

Application for LAND-USE Consent:

102.2012.10649, Open Country Dairy Ltd, 60 Factory Road, Waharoa

1 Application Details

Council Reference	102.2013.10649
Applicant	Open Country Dairy Ltd
Property Address	60 Factory Road, Waharoa
Legal Description	Lot 1 DP 333824 & Lot 1 DP 415727
Certificate of Title	460633
Date Lodged	15 April 2013
Site Visit	19 April 2013
Proposal	To increase the efficiency and production of an existing cheese making, milk powder and whey powder processing factory.
Rules	2.2.5.4 - Milk Processing (Industrial), 11.2.1- Natural Hazard, 9.1.2 - On-site Parking, 8.1.41 - Wastewater treatment plants, 3.3.3(i) - Maximum Height, 2.2.9.2 - Clean fill >1000m ³ .
Application	Section 88 Resource Management Act 1991
Activity Status	Discretionary

2 Location Map



Figure 1: Location Plan (Not to scale)

3 Site and Surroundings

3.1 Overview

This report deals with an application by Open Country Dairy Ltd to increase the efficiency and production of the existing cheese making, milk powder and whey powder processing factory on the property located at 60 Factory Road, Waharoa. In response to Council's request, the applicant has also applied for a comprehensive consent to encompass all of the existing consented activities for the subject site that will remain unchanged by the proposal. If consent is granted for the proposed activity, this comprehensive consent will replace all of the existing land-use consents, excluding those required for off-site effluent disposal.

- 3.2 The Certificate of Title for the subject site is registered in the ownership of Open Country Dairy Limited, and has the following details:

Identifier	Legal Description	Date	Area (ha)
460633	Lot 1 DP 415727 & Lot 1 DP 333824	13 January 2010	7.6998 ha

3.3 Site Description

The subject site is zoned Industrial and is situated on the western side of the Waharoa Township within an area known as the Waharoa Industrial Park. The Waharoa Township is dissected by the Kinleith Branch Railway and State Highway 27. Land to the east is zoned Residential and Business. Land between the railway line and the state highway is comprised of Residential zoned and occupied sites; unoccupied Business zoned land (to the south of Hawe Street); and land designated for reserve purposes (Designation No.154). Land to the west is zoned Industrial and is predominantly being used for industrial, storage and warehousing facilities. It is noted that land to the south of the site is a closed landfill, which was operated in association with the old Anchor dairy factory.

- 3.4 The subject site can be described as having two distinct parts, the larger upper area "plateau" and the smaller lower area, joined by a steep bank. The upper area has a predominantly flat topography upon which the existing cheese factory, whey drying facility, milk powder processing facility and on-site parking areas are located.
- 3.5 The lower area is occupied by the DAF (dissolved air floatation) plant and other wastewater treatment infrastructure including the Aerated Lagoon, Clarifier Tank and Effluent Storage Pond. A portion of this lower area is identified in the District Plan as being within the Flood Hazard Zone. The two large ponds are outside the hazard area while the Clarifier Tank is within this area. Between the plateau and the lower area there is a short steep bank, of approximately four to six metres in height. The bank is covered in a range of unkempt vegetation.
- 3.6 To the west of the subject site is the Waitoa River which is a relatively small watercourse with vegetated margins including native riparian and lowland indigenous species. A strip of land vested in the Matamata-Piako District Council runs between the river and the subject site and provides an esplanade reserve of some description.
- 3.7 The subject site can be accessed from three directions:
- North-East:
From the Seddon Street (State Highway 27)/ Hawes Street intersection, via Factory Road.
 - South-East:
From the Seddon Street (State Highway 27)/ Link Road intersection, via Factory Road.
 - South-West:
From the Landsdowne Road/ Link Road intersection, via Factory Road.

- 3.8 The staff/ visitor's access at the north-eastern property corner is from the public portion of Factory Road, while the delivery access at the south-eastern property corner, is from the private portion of Factory Road. The subject site has Right of Way easements over the private road. The delivery access at the south-eastern property corner is used by the tankers and trucks which also manoeuvre on the southern side of the factory building where the milk reception, tanker wash and loading docks are located. A total of 91 parking spaces have been provided on-site for staff and visitors in addition to loading facilities. The current parking layout is illustrated in Figure 2 below:

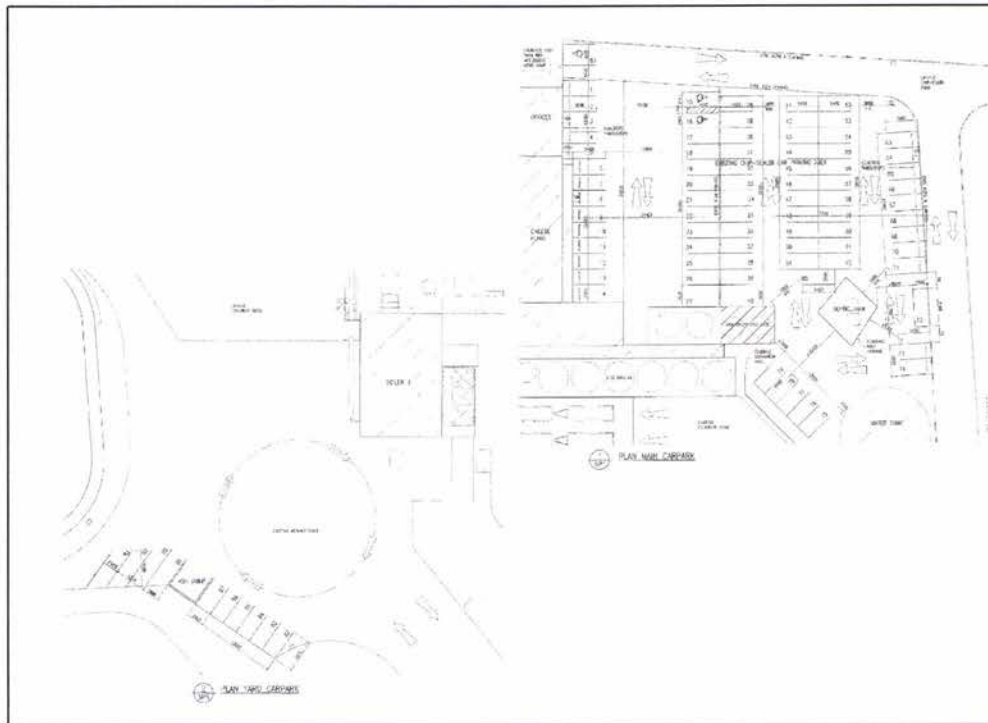


Figure 2: Parking Layout

- 3.9 Existing landscaping on the site is predominantly located within the north-eastern corner of the site and consists of specimen trees at the north-eastern vehicle entrance and a row of mixed tree species running along the property boundaries either side of the driveway. In addition native riparian planting has also been undertaken within the riparian margin of the Waitoa River. As mentioned above, the bank between the upper and lower portions of the site is covered in a range of unkempt vegetation. It is noted that a landscape concept plan was originally developed by Boffa Miskell in May 2003 in support of their visual assessment for the new cheese processing plant and subsequently incorporated into the conditions of consent (RCN 0404, granted 21/11/03). However, in 2004 when application was made for the whey processing plant, the Applicant sought approval to depart from this original proposal (which required a moderately large tree planting programme) and replace it with an open grassed area surrounding the factory and lightly treed driveway to provide visual enhancement and partial screening for the state highway. The reasons for this change were:
- Expert technical advice received advised against the planting of trees that could attract birds, insects, or cause leaf drop, in close proximity to dairy factories as such planting is regarded as a significant factor in causing biological and micro-biological contamination.
 - The efficiency of the air filtration systems that prevent pathogens and foreign matter entering the food preparation area could be affected by pollens, leaves, insects, birds etc in proximity to the intake area.

In light of these arguments and in consideration of the potential visual impact, Council approved the landscaping changes (RCN 0404V, granted 14/12/04), resulting in the current provision of landscaping that is evident on the site.

3.10 Existing Facilities and Operation

Open Country Dairy's Waharoa Site was initially established as a cheese manufacturing business in 2004 and has now grown to also produce Anhydrous Milk Fat (AMF), Milk Powders and Whey Powders. The site is supplied by 350 local dairy farms and can process up to 2 million litres of milk daily, with an annual capability of up to 394 million litres.

