the landscape plan needs to be implemented. Is the intention that all planting will be undertaken immediately?

The plan makes suggestions on what could be planted and also provides a graphic illustration of where it will be planted. Unfortunately, without definite measurements and requirements, i.e. width of landscaping, minimum height of vegetation, whether the vegetation is meant to achieve softening or total screening, it is very hard to decipher what exactly is required. As discussed the idea that this is just a concept plan and a detailed plan would need to be submitted with any resource consent application may resolve this issue.

The statement in the first paragraph is incorrect. The 'Landscaping' performance standard on the proposed Development Concept Plan (1.1(7)) states that to be a permitted activity and process 160,000 birds that:

"the 'existing screen and riparian planting shown on the Mitigation Strategy Plans L1 revision R3 dated 18 April 2013 and L2 revision R4 dated 23 May 2014 prepared by Mansergh Graham Landscape Architects Ltd shall be retained and maintained".

Accordingly only the existing landscape planting shown on those plans needs to be in place, which it is.

In terms of the second paragraph, our assessment is that everything in the second paragraph is already covered, however we have endeavoured to make this clearer by making the following amendments to the plans and/or performance standards:

- A direct reference to the Mitigation Plans contained in Appendix 2 of the Mansergh Graham Landscape Architects report that the assessment criteria 1.2 will be assessed against has been added to 1.2(1)(B)(c)(vi).
- Dimensions for the riparian planting have been added to assessment criteria 1.2(1)(B)(c)(vi), third bullet point.
- Cross-sections of key new planting areas have been added to the DCP Mitigation Strategy Plans.
- Minimum planting heights and potential spacing's for those species have been added to the DCP Mitigation Strategy Planting Plans. This has not been added to the assessment criteria as the plant species are indicative only.

In addition to this, it is our preference that the Mitigation Strategy Plans L1, L2, L4 and L5 now also form part of the approved Development Concept Plan.

B. *Front yard requirement*

The effects of changing the existing front yard requirement from 80 metres to 20 metres, particularly in regards to the Seddon Road frontage.

We are of the view that the 'Landscape and Visual Assessment' covers the effects of a reduced front yard and the visual effects of this as viewed from Seddon Road. Specifically that document confirms that:

- There is a high degree of existing screen planting (along the eastern, northern and southern boundaries of the subject site and partial screen planting along the western edge) which means that unobstructed views are limited to close proximity locations.
- The existing industrial development within the subject site will provide significant context providing both screening and backdrop which will help integrate the proposed development into the surrounding rural landscape (i.e. development context).
- The sites ability to visually absorb the change associated with the proposed plan change development ranges from Neutral to Good. Good ratings generally occur where views of the plan change development is largely screened by existing vegetation and back-dropped/screened by the existing industrial land use. Neutral ratings will occur where more open views are afforded predominately from within close proximity of the application site along Seddon and Waiheka Roads, through gaps in existing shelterbelts, over the top of lower existing screen hedges and from the existing and proposed entrances along Waiheka and Seddon Roads.

With regards to Seddon Road, three view locations have been investigated (i.e. VL 6, 10 and 11). The conclusions for these view locations are as follows:

- V6 – Adverse visual effects of the proposed plan change development on existing amenity values and natural character were found to be Low-Moderate. However, screen planting, riparian planting and additional under-planting will reduce visual effects to low.
- V10 and 11 – The existing screen planting and hedges within the subject site, as well as existing shelter rows and mature trees within the surrounding landscape will

substantially screen the proposed development from view. The buffer distances and existing industrial context will further help reduce any adverse visual effects of the proposed development. Effect on landscape character and visual amenity will range between Very Low and Negligible.

It should also be noted that the intent of development near Seddon Road is additional carparking as opposed to additional building.

Furthermore, Rule 3.3.2(2) is not relevant as the existing DCP for the site provides for building up to 70m of the site boundary and Rule 3.3.2(2) states: “*except as provided for in the DCP*”. The setback proposed whilst it is less than the existing 70m has the ability to be changed as part of the DCP. What the above assessment has demonstrated is that the effect of the change is not inappropriate.

C. ***Front yard landscaping***

Whether or not half the width of the front yard will be landscaped in accordance with Section 3.3.5 of Part B of the District Plan, and the effects of this.

The proposal does not provide for half the width of the front yard(s) to be landscaped on the basis that the landscaping existing and/or proposed is screen planting that mitigates visual effects as viewed from locations external to the site. The existing DCP for the site also does not provide for half of the width to be planted and is thus excluded from this provision by the note in Rule 3.3.5 that states: “*except as provided for in the DCP*”. Consequently, this non-compliance is already provided for by the existing DCP and the depth of landscaping to be retained and further proposed consistent with the existing DCP for the site.

In terms of effects on the wider and localised environment from not providing that landscaping, the ‘Landscape and Visual’ assessment provides comment on these issues, some of which are touched on above in point C.

D. ***Side yard requirement***

The effects, effectiveness and efficiency of requiring a 10 metre yard area between the two properties that comprise the Development Concept Plan. In addition the effects of reducing the yard requirements for all other yards from 80 metres to 20 metres.