3.11 The facility currently comprises the following components:

- Cheese Processing Factory;
- Whey Processing Factory;
- Milk Powder Processing Facilities (including two milk powder dryers);
- Coolstore, Rapid Cool Tunnel and Loadout Canopy;
- Services Buildings (Two Coal Fired Boilers contained within two separate Boilerhouses, Electricity Distribution Room, Refrigeration Room, Compressed Air Generation Room, Tanker Unloading Pantry, Water Supply Balance Tank);
- Stormwater and Process Wastewater Processing Facilities (including DAF (dissolved air floatation) Unit, Balance Tank, Aerated Lagoon, Clarifier and Effluent Storage Pond);
- Wastewater Irrigation Pumps and Piping;
- Human Effluent Treatment Facility;
- Staff areas (including offices, meeting rooms, toilets, kitchen and staff room);
- Staff and Visitor Parking (91 spaces); and
- Landscaping

Manufacturing Process (Cheese, Whey and Milk Powder, AMF)

3.12 The process begins with tankers collecting milk from local farms and delivering it to the silos. The milk is then rigorously tested to ensure all milk quality standards are met prior to being pumped into the silos. Depending on the final product requirements, protein and fat ratios are adjusted by a process called "standardization". This ensures the consistency and uniformity of the milk used for processing. It is noted that in the process control room, operators supervise the entire production process with the aid of automation. Product streams are constantly sampled during the process and finished samples are sent to an independent laboratory for chemical, physical, sensory and bacterial analysis. Products are then graded and released for sale or further maturation.

3.13 A brief description of the different manufacturing processes is provided below:

1) Cheese

Starter culture and rennet are added to the standardized cheese milk to initiate the curd making process. From there, the curd is cut to establish a consistent curd size and ensure uniformity during the manufacturing process. The curd is then separated from the whey, salt is applied and cross mixing and cheddaring occurs where the curd is turned along a controlled transportation belt. The curd is finally formed into blocks which are vacuum packed, jet coded and stored in temperature controlled stores for maturation prior to shipping.

Product output from the cheese plant includes:

- cheddar for the manufacture of sauces and spreads;
- cheddar for consumer and food service applications (cut and wrap, shredding, slicing); and
- a variety of specialty cheeses.

2) Powders and Proteins

Milk or whey is put through an evaporation process which removes the majority of moisture through a system of boiling under vacuum through a falling film evaporator. The concentrate then passes through very fine filters prior to spray drying. The concentrate is then pasteurized before it is sprayed into a dryer at high pressure. The drying process removes moisture from the milk concentrate and leaves behind whey or milk powders, which are transported, stored and packed for distribution.

Whey powders are a by-product of the cheese making process and the liquid whey is standardized prior to evaporation and spray drying.

Product output from the whey and milk powder plants include:

- Whole milk powders (Standard/Vitamin enriched);
- Skim milk powders; and
- Whey powders.

3) Anhydrous Milk Fat (AMF)

Through a series of centrifugal separators, cream has the fat component concentrated prior to the fat globule being broken down and the fat liberated. The liquid oil (AMF) is packed into steel drums and kept at ambient temperature storage prior to shipment.

Wastewater

- 3.14 Wastewater from the factory can be separated into three components, process wastewater, reverse osmosis retentate, and human sewage from the staff toilets. The reverse osmoses retentate, which remains after purification of the water removed from the whey, is stored in a tank prior to removal from site for disposal by an approved contractor.
- 3.15 The volume of domestic effluent produced is minimal and is disposed of on-site via septic tanks followed by disposal to land via infiltration trenches.
- 3.16 The process wastewater from the site (wash water and condensate) is first treated on-site and then spray irrigated to land. It is noted that the wastewater treatment system was significantly upgraded in 2008 following the construction of the milk powder plant which increased the flow of wastewater and the magnitude of the load requiring treatment. The volumes and BOD (Biochemical Oxygen Demand) loads for which the treatment facility has been designed are as follows:

Table 1: Volume and BOD Loads for Wastewater Treatment Facility

Source of wastewater	Maximum flow (m ³ /d)	Maximum BOD concentration (mg/L)	Maximum BOD load (kg/d)
OCC Factory	1,000	2,000	2,000
Milk powder plant	1,000	1,500	1,500
Combined total	2,000	3,500	3,500

- 3.17 Wastewater from the cheese factory is treated by the existing dissolved air flotation (DAF) unit before being discharged into the aerated lagoon. However, wastewater from the whey drier and milk powder plant are discharged directly into the aerated lagoon because these waste streams are expected to have lower fat and solids content. Effluent removed from the DAF unit is tankered off site on a regular basis while the treated wastewater is transferred to the lower pond for storage prior to irrigation. A schematic diagram of the operation of the wastewater treatment facility is illustrated in Figure 3 on the following page.

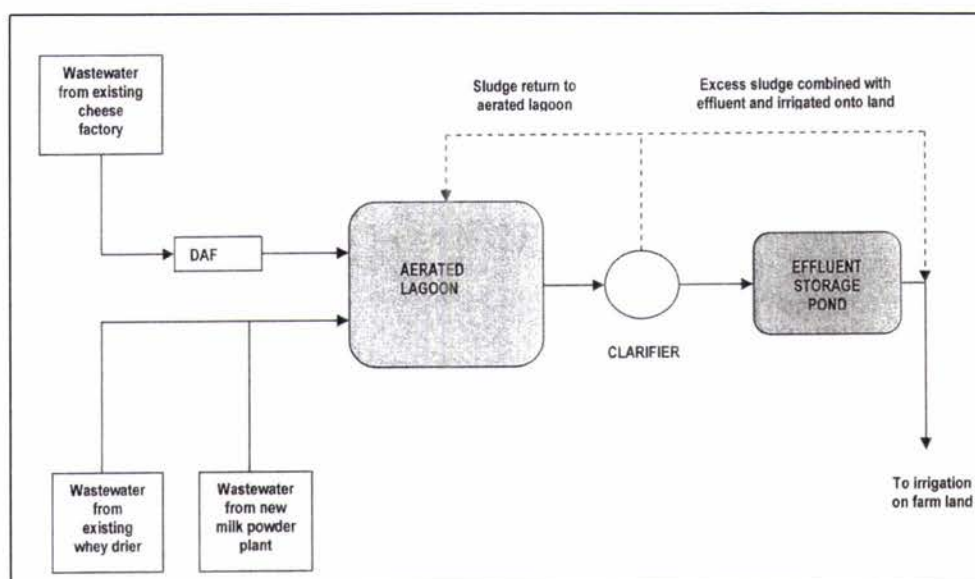


Figure 3: Schematic of the Operation of the Open Country Dairy Wastewater Treatment Facility

- 3.18 Treated wastewater is pumped to the irrigation areas using a 150mm diameter pipeline on a route that runs generally south from the wastewater treatment plant through easements created on adjacent properties. Open Country Dairy currently hold consents from Matamata-Piako District Council (MPDC) and the Waikato Regional Council (WRC) to discharge between 500m³ and 1000m³ per day of treated milk processing water and up to 600m³ of condensate on land. The legal descriptions of the properties to be irrigated along with the relevant MPDC and WRC consents are identified below:

Table 2: Properties to be Spray Irrigated as per existing MPDC and WRC Consents

Certificate of Title	Legal Description	Area (ha)	MPDC Consent	WRC Consent
Open Country Dairy Ltd SA 925/19	Part Lot 6 DP 3005	60.1075	102.2006.3391	116952
Roddale Farms Ltd, RP & MP Frank SA31A/434	Section 100 Blk XIII Wairere SD, Part Lot 20 DP 850 and Lot 1 DP 3701	31.6897	102.2006.3391	116952
SA127/270	Lot 21 DP 8502 & Lot 21A DP 3347	32.6531		
SA137/9	Lot 22 DP 850 and Lot 2 DP 3701	36.6342		
SA1701/65	Lot 8 DP 3005 & Part Lot 25 DP 850	61.2823		
SA135/193	Lot 7 DP 3005	64.3540		
Scatchard Farms Ltd SA1703/68	Part Lot Sec 60 Matamata Settlement	61.1075	102.2006.3391	116952
Metcalfe SA27D/1366	Section 91 Block XIII Wairere SD	14.8851	RCN 0404V (Decision C)	109402
SA52A/930	Lot 2 DP 64545	20.0524		
SA52A/981	Lot 3 DP 64545	19.5578		
SA25B/584	Lot 1 and Part Lot 2 DP 13299	64.5252		
Hawes SA68C/576	Lot 3 DPS 86642	94.90	102.2009.10042	120583
Matijasevich SA67C/851 SA339/75	Lot 4 DPS 85466 Part Lot 22 DP 4399	40.50 44.26	102.2009.10021	120381

Water Supply

- 3.19 Water supply for the factory is obtained from Matamata-Piako District Council and is complemented by an on-site recovered water supply. Council supplied water makes up the bulk of the water used on the site on a daily basis. Open Country Dairy is allowed to consume up to 1200m³ per day of Council water, with the rest coming from recovered condensate water, which is treated through a Reverse Osmoses Polisher membrane, and then a CLO2 plant. The treated recovery water is used to fill the 600m³ process water tank, which supplies water to Drier 1 and Drier 2. The Council supplied water is pumped from the Waharoa Reservoir into a 1000m³ steel tank on the site. It is noted that Open Country Dairy's Recovered Water System is currently constrained due to inadequate design leading to bio film contamination build up. The recovered water system is currently running at approximately 40% utilization to avoid contamination in the plant. The recovered water system requires additional design features to assure the quality of the recovered water and eliminate the possibility of contaminating the site process water supply. Open Country Dairy is currently in the process of addressing this issue.

Stormwater

- 3.20 Stormwater from the three impervious surfaces on the site (roofs, carpark, driveways and loading areas) is directed to the wetland at the rear of the site. Runoff from the carpark is collected in sumps and diverted by pipe or open drain kerb to the wetland area while runoff from the heavy vehicle areas will be collected in sumps and piped to a stormwater divert chamber. Given the potential for stormwater in the areas used by tankers and trucks to become contaminated, the outlet can be closed in the event of a spill, with runoff being diverted to the wastewater ponds. The wetland is lined with clay to prevent seepage and the stormwater divert chamber is monitored continuously for conductivity and turbidity (an indication of milk or chemical contamination).

Vehicle Movements

- 3.21 As explained in the "Transportation Assessment" by Traffic Design Group (dated 25 February 2013), the existing consented activity was assessed based on a daily total of 425 vehicle movements. However, the actual number of vehicle movements associated with the operation of the facility has been less. Gate log data provided by Open Country Dairy for October and November 2012 show that 394 veh/day and 312 veh/day were recorded during these two months respectively, which are typically the busiest months of the year. Daily traffic during the peak month is typically comprised of the following:

Table 3: Daily Site Traffic Volumes during October 2012

Item	Vehicles per Day	Vehicle Movements per Day
Milk Deliveries	78	156
Other Deliveries	16	32
Product Exports	21	40
Total Heavy Vehicles	114	228
Staff	50	100
Visitors	5	10
Deliveries	27	52
Total Light Vehicles	81	162
Total- All Vehicles	197	394

- 3.22 It is noted that staff and visitor numbers typically remain constant throughout the year, however deliveries and product export movements vary considerably i.e. 394 veh/day in October and 150 veh/day in July. This seasonal variation is demonstrated in Figure 4 on the following page.

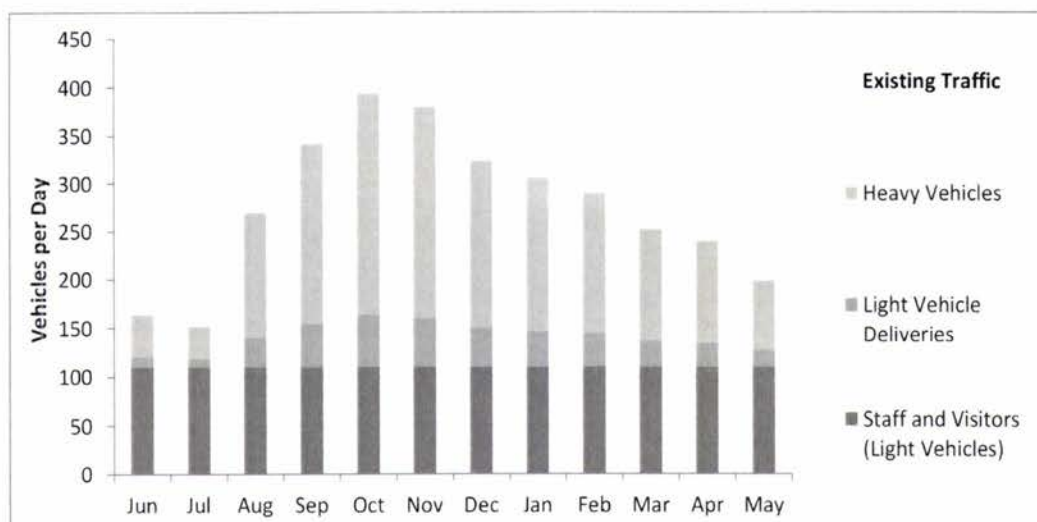


Figure 4: Existing Site Traffic Volumes throughout the Year

4 Description of Proposal

- 4.1 This application concerned seeks resource consent for a Discretionary activity under the Operative Matamata-Piako District Plan ("the Plan"); the predominant planning document to be considered in assessing this application.
- 4.2 The Applicant is seeking to modify existing processes within the facility to increase efficiency and the volume of production. It is planned to take the site to a position where up to 475 million litres of milk can be processed on-site per annum. This yearly intake quantity equates to approximately 2,200,000 litres of milk per day, which is an increase of approximately 14% of current milk intake levels.
- 4.3 In terms of output, the proposed changes include an increase in current cheese, AMF, whey powder and milk powder exports, in addition to new cream exports to other dairy processors. An estimate of the incoming and outgoing volumes in comparison with the current operation of the site is illustrated in Table 4 below:

Table 4: Open Country Dairy Waharoa, Incoming and Outgoing Estimates

	Season	Raw Milk		Cheese		Whey Powder		Milk Powders		AMF		Cream		Wastewater	
		In		Out		Out		Out		Out		Out		Out	
Actual	2011/2012	394	ML	12,949	T	2,078	T	41,754	T	3,323	T	Note4		494	ML
Note 3	2012/2013	415	ML	13,639	T	2,189	T	43,979	T	3,500	T	Note4		494	ML
Estimated	2013/2014	475	ML	15,611	T	2,505	T	50,338	T	4,006	T	2,600	kL	494	ML

- 4.4 The Applicant has stated that Open Country Dairy Ltd would like to have the ability to change the final product mix depending on the market pricing. This means that the quantity of each product is likely to change, however the Applicant has confirmed that the total amount of trucks leaving the site will be similar, in consideration of traffic impacts.
- 4.5 As evident in the above table, the Applicant is not anticipating any increase in wastewater as a result of the increased production. The Applicant has confirmed that the site is currently operating well within the existing Waikato Regional Council and Matamata-Piako District Council consents for waste sludge and irrigation to farms. Waikato Regional Council staff (Clare Barton – Resource Officer) have also confirmed that the factory is operating in accordance with the relevant consents for wastewater

management and irrigation. These existing consents are considered more than adequate to cater for the increase in milk processing and consequently the Applicant is not seeking a variation to increase these consents. A number of opportunities for reducing the load at the wastewater treatment facility have also been identified, such as:

- Undertaking improvements to the Recovered Water System including actively using the recovered water tank in the CIP kitchen, which would equate to 20% of current water usage.
- The installation of the new OST vats which will decrease cheese fine losses from 0.2% to 0.125% saving 10.5 metric tonne of cheese.

4.6 To facilitate the proposed increase in efficiency and production, the following physical works are proposed (See plans by Tetra Pak, titled "Services Requirement Layout Plan" and "General Layout Plan"; and plans by Stiles & Hooker, titled "Acid/Salty Whey Tank Bases"):

- Installation of two additional 65,000L cream silos, a new milk separator, cream pasteuriser and in load and out load facilities. The combined total volume of these units will be 140,000L.
- Removal of 2 priming tanks, 5 vats and 5 buffer tanks (218,000L total volume) and replace with 8 new OST vats (156,000L total volume).
- Installation of Salt Whey tank (20,000 litres) which is a re-use tank from the old cheese plant setup. This tank will extend capacity and "on production" time by allowing for the storage of salt whey to enable plants further down the line to be cleaned con-currently rather than waiting for the CIP kitchen.
- Add a fourth circuit to the CIP (Clean in Place) Kitchen. The existing CIP kitchen provides cleaning chemicals to all of the process plant. The existing three CIP circuits (pipes) will be expanded to four so that at least four process plants can be cleaned concurrently. This will reduce cleaning time and allow greater time on production. An additional Dilute Nitric Acid tank (20,000 litres) is proposed to extend the capacity of the existing cheese plant CIP kitchen, which currently has 10,000 litres of storage. This tank will link in with the added CIP circuit and will increase the "on production" time of the cheese plant.
- Refrigeration changes, which consist of:
 - upgrading the compressor capacity (1 new compressor); upgrading two evaporating condensers and additional pipe work, ammonia storage, pumps, valves and automation to provide additional chilled water capacity for cream processing.
 - upgrading the associated central ammonia plant to satisfy the new rapid cool cheese tunnel (quality improvement, no change in production quantity).

4.7 The proposed changes to the facility will result in additional deliveries and outbound product shipments. As the facility operates 24 hours a day/ 7 days a week, these additional vehicle movements are expected to occur both day and night. Table 5 below summarises the expected increase in vehicle movements. It is noted that no additional staff will be employed as a result of the proposal.

Table 5: Typical and Maximum Daily Vehicle Movements for the Proposed Activity

Item	Vehicle Movements per Day	
	Typical	Maximum
Milk Deliveries	16	16
Alpha Serum Deliveries	2	6
Cream Exports	6	12
Total	24	34

4.8 No significant changes to the current delivery routes for inbound and outbound product are anticipated. As identified in the "Transportation Assessment" by Traffic Design Group Ltd (Dated: 25 February 2013), the main routes to and from the site are via State Highway 27 at the intersections with Hawes Street and Link Road for movements to/from the north and south respectively, and to the west via Lansdowne Road. It is

expected that the distribution of ingoing and outgoing vehicle movements will be relatively even between the two state highway intersections.