The 10m yard between properties is something that Inghams have imposed on themselves, so to eliminate the yard requirement as suggested would potentially have more adverse effects which would need to be justified in the documentation. Again the ‘Landscape and Visual Assessment’ covers the effects of reducing the yard requirements.

Furthermore, the reduction in yard requirements is excluded from the assessment in that the DCP already provides for the 20m setback. See comments above.

E. ***Bridge over the Waipuna Stream***

A proposed bridge over the Waipuna Stream is referred to in Appendix 3: Landscape and Visual Assessment of the plan change request. A bridge is not mentioned elsewhere in the plan change report or provided for in the Development Concept Plan. Further information is therefore sought on whether a bridge is proposed and also the efficiency and effectiveness of a bridge being subject to the provisions in Section 12 of Part B of the

District Plan, given that the landscape and visual assessment report addresses many of the potential issues in relation to such a structure.

Rule 12.2(4) of the operative District Plan states that a discretionary activity resource consent is required for the “*erection, or placement of new structures, addition, alteration or replacement of existing authorised structures on or over the surface of water*”. Although this rule is unusual within a District Plan (as structures in waterways are normally the domain of the Regional Council), we accept that providing for structures across waterways needs to be covered in the Development Concept Plan. To this end we have amended the Development Concept Plan to cover structures in, on and under waterways within the site as permitted activities.

The ‘Landscape and Visual Assessment’ covers many of the effects of the bridge or similar structure. Any physical effects of the structures are either covered by the provisions of the Regional Plan or would be addressed at the resource consent stage for the bridge/structure (if a consent were required).

3. Earthworks and Hazardous Substances

The plan change report (page 17) indicates that for earthworks and hazardous substances the general District Plan rules will apply however it is not referred to in the proposed Development Concept Plan. Given that the proposed Development Concept Plan is meant to be a ‘one-stop shop’, a reference should be included. However, please also detail the effectiveness and efficiency of subjecting earthworks and hazardous substances within the proposed Development Concept Plan to the provisions in Sections 2.2.9.1, 2.2.9.2 and 5.7 of Part B of the District Plan (as noted on page 17 of the Plan Change Report).

The plan change report at page 18 explains how the Development Concept Plan addresses earthworks and hazardous substances. It states:

- *‘Earthworks’ and ‘Facilities for the storage and handling of hazardous substances and dangerous goods’ have been removed as controlled activities as these activities are covered in other sections of the District Plan.*

Earthworks activities are covered under the Regional Plan and hazardous substances are covered by the Hazardous Substances and New Organisms Act 1996. On this basis we removed the earthworks and hazardous substances performance standards from the Development Concept Plan. We consider that this was the correct approach. Therefore to remedy the concerns expressed by Council we propose to amend the page 18 bullet point above to read:

- *‘Earthworks’ and ‘Facilities for the storage and handling of hazardous substances and dangerous goods’ have been removed as controlled activities and been listed as permitted activities as these activities are regulated covered in other sections of the District Plan under the Waikato Regional Plan and Hazardous Substances and New Organisms Act 1996 respectively.*

We have also added a note to the Development Concept Plan that states:

“Note: Earthworks and Facilities for the storage and handling of hazardous substances and dangerous goods’ are covered under the Waikato Regional Plan and Hazardous Substances and New Organisms Act 1996 respectively.”

4. Odour and Glare

The section 32 assessment contains no assessment of the potential odour or glare associated with the proposed Development Concept Plan. In order for Council to understand your proposal could you please provide an assessment of these performance standards.

The Plan Change has simply adopted the current Operative District Plan standards for odour and glare. Therefore the only amendment that has occurred is that these odour and glare standards are now within the Development Concept Plan (as a ‘one stop shop’) rather than in the general sections of the District Plan. The odour and glare standards were assessed as part of the section 32 analysis for the District Plan and thus no new assessment is required.

While the ‘Building and Plant Management Area’ has been extended to a small extent, the ‘Landscape and Visual Assessment’ covers the glare effects of potential structures / activities within the extended area. Similarly in extending the ‘Building and Plant Management Area’ part of the existing ‘Irrigation Spray Area’ from which potential odours could emanate is removed. The net effect therefore is that odour effects are potentially less adverse from that assessed as part of the section 32 analysis for the District Plan.

5. Section 32 Evaluation

We will be unable to notify the plan change before section 70 of the Resource Management Amendment Act 2013 comes into force on 4 December 2013. Are you therefore able to provide further information to ensure that the section 32 analysis you have provided will meet the new requirements.

An updated Section 32 report that addresses the above issues is included in the revised application documentation submitted herewith.

6. Commissioning of Reports

We would also like to give to commission reports in relation to the plan change request, in accordance with clause 23(3) of schedule 1 of the Resource Management Act 1991, as described below.