- 4.9 Additional vehicle movements will also be generated during the construction period. The expected average daily traffic volume of construction traffic is summarised in the graph (Figure 5) on the following page.

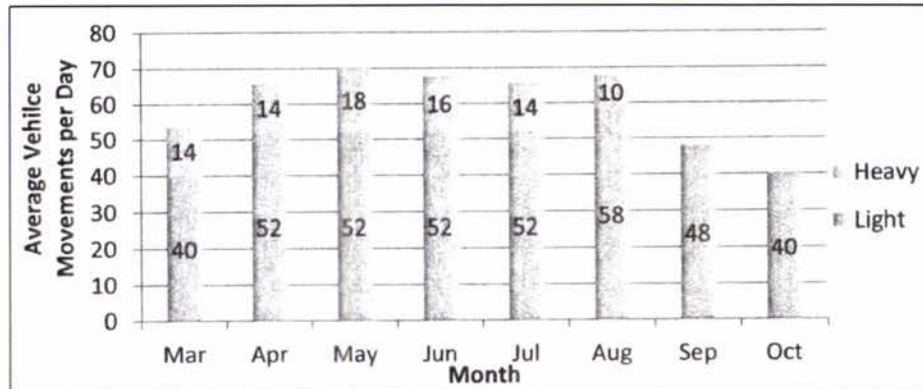


Figure 6: Construction Traffic Average Daily Volumes

- 4.10 As illustrated above, construction traffic is expected to generate no more than 70 vehicle movements per day, with the majority, approximately 40 to 58 movements per day, being light vehicle movements associated with construction staff.
- 4.11 A total of 91 on-site parking spaces for employees and visitors are proposed to cater for the existing and proposed development. A total of 90 on-site parking spaces were provided in accordance with the conditions of RCN 490V; however subsequent building additions, including the proposed cream silos have triggered a requirement for additional parking, hence an increase to 91.
- 4.12 In addition to the proposed changes, Council has also requested that the Applicant apply for a comprehensive consent to include all of the existing land-use consents for the subject property. This does not include the existing land-use consents for the spray irrigation of treated wastewater onto neighbouring farms (as identified in Section 3 above) as these consents are not granted against the subject property. A description of the existing facility has been provided in Section 3 above. The individual elements of the existing facility that have required and obtained resource consent approval will be identified in Section 5 below. Any conditions from these existing land-use consents that require on-going compliance will be incorporated into the conditions of this consent. It is noted that the original consent (RCN 0404) provided for the operation and establishment of a tourist facility and retail facility in conjunction with the cheese-making. As these additional facilities have never been developed and the Applicant has confirmed that there is no intention of developing them in the future, they will not be included in this consent.

5 Reasons for Consent

5.1 Rules of the Operative Matamata-Piako District Plan

The subject site is zoned "Industrial" under the District Plan. The relevant District Plan provisions are set out below. As this application is for a comprehensive consent that includes two distinct elements; the new proposal to increase efficiency and production; and the existing consented activities, I have applied the rules of the Operative Matamata-Piako District Plan accordingly.

Proposal to Increase Efficiency and Production

- 5.2 Rule 2.2.5.4 determines that Industrial activities involving the processing and packaging of milk are a Discretionary activity in the Industrial Zone. As the proposed additions and

alterations to the existing factory will allow for an increase in production, the activity falls to be considered as a Discretionary activity.

- 5.3 As mentioned, the proposal involves a new dilute nitric acid tank for the CIP kitchen with storage capacity of 20,000 litres. This will be in addition to the 10,000 litres of dilute nitric acid storage currently available on-site. Performance Standard 5.7.2 determines that any hazardous facility with an effects ratio equal to or below the effects ratio specified for the zone in which it proposes to locate is a Permitted activity. The effects ratio for the Industrial Zone is ≤ 0.5 . The Applicant has stated that the concentration of nitric acid within the existing and proposed tanks will be typically between 1% and 1.5% with a potential overdose of up to 2%. Based on a total storage capacity of 30,000 litres, a concentration of 1.5% and 2% nitric acid equates to an effects ratio of 0.45 and 0.6 respectively (as calculated using the Hazardous Facility Screening Procedure (HFSP) Calculation Sheet from the Ministry for the Environment (MfE)). Based on this calculation, it is evident that the proposed storage of dilute nitric acid will generally meet the Permitted activity criteria (≤ 0.5); however the potential for an overdose of up to 2% concentration triggers the Discretionary activity status in this instance.

Existing Consented Activities

- 5.4 The existing facility is operating in general accordance with a number of land-use consents and variations that have been granted for the construction and operation of the facility. The following table outlines all of the existing consents (excluding those granted for the spray irrigation of treated wastewater) that have been granted for the subject site and identifies the relevant rules of the Matamata-Piako District Plan that were applicable.

Table 6: Existing Consents Granted for the Subject Property

Consent Number	Date Granted	Detail	Relevant Rules/Activity Status
RCN 0404	21/11/2003	<p>To construct and operate a cheese factory (157M litres/year) including:</p> <ul style="list-style-type: none"> Establishing and operating a tourist facility and retail facility in conjunction with cheese-making. Associated sewage and wastewater treatment plant infrastructure, including new structures on or over the Waitoa River for the purposes of disposing clean stormwater. Development of land within the Flood Hazard Zone for wastewater infrastructure purposes. Maximum building height of 20 metres. Clean fill activities of approximately 2000m³ of material. Irrigation of 500m³ of process wastewater onto neighbouring farms. Shortfall in provision of on-site parking. Removal of a tree that is more than 10m in height. 	<ul style="list-style-type: none"> Rule 2.2.5.4 – Industrial activity involving the processing and packaging of milk in an Industrial Zone = Discretionary. Rule 2.2.2.3 – Place of Assembly (tourist facility) in the Industrial Zone = Discretionary. Rule 2.2.8.4 – Retail in the Industrial Zone = Discretionary. Rule 8.1.41 – Sewage and wastewater treatment plants = Discretionary. Rule 12.2.4 – Placement of structures on or over the surface of water = Discretionary. Rule 11.2.1 – Use or development of land within the Flood Hazard Zone = Discretionary. Rule 3.3.3(i) – Maximum building height of 12m in the Industrial Zone = Restricted Discretionary. Rule 2.2.9.2 – Clean fill >1000m³ = Discretionary. Rule 2.2.9.12 – Irrigation of effluent from an Industrial activity onto properties in the Rural Zone = Controlled. Rule 9.1.2 – On-site parking shortfall = Discretionary. Rule 10.2.3 – Removal of a tree in excess of 10m high = Discretionary.
RCN 0404V	14/12/2004	<p>To establish and operate a whey processing facility, as an integrated component of cheese-making, including:</p>	<ul style="list-style-type: none"> Rule 2.2.5.4 Industrial Milk Processing = Discretionary Rule 2.2.9.12 Irrigation of Effluent = Discretionary

		<ul style="list-style-type: none"> • Increase irrigation of process wastewater to 700m³ per day onto neighbouring farms. • Clean-fill activities involving 1250m³ of material. • Additional wastewater and stormwater but no change to physical structures. • Building height of 20 metres. • Shortfall in parking requirements. A total of 34 spaces provided. 	<ul style="list-style-type: none"> - Rule 2.2.9.2 Clean fill = Discretionary. - Rule 8.1.41 Wastewater Infrastructure = Discretionary. - Rule 12.2.4 Structure over Water = Discretionary. - Rule 3.3.3(i) Maximum Building Height = Restricted Discretionary - Rule 9.1.2 On-site Parking = Discretionary.
RCN 0404V2	22/08/2005	To construct a smokestack with a maximum height of 30m.	<ul style="list-style-type: none"> - Rule 2.2.5.4 Industrial Milk Processing = Discretionary. - Rule 3.3.3(i) – Maximum Building Height = Restricted Discretionary.
RCN 0490	5/11/2007	To construct and operate a Milk Powder plant (additional 200M litres/year) including: <ul style="list-style-type: none"> • Clean-fill activities involving 3000m³ of material. • Drying tower of 28 metres in height. • An additional 10 parking spaces (shortfall of 96 spaces). 	<ul style="list-style-type: none"> - Rule 2.2.5.4 Industrial Milk Processing = Discretionary. - Rule 2.2.9.2 Clean fill = Discretionary - Rule 3.3.3(i) Maximum Building Height = Restricted Discretionary. - Rule 9.1.2 On-site Parking = Discretionary.
Conceptual Site Development Plan	Received 20/12/2007	To support the application for resource consent for the establishment of a milk powder processing factory, as required by Condition 2.1 of RCN 0490. Includes redevelopment of wastewater treatment infrastructure.	
RCN 0490V	28/02/2008	Variation to allow for the following: <ul style="list-style-type: none"> • Delete the requirement to contain the volume of traffic onto State Highway 27 at pre-development levels; • Provide 90 on-site parking spaces. • Allow for the following height encroachments – dryer building (33.7m), exhaust stack (40.56m); • Replace the existing 30m high smokestack with a 45m high smokestack. 	<ul style="list-style-type: none"> - Rule 2.2.5.4 Industrial Milk Processing = Discretionary. - Rule 9.1.2 On-site Parking = Discretionary. - Rule 3.3.3(i) – Maximum Building Height = Restricted Discretionary.

5.6 In addition to the land-use consents above, which have been granted by the Matamata-Piako District Council, the factory is also subject to several discharge to air, land and water consents, granted by the Waikato Regional Council. A list of these consents in order of granting is provided below in Table 7:

Table 7: Waikato Regional Council Consents held by Open Country Dairy Ltd.

WRC Ref No.	Consent	Purpose
109402	Discharge to Land	Wastewater
109456	Discharge to Water	Stormwater
109457	Discharge to Land	Treated Effluent
111948	Discharge to Air	Boiler 11MW
115090	Discharge to Water	Condensate
116952	Discharge to Land	Wastewater
117296	Discharge to Air	Boiler 14MW
119663	Discharge to Land	By Products
120381	Discharge to Land	Wastewater
120583	Discharge to Land	Wastewater
120878	Discharge to Water	Wastewater

- 5.7 The proposal has been assessed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and meets the Permitted activity criteria.
- 5.8 This application shall be assessed overall as a Discretionary activity.

6 Notification Assessment – Is Public Notification Required?

- 6.1 Section 95A of the Resource Management Act 1991 (the Act) gives a council discretion to decide whether to publicly notify an application or not. However, an application must be notified if:

- 1 the activity will have, or is likely to have, adverse effects on the environment that are more than minor
- 2 the Applicant requests public notification of the application
- 3 a rule or national environmental standard requires public notification.

Section 95A (3) provides that an application must not be notified if a rule or national environmental standard precludes public notification and the Applicant has not requested public notification.

Section 95D - In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor. In making this decision, a council:

- 1 must disregard any effect on persons who own or occupy:
 - the land in, on, or over which the activity will occur; or
 - any land adjacent to that land; and
- 2 may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and
- 3 in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and
- 4 must disregard trade competition and the effects of trade competition; and
- 5 must disregard any effect on a person who has given written approval to the relevant application.

6.2 Land excluded from public notification assessment

Pursuant to Section 95D(a)(ii) it is considered that effects on the adjacent properties, should be excluded from an assessment of the wider potential and actual effects on the environment required for public notification.

6.3 Permitted baseline – section 95D(b)

Pursuant to section 95D(b) of the Act a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the 'permitted baseline' test). There are three categories to the permitted baseline test, these being:

- 1 what lawfully exists on the site at present
- 2 activities (being non-fanciful activities) which could be conducted on the site as of right; i.e. without having to obtain resource consent
- 3 activities which could be carried out under a granted, but as yet unexercised, resource consent.

In this instance, although an industrial activity involving the processing of milk within this Industrial Zone property is a Discretionary activity, the site currently contains an existing cheese factory, whey and milk powder processing factory and associated wastewater and stormwater infrastructure, which have been established in general accordance with the existing consents outlined in Section 5 above. The proposal has outlined that the

changes to the current activity will include some minimal external building works (i.e. two additional cream silos) in addition to internal alterations and process changes to allow for an increase in milk intake and product output. As both the scale and capacity of the activity is increasing the Permitted Baseline test is only considered relevant in disregarding the effects associated with the current consented activities. Any additional effects created by the proposed changes shall be addressed in the assessment of effects on the wider and localised environments below.

6.4 Assessment of wider environmental effects

Traffic, noise, wastewater, stormwater, visual, odour, dust and hazardous substances are the main effects associated with this proposal. In this instance, I consider that the above effects associated with the proposal will be confined to the local environment (e.g. the subject site and adjoining land). Any effects that extend beyond the subject site and adjacent properties are considered to be potentially less than minor. For the purpose of section 95D, the effects on the wider environment are considered to be no more than minor, therefore public notification is not required for the proposal. There are no section 95C circumstances which warrant public notification of this application.

6.5 Special Circumstances - section 95A(4)

Section 95A(4) of the Act states that a consent authority may also publicly notify an application for resource consent if it decides that special circumstances exist in relation to the application. In this case there are no special circumstances that justify public notification.

6.6 Summary

In conclusion, the effects on the wider environment are considered to be no more than minor and no special circumstances or National Environmental Standards exist that would require public notification to take place. It is therefore recommended that the application proceed without full public notification.

7 Notification Assessment – Is Limited Notification Required?

7.1 If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons.

In deciding who is an affected person under section 95E, a council:

- 1 may disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (i.e. Council may consider the 'permitted baseline')
- 2 must disregard an adverse effect of the activity on a person that does not relate to a matter for which a rule or environmental standard reserves control or restricts discretion
- 3 must have regard to every relevant statutory acknowledgement made in accordance with the statutes set out in Schedule 11 of the Act.

Further, and pursuant to s95E(3)(a), a council must not consider that a person is affected if they have given their written approval or pursuant to s95E(3)(b) it is unreasonable in the circumstances to seek that persons approval.

7.2 Assessment of localised environmental effect

As mentioned earlier, the proposal is to increase the scale and capacity of an existing cheese, whey and milk powder processing plant by erecting two additional cream silos and undertaking internal changes to allow for the processing of up to 475 million litres of milk. In assessing this proposal, Council must consider the potential effects associated with the building additions and increase in production. The predominant effects are considered to be potential traffic, noise, wastewater, stormwater, visual, odour, dust and hazardous substances associated with this type of activity. The assessment of these effects will be discussed in detail below.

7.3 Traffic

The Applicant has provided a Traffic Impact Assessment (TIA) undertaken by the Traffic Design Group, which deals with the potential traffic effects associated with the proposed activity. The traffic effects relating to the day to day operation of the upgraded facility have been assessed separately from those relating to the construction period. A breakdown of the expected additional traffic movements is outlined in Section 4.7.

- 7.4 As concluded in the Traffic Impact Assessment, the proposed activity is expected to typically generate up to 24 additional heavy vehicle movements per day during the busiest months of the year (up to 34 vehicles per day on occasion), with approximately two heavy vehicle movements per hour during the peak hours on the adjacent road network which is a negligible increase. With the inclusion of this additional traffic, the site is still expected to generate less traffic than what was previously assessed for the existing consented activities on the site (RCN 0490V - 425 vehicle movements).
- 7.5 Construction of the additional facilities is expected to generate up between 40 and 70 additional vehicle movements per day over a period of eight months. The construction period is expected to occur largely outside of the peak seasonal production at the factory, and the seasonal reduction in heavy vehicle traffic volumes is expected to offset the heavy vehicle traffic associated with construction. The additional light vehicle traffic volume is low and is assessed to be able to be accommodated on the surrounding road network with less than minor effect.
- 7.6 Loading bays for heavy vehicles associated with the delivery of milk and the collection of finished products are currently provided on-site and are not expected to change as a result of the proposal. There is also considered to be adequate room for heavy vehicles to manoeuvre on-site so that they can enter and exit in a forwards direction. In regard to on-site parking, no additional staff are expected as part of the proposed activity so no changes are proposed to the current provision of 91 parking spaces. It is therefore considered that there will be no adverse parking effects on the adjacent road network.
- 7.7 Overall, it is considered that the traffic movements associated with the proposal can be accommodated within the local transportation environment with a less than minor effect on the local road and State Highway network. This conclusion is supported by the New Zealand Transport Agency (NZTA) who have reviewed the Traffic Impact Assessment and given their written approval for the proposal.

7.8 Noise

The site is currently required to operate within the noise limits prescribed in the Operative District Plan for activities in the Industrial Zone. These limits are as follows:

5.2.4 Industrial Zone

- a. *The noise level (L10) as measured within the boundary of any land zoned residential, or the notional boundary of any rural dwelling shall not exceed the following :*

<i>Monday to Saturday</i>	<i>7.00am to 10.00pm</i>	<i>55dBA</i>
<i>At all other times including Sundays and Public Holidays</i>		<i>40dBA</i>

- b. *10.00pm to 7.00am. The Lmax shall not exceed 65dBA.*
- c. *The noise level (L10) as measured within the boundary of any adjacent industrial zone shall not exceed 65dBA.*

- 7.9 On the 22nd of March 2013 a noise assessment was undertaken by Design Acoustics Limited to assess the compliance of the current activity on the site. Although the cheese factory was not in operation during the recent survey, Design Acoustics Limited were able to draw on results from their previous survey, which was undertaken in 2011, to determine the overall compliance of the site. The following conclusions were made in the noise assessment report submitted with the application:

- Noise from the factory complies with the 65dBA L10 noise limit which applies at the boundary of any adjacent industrial zoned property.
- Noise from the factory easily complies with the daytime noise limit (55dBA L10) at the nearest affected residential properties along Casey Street to the east.
- At the Casey Street properties, noise from the factory is predicted to be approximately 33-38 dBA L10 and 40-45 dBA Lmax. This complies with the 40dBA L10/65 dBA Lmax noise limit which applies during night time hours, and also the 40 dBA L10 noise limit which applies during the daytime on Sundays and Public Holidays. It is noted that compliance with the 40dBA L10 noise limit is also achieved when the cheese factory is in operation, but this is marginal.
- At the rural dwelling at 27 Landsdowne Road, noise is predicted to be less than 30 dBA L10/40 dBA Lmax and safely complies with the noise limits.