Traffic

After receiving the further information required on traffic effects as set out in this letter, we intend to commission a peer-review of the traffic impact assessment included in Appendix 4 to the plan change request. This will provide a technical assurance to Council that the description of the effects contained in the report is accurate, complete and unbiased.

Landscaping

After receiving the further information required on landscaping effects as set out in this letter, we may commission a peer-review of the landscaping assessment included in Appendix 3 to the plan change request. This will provide a technical assurance to Council that the description of the effects contained in the report is accurate, complete and unbiased.

Noise

We intend to commission a report to peer-review the noise report included in Appendix 5 to the plan change request. This will provide a technical assurance to Council that the description of the effects contained in the report is accurate, complete and unbiased.

On behalf of our client, we hereby agree to the commissioning of the above reports, subject to having the opportunity to review the scope of the peer review to ensure that the terms of reference are appropriately focussed to a peer review only and not an overall assessment of the application.

C. Further Council Comments on the Draft Response (6 May 2014)

1. Main Overarching Planning Comments:

- A. *Further discussion of wastewater treatment is necessary to better understand the potential for odour effects.*

An assessment of odour has been incorporated into the assessment of environmental effects section of the Plan Change document (section 9.9). The assessment concludes that odour is unlikely to be an issue following the expansion of the facility given that the existing wastewater treatment facility requires little upgrading and there is sufficient capacity to accommodate the increased wastewater.

- B. *The Plan Change Report should be amended to include reference to MPDC's transportation and utilities plan changes – specifically the relevance of the objectives and policies and particularly the objectives and policies for integrating land-use and infrastructure.*

Proposed Plan Change 43 (Transportation) is referenced and the relevant objectives and policies associated therewith are considered in section 5.1 of the Plan Change Report (October 2014).

- C. *A minor amendment is required to the explanation of the status of the PWRPS provisions in paragraph 8.2.4 of the Plan Change Report*

Paragraph 8.2.4 of the Plan Change Report (October 2014) has been amended to recognise that a provision doesn't have full weighting in a proposed RPS until the entire document is adopted, but that weighting on an unchallenged provision is to be given.

2. Detailed Comments

The Plan Change Report has been reviewed and the following issues have been identified. Please amend or provide comment as appropriate:

- *Under Plan Changes 43 and 44 (Transportation and Utilities Plan Change), Waiheka Road is now a collector road. Paragraph 3.2.1 of the Plan Change Report (October 2014) has been amended to recognise Waiheka Road as a Collector Road.*
- *Plan Changes 43 and 44 (Transportation and Utilities Plan Change) have updated some objectives and policies and rules and these should be reflected this document. Sections 5.1 and 5.2 of the Plan Change Report (October 2014) have been updated to reflect the amendments brought through from Plan Changes 43 and 44.*
- *Amend permitted activities on the DCP to include Earthworks, Hazardous Substances and structures over the Waipuna Stream. Sheet 1 of the DCP has been amended to record these activities as permitted activities.*
- *Amend non-complying activities on the DCP to include Rendering activities. Sheet 1 of the DCP has been amended to record Rendering as a non-complying activity to be consistent with the section 32 analysis and paragraph 6.1.3 statement.*
- *Odour and amenity effects need to be considered under the Assessment of Effects on the Environment section. Section 9 of the Plan Change Report (October 2014) has been updated to include an assessment of likely odour and amenity effects.*
- *Amend the DCP to clarify that the buffer is for irrigation activities. Sheet 1 of the DCP has been amended to record that the 20m wide buffer is for irrigation activities.*
- *Reword Performance Standards 4(d), 4(f) and 5(b). All the stated performance standards have been reworded as sought to clarify and make standards less subjective.*

D. Hegley Acoustic Consultants Technical Review (dated 23 June 2014)

A peer review of the Marshall Day acoustic assessment was undertaken by Hegley Acoustic Consultants. The review concluded as follows:

“To fully assess the full effects of the proposal it is recommended the long term noise level at the closer dwellings should be predicted and the effects determined. In addition, consideration should be given to upgrading the houses to ensure the internal noise level, as envisaged by the District Plan, is maintained. Any such cost to upgrade the dwellings (if accepted by the residents) would be relatively minor and would provide a means of overcoming the hurdle of earlier Court decisions where it has been stated that if the cost of complying with a level is too high then the wrong site has been selected.

Once the above information is provided it will be practical to make a recommendation that reflects the noise effects rather than what may be occurring.”

Accordingly, Council requested the following further information:

1. *A prediction of the long term noise level and consequent noise effects at the closer dwellings; and*
2. *Consideration to upgrading the houses to ensure the internal noise level, as envisaged by the District Plan, is maintained.*

Marshall Day Acoustics have provided a response to the above further information request. The response, dated 26 August 2014, is attached within Appendix 5 of the revised application documentation submitted herewith (along with the Hegley Acoustic Consultants peer review dated 23 June 2014).

Please feel free to contact me if you require any further information or explanation of anything contained herein. I look forward to hearing from you in due course.

Yours faithfully,
BLOXAM BURNETT AND OLLIVER LTD



Steve Bigwood
SENIOR PLANNER

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