7.10 The proposed changes are considered to be relatively small in the context of the site and consist of machinery changes aimed at increasing efficiency of production, two cream silos and a small increase in traffic movements. These changes are unlikely to significantly alter the existing noise environment. The Applicant has confirmed that the proposed additions will be designed to comply with the District Plan noise requirements for the Industrial Zone and that overall the on-site activity will continue to comply with these requirements. However, to ensure that account is taken of the cumulative noise generation of all sources, on the site, the Applicant should be required to engage an acoustic engineer at the design stage to be responsible for implementing adequate noise mitigation. Noise monitoring (post development) to prove that the facility can operate within the District Plan standards, should also be a requirement if consent is granted. The professional opinion of Design Acoustics Ltd was relied on in forming this opinion, therefore for further detail consult the relative Design Acoustics Ltd Noise Survey (Noise Survey (2013) around Open Country Dairy Factory, Waharoa: dated 26 March 2013; and, Noise Survey (2011) around Open Country Dairy Factory, Waharoa: dated 5 December 2011).

7.11 Stormwater, Process Wastewater and Effluent Effects

The site is currently operating within the existing MPDC and WRC consents for effluent, stormwater and wastewater discharge, including irrigation to neighbouring farms. The Applicant has confirmed that upon completion of the proposed upgrades the site will continue to operate within the limits of these existing consents. There are no changes proposed to the existing effluent, stormwater and wastewater infrastructure which is considered to have sufficient capacity to cater for the anticipated increase in demand resulting from the 16% increase in milk intake (up to 475 million litres per year). It is noted that the only external building works included in the proposal consists of two new cream silos which will be erected over an existing hardstand area. This is not likely to change existing patterns of stormwater disposal. Process wastewater is also not likely to increase significantly due to the various equipment upgrades i.e. the cheese OST vats, which will result in a reduction in wastewater. Furthermore, the Applicant has indicated that the factory is aiming to achieve 0% increase in wastewater by addressing water quality and contamination issues with the existing recovered water system. The recovered water system is currently running at approximately 40% utilization to avoid contamination. On the basis that the proposed operation of the factory in regard to wastewater, stormwater and effluent disposal will still be within the scope of the existing consents, there are not considered to be any additional adverse effects.

7.12 Odour and Dust

Discharge to air will take place from two sources: the 15MW and 11MW coal fired boilers and the milk powder dryer. Air from the boiler will pass through a multi-cyclone to remove particulate, before discharge through the smoke stack. Air from the milk powder dryer will pass through a bag filter. Previous assessments by the Waikato Regional Council of these processes for the purpose of existing air discharge consents have indicated that the facility is capable of operating without adverse odour or dust effects beyond the site boundary. The discharge from these sources is subject to compliance with existing air discharge consents from the Regional Council, which the

Applicant has confirmed they will continue to comply with. As a result there are not considered to be any additional effects.

7.13 Visual

The only elements of the proposal likely to create adverse visual effects are the external changes to the factory, which consists of two new cream silos, a salt whey tank and dilute acid tank. In this case, the two cream silos, salt whey and dilute acid tanks will comply with the minimum height requirements for the Industrial Zone (12m). The two cream silos will be located at the south-eastern corner of the cheese factory amongst ten existing ingredient and milk silos of varying heights. The two cream silos will be consistent in appearance with the existing silos. The salt whey and dilute acid tanks will be located on the south-eastern side of the cheese factory and will not be clearly visible from the external site boundaries due to screening by the existing buildings on-site. Given the existing industrial character of the site and due to the small scale of these silos and tanks within the context of the existing development, it is considered that the visual effects will be less than minor.

7.14 Hazardous Substances

The potential adverse effects associated with storing hazardous substances include, the risk of an explosion or fire; the contamination of land and/or water in the event of a spill or unintentional release; and the uncontrolled entry or discharge of the hazardous substance into the stormwater system or sewerage system. The potential scale and probability of these effects occurring is determined by the type and concentration of the hazardous substance as well as any mitigation measures that are put in place. The proposal involves the addition of a 20,000 litre dilute nitric acid tank for the CIP kitchen, which currently has 10,000 litres storage capacity. The tank is being designed to hold up to 10% concentration of nitric acid; however the Applicant has indicated that typical concentration will be 1% to 1.5% with the potential for an overdose of up to 2%. As identified in Section 5.3, under the Hazardous Facilities Screening Procedure (HFSP) this equates to an effects ratio of 0.45 and 0.6 respectively. The potential adverse effects associated with the use of the tanks for a concentration of up to 1.5% are considered to have been provided for through the Permitted activity status in the District Plan. In regard to the potential increase in concentration to 2%, this occurrence is likely to be infrequent and the potential adverse effects are considered to be less than minor given that the new tank will be located within an existing chemical bund and will be HASNO certified.

7.15 **Conclusion**

In accordance with the matters to which Council has exercised its discretion, the adverse effects on the receiving environment are considered to be **less than minor** for the following reasons:

- a The traffic movements created by the proposal will be less than what was anticipated and assessed through previous consents for the site. With an additional 2 heavy vehicle movements generated per hour the effects are considered to be less than minor. Construction is expected to take place during off-peak season which will mitigate any potential traffic effects arising from the associated heavy traffic movements. Existing transport routes are not expected to change and there is adequate space on site for parking and manoeuvring.
- b Any additions to the factory will be designed to comply with the noise emission control boundary requirements of the Operative District Plan so that they don't compromise the overall compliance of the site. The compliance of the existing activity on the site is explained in detail in the report by Acoustic Design Limited, which has been relied on in forming the opinion that the noise effects of the proposal will be less than minor.

c There are no changes proposed to the existing effluent, stormwater and wastewater infrastructure which is considered to have sufficient capacity to cater for the anticipated increase in demand resulting from the 16% increase in milk intake. Improvements are also proposed for the Recovered Water System which will reduce wastewater discharge.

d All other effects have been explained to be potentially less than minor.

7.16 Adversely affected parties

Having regard to the above assessment, whereby the adverse effects on the localised environment were found to be less than minor, no persons are considered to be adversely affected by the proposal.

8 **Section 95 Recommendation**

That pursuant to Sections 95A-95F of the Act, this application proceed on a non-notified basis because:

- 1 The adverse effects on the wider environment would be no more than minor;
- 2 No persons have been determined to be adversely affected because the localised effects are also considered to be less than minor;
- 3 There are no special circumstances to warrant public notification.

Report Prepared for Submission by:



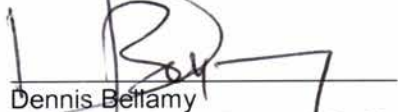
Peter McCoskrie
Resource Consents Planner

Report Reviewed by:



Lance Feaver
Senior Consents Planner

This notification decision has been granted under delegation from the Matamata-Piako District Council, pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 6.1.6 dated 14 December 2011.



Dennis Bellamy
Group Manager Community Development

14/05/13
Date

Consideration Assessment - Discretionary Activity

1 Processing Details

- Section 37** Time period has been extended to twice the maximum time period under Section 37A(4) due to the complexity of the application and with the approval of the Applicant.
- Application has been placed on hold at the Applicants request under Section 37A(5) to allow for the issue of Draft Conditions.

2 Application Details

- 2.1 The application details, including the proposal have been detailed in Section 1 of the attached Notification Assessment. In addition, the reasons for consent, and the application site and the surrounding environment have been detailed in Sections 3 and 5 of the associated Notification Assessment report.

3 District Plan Zoning/Environment and other Notations

- 3.1 The District Plan zoning/environment and other notations affecting the site have been detailed in Sections 1 and 3 of the associated Notification Assessment.

4 Statutory Context

- 4.1 Section 104 of the Act sets out those matters that, subject to Part 2, a consent authority must have regard to when considering an application for resource consent. These matters include any actual or potential effects on the environment of allowing the activity, any relevant provisions of a Plan or Proposed Plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 4.2 Pursuant to Section 104B of the Act, after considering an application for resource consent, a consent authority may grant or refuse the application, and if it grants the application, may impose conditions under Section 108 of the Act.

5 Actual or Potential Effects on the Environment

- 5.1 Section 104(2) of the Act allows the consent authority to disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (i.e. the permitted baseline principle). This matter has been addressed in Section 6.3 of the associated Notification Assessment report and also applies to this consideration.
- 5.2 The adverse effects of this activity have been addressed in Sections 6 and 7 of the Notification Assessment report. This assessment also applies to this consideration. In order to avoid, remedy or mitigate these adverse effects conditions of consent relating to the following matters are recommended:
- General Accordance Condition – In order to ensure the effects considered within this application are consistent with those that result, a condition shall require the proposal to be given effect to in accordance with the information and details provided in support of the application.
 - Parking Condition – To ensure that adequate parking is provided on the subject site a minimum of 91 parking spaces with associated manoeuvring areas shall be

provided in accordance with the approved Parking Layout plan and kept free of obstruction for the duration of this consent.

- Noise Level Conditions – To ensure that there are no noise nuisance effects beyond the boundaries of the subject property during the construction period and upon commencement of the proposed activity on the site, conditions can be imposed to require compliance with the District Plan maximum noise requirements for the Industrial Zone. The Applicant will also need to submit confirmation from a suitably qualified Acoustic Engineer following commencement of the proposed activity in regard to compliance with these requirements.
 - Landscaping Condition– To ensure the existing provision of landscaping on-site is maintained in perpetuity for amenity and visual mitigation purposes.
- 5.3 As the Applicant is seeking a comprehensive consent that will supersede all of the existing consents that relate to the subject site, any outstanding conditions or conditions that require on-going compliance from the existing land-use consents will be incorporated into the conditions of this consent. This includes conditions relating to the following matters,
- Hazardous substance Condition – To ensure that all hazardous substances will be stored, handled and managed in accordance with the relevant controls documented under the Hazardous Substances and New Organisms Act, and accompanying regulations.
 - Review and Complaint Register Conditions – A review condition is proposed to ensure that the conditions of consent, particularly relating to noise, traffic and parking, are achieving an appropriate level of mitigation. A complaints register condition is required to enable adequate monitoring of complaints which may occur from external parties relating to the subject proposal.
 - Performance Standards Conditions– These conditions are proposed to ensure that the proposal will comply with the applicable performance standards of the District Plan, including lighting and glare, vibration and emissions.
- 5.4 Overall, with the imposition of the above conditions, the effects of the activity are considered to be less than minor, and are therefore minimal.

6 Relevant Provisions of the Operative District Plan

- 6.1 It is considered that the following are key Objectives and Policies in the Matamata-Piako District Plan relation to the proposed additions, alterations and process changes at the Open Country Dairy Site:

SECTION 2.4 – SUSTAINABLE MANAGEMENT STRATEGY

Section 2.4.5- Industry:

Objective 1: *To enable the orderly and coherent development of processing and extractive industry in a manner that promotes the sustainable management of natural and physical resources in the rural areas.*

Policy 1: *The adverse effects of processing and extractive industries should be avoided, remedied or mitigated in accordance with the amenity values of the adjacent community.*

SECTION 3.5.2 - AMENITY

Section 3.5.2.1 – Development Standards

Objective 1: *To maintain and enhance a high standard of amenity in the built environment without constraining development innovation and building variety.*

Objective 2: *To minimise the adverse effects created by building scale or dominance, shading, building location and site layout.*



Policy 2: To minimise the effects created by building scale, overshadowing, and building bulk in business, industrial and recreational areas.

Policy 5: To provide for development within the District in a manner that encourages flexibility and innovation in design and variety in the built form while achieving the anticipated environmental results.

Section 3.5.2.2 – Design, Appearance and Character of Built Environment

Objective 1: To ensure that the design and appearance of buildings and sites is in keeping with the character of the surrounding townscape and landscape.

Policy 1: To encourage a high standard of on-site amenity in residential, business, recreational and industrial areas.

Section 3.5.2.3 –Nuisance Effects

Objective 1: To ensure that residences are free from the effects of unreasonable and excessive noise, odour, dust, glare and vibration.

Policy 1: To protect residential and rural amenity by the use of performance standards for noise, glare, odour, particulates and vibration control which generally ensure that generated effects do not exceed background or ambient levels.

SECTION 3.8.2 – TRANSPORTATION

Objective 1: To protect and improve the safety and efficiency of the State Highways and District road network.

Objective 2: To encourage self sufficiency in the provision of parking and loading spaces to avoid conflict with on-street usage.

Policy 1: To ensure that access points and intersections have optimum visibility along the State Highway and are formed to appropriate design standards.

Policy 2: To maintain road safety and efficiency by requiring activities to provide adequate off street parking and loading facilities for foreseeable future needs.

- 6.2 As demonstrated in the associated Notification Decision report, any adverse environmental effects associated with the proposed additions to the factory and process changes will be less than minor. Accordingly, it is considered that the proposed activity and associated development is consistent with relevant Matamata-Piako District Plan Objectives and Policies.

7 Other Relevant Matters

- 7.1 There are no other matters considered relevant to making an appropriate consideration of this application.

8 Part 2 Matters

- 8.1 Part II of the RMA states, amongst others, the purpose of the Act and the matters that Council shall have particular regard to in exercising its discretion under the Act. Sections 5, 7(b), (c) and (f) are of specific relevance to the application concerned:

Section 7(b): Efficient Use and Development

As established above, the proposal will not negatively alter or change the existing pattern of land-use. Although there will be changes to the existing pattern of traffic use on the road network, these traffic changes will have a less than minor impact on the efficient use of the adjoining road networks. Furthermore the proposed activity will not increase process wastewater or stormwater discharge above already consented levels and any increase will be catered for within the capacity of the existing infrastructure. Therefore, the proposal is seen to be an efficient use and development of the land resource concerned in accordance with this section of the Act.

Section 7(c) & (f): Amenity Values and Quality of the Environment

The proposal has been found to have minimal visual and amenity effects on the immediately adjoining surrounds to the subject site. There is existing landscaping on-site which complies with current consent requirements and no additional landscaping is considered necessary in this instance. The majority of the proposed changes involve internal alterations and the only external additions consist of two silos which will not be visually obtrusive. Therefore the proposal is seen to be consistent with Section 7(c) & (f) of the Resource Management Act.

Section 5: Purpose of the Act

Based upon the assessment of this proposal in Section 7 of this report, it is considered that overall; the proposal will achieve the purpose of the Act, subject to conditions being imposed. The proposal will maintain the amenity values and quality of the surrounding area through the imposition of suitable noise mitigation measures and on-going compliance with previous consent conditions. Therefore, overall the proposal meets the purpose of the Act to promote sustainable management.

9 Conclusion and Recommendation

- 9.1 Having considered the application against the relevant provisions of the Act, it is recommended that this application be granted, subject to the conditions identified in Section 5 of this report that will avoid, remedy and mitigate any adverse effects of the activity on the environment.

The reasons for this recommendation are as follows:

- 1 Any actual or potential effects on the environment are considered to be less than minor, and are therefore minimal.
- 2 The proposal is considered consistent with the objectives and policies of the operative District Plan because the amenity of the surrounding environment and the safety and efficiency of the District's soil road network will not be compromised.
- 3 The proposal is consistent with Part 2 of the Act.



Notice of Decision

Land Use Consent: 102.2013.10649

Date Granted: 29 May 2013



IN THE MATTER of the Resource Management Act 1991

and

IN THE MATTER of an application under Section 88 of the Resource Management Act 1991 by Open Country Dairy Limited

Application

Application for Resource Consent by Open Country Dairy Limited at 60 Factory Road, Waharoa being Lot 1 DP 333824 & Lot 1 DP 415727 to increase the efficiency and production of an existing cheese making, milk powder and whey powder processing factory. The relevant rules of the District Plan are 2.2.5.4, 11.2.1, 9.1.2, 8.1.41, 3.3.3(i), 2.2.9.2.

Decision

This consent has been granted under delegation from the Matamata-Piako District Council, pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 6.1.6 dated 14 December 2011. The decision is as follows:

Reasons for the Decision

Pursuant to Section 113 of the Act the reasons for the decision are:

- a The traffic movements created by the proposal will be less than what was anticipated and assessed through previous consents for the site. With an additional 2 heavy vehicle movements generated per hour the effects are considered to be less than minor. Construction is expected to take place during off-peak season which will mitigate any potential traffic effects arising from the associated heavy traffic movements. Existing transport routes are not expected to change and there is adequate space on site for parking and manoeuvring.
- b Any additions to the factory will be designed to comply with the noise emission control boundary requirements of the Operative District Plan so that they don't compromise the overall compliance of the site. The compliance of the existing activity on the site is explained in detail in the report by Acoustic Design Limited, which has been relied on in forming the opinion that the noise effects of the proposal will be less than minor.
- c There are no changes proposed to the existing effluent, stormwater and wastewater infrastructure which is considered to have sufficient capacity to cater for the anticipated increase in demand resulting from the 16% increase in milk intake. Improvements are also proposed for the Recovered Water System which will reduce wastewater discharge.
- d All other effects have been explained to be potentially less than minor.

Determination

That pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991, Council grants consent subject to the following conditions:

Conditions

In General Accordance

1. That all activities authorised by this consent shall be undertaken generally in accordance with the information contained in the document entitled *Application to Matamata-Piako District Council for Land-Use Consent for a Dairy Factory at Factory Road Waharoa. Prepared for: Open Country Dairy, Ltd* dated April 2013 and prepared by Gwilym Environmental Services, Ltd (and all supporting technical documents and plans). To the extent where there is inconsistency, the conditions of this consent shall prevail.

Noise

2. That the noise level from any and all activities on the site, as measured at the notional boundary of any rural dwelling or the boundary of any land zoned Residential shall not exceed the following limits:
Monday to Saturday (7am to 10pm) : L10 - 55 dBA
At all other times including Sundays and Public Holidays : L10 - 40 dBA
Any day 10pm to 7am : Lmax - 65 dBA
3. That the noise level (L10) as measured within the boundary of any adjacent Industrial Zone shall not exceed 65 dBA.
4. That the noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 "Measurement of Sound", and NZS 6802:1991 "Assessment of Environmental Sound".
5. That for any noise with special audible characteristics as defined by NZS 6802:1991, the L10 noise limit shall be reduced in accordance with the relevant standard.
6. That during periods of construction the noise levels shall not exceed the recommended upper limit for levels of construction work noise as required by NZS 6803:1999 *Acoustics – Construction Noise*.
7. That within two months (subject to suitable weather conditions) of commencement of operations authorised by this resource consent, the Consent Holder shall employ a suitably qualified and experienced person in Acoustical Engineering to measure and assess the noise levels on site to demonstrate compliance with Condition 2. The results of this survey shall be provided to Council within two weeks of completing the monitoring. Council shall be entitled to commission a peer review of the statement, at the Consent Holders cost.
8. That at no greater than 4 yearly intervals, during the months of October to December, from the date of granting this Resource Consent, an acoustics report by a suitably qualified and experienced person in Acoustical Engineering shall be submitted to Council's Group Manager Community Development. The Report shall demonstrate that compliance with Condition 2 has been met. Council shall be entitled to commission a peer review of the acoustics report, at the Consent Holders cost.

Parking

9. That for the duration of this resource consent, a minimum of 91 on-site car parking spaces shall be located and individually marked as shown on the parking plan titled "Parking Layout" (Sheet No: 001B, Dated: 05/12/2012). The parking spaces and associated manouvering area shall be kept free of any obstructions and maintained for the duration of this resource consent.

Advice notes

All painted lines used for marking out parking spaces should be a minimum width of 100mm.

Emissions

10. That as a result of all activities associated with the exercise of this consent, there shall be no odour emission or discharge of particulate matter that causes an objectionable effect at or beyond the boundary of the property to which this consent relates.
11. That as a result of all activities associated with the exercise of this consent, there shall be no visual emissions that cause an objectionable effect at or beyond the boundary of the property to which this consent relates.

Lighting and Glare

12. That outdoor lighting on the site shall be selected, located, aimed, adjusted and screened to ensure that it does not cause a disturbance by way of glare to any external property or adjacent road.

Advice Note:

The Consent Holders attention is directed to Rule 5.4(iv) of the District Plan which limits the permitted added illuminance as a result of lighting on the site.

Vibration

13. That as a result of exercising any activities under this consent, vibration generated shall not exceed the following levels as measured at the boundary of any site zoned Residential or 20 metres from any rural dwelling:

Time	Average Weighted Vibration Level
Monday to Saturday (7am to 6pm)	45mm/s ²
At all other times	15mm/s ²

Refuse

14. That all storage of refuse shall be located within the confines of the buildings or a screened outdoor storage area.
15. That refuse shall be stored in suitable containers with appropriate lids and shall be disposed of from site when full, to an approved refuse disposal site or recycling depot.

Hazardous Substances

16. That all hazardous substances be stored, handled and managed in accordance with the relevant controls documented under the Hazardous Substances and New Organisms Act, and accompanying regulations. The consent holder shall make available to Council's Monitoring Officer on request any certificates and documents required under the Hazardous Substances and New Organisms Act to ensure that compliance with the condition above is achieved.

Signage

Advice Note:

It is advised that all signage shall comply with the relevant requirements outlined in Section 3.5 of the Matamata-Piako District Plan, unless an appropriate Resource Consent is obtained.

Landscaping

17. That landscaping shall be maintained in general accordance with Figure 4: 2013 Landscape Plan, pg 13 of Section 2: Assessment of Environmental Effects of the application, for the life of this consent. Maintenance shall include the replacement of failed or damaged species with similar species.

Stormwater

Advice Note:

It is advised that the stormwater associated with the factory and all hardstand areas should be disposed of onsite, or in accordance with a relevant Regional Council consent/s.

Wastewater

Advice Note:

It is advised that the wastewater associated with the factory should be treated on-site and disposed of in accordance with the relevant District and Regional Council consent/s.

Review

18. That the Council may, during the months of October to December every year, serve notice on the Consent Holder under Section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of this consent for the purposes of assessing the effectiveness of these conditions to mitigate adverse noise, traffic and nuisance effects on the environment arising from the operation and to impose additional conditions if appropriate.

Complaints Register

19. That, if any complaints are received by the Consent Holder regarding the operation, the Consent Holder shall notify the Council of those complaints as soon as practicable. When/if complaints are received, the consent holder shall record the following details in a complaint log:
 - i time and type of complaint including details of the incident, e.g. duration, any effects noted;
 - ii name, address and contact phone number of the complainant (if provided);
 - iii location from which the complaint arose;
 - iv the weather conditions and wind direction at the time of complaint;
 - v the likely cause of the complaint;
 - vi the response made by the consent holder any corrective action undertaken by the consent holder in response to the complaint; and
 - vii future actions proposed as a result of the complaint.
20. That the Consent Holder shall record in the Complaints Log any complaints forwarded to it by the Council or the Regional Council. The complaint log shall be made available to the Council at all reasonable times and a copy shall be forwarded to the Council annually.



Administration

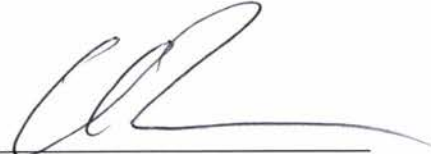
21. That the charges set out in accordance with Section 36 of the Resource Management Act 1991, must be paid to Council for the carrying out of its functions in relation to the administration of this resource consent.

Report Prepared for Submission by:

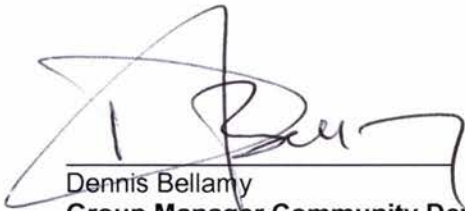


Peter McCoskrie
Resource Consents Planner

Report Reviewed by:



Lance Feaver
Senior Consents Planner



Dennis Bellamy
Group Manager Community Development

Date: 29/05/13



Extension of Processing Timeframe



Applicant	Open Country Dairy Limited
Reference	102.2013.10649
Property	Lot 1 DP 333824 & Lot 1 DP 415727
Address	60 Factory Road, Waharoa
Proposal	To increase the efficiency and production of an existing cheese making, milk powder and whey powder processing factory.
Activity Status	Discretionary Activity

Background

On the 15 April 2013, the Matamata-Piako District Council (MPDC) received the above application.

Issues with meeting timeframe

Application was made with the Matamata-Piako District Council on 15th of April 2013. In response to advice given by Council, the Applicant included in the application a request for a comprehensive consent to encompass all of the existing consented activities for the site that would remain unchanged by the proposal. In this case, the subject site contains a large scale industrial development that has been subject to five successive land-use consents/variations. The scale of development and complexity of the existing consents are considered to be special circumstances that will delay the processing of the application.

Section 37A(4) – Requirements for extensions

- (4) A consent authority may extend a time period under section 37 only if—
- (a) the time period as extended does not exceed twice the maximum time period specified in this Act; and
 - (b) either—
 - (i) special circumstances apply (including special circumstances existing by reason of the scale or complexity of the matter); or
 - (ii) the applicant agrees to the extension; and
 - (c) the authority has taken into account the matters specified in subsection (1).

Section 37A(4) authorises MPDC to extend the timeframe so that the processing time does not exceed twice the maximum specified in the Act if there are special circumstances.

Section 37A(1) – Matters to be taken into account

- (1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account—
- (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
 - (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
 - (c) its duty under section 21 to avoid unreasonable delay.

Under Section 37A(1) the matters to be taken into account in considering the extension of statutory timeframes, are:

- **The interests of any person who may be directly affected:**
The applicant is the only person whose interests are directly affected, and any such effect will be negligible as the delay in processing will be of a short duration. The extension will also ensure that

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the existing land-use consents can be assessed in sufficient detail to formulate a comprehensive consent for the site.

- **The interests of the community in achieving adequate assessment of the effects:**
The extension is in the interest of the community as it will ensure robust assessment of the application.
- **MPDC's duty to avoid unreasonable delay:**
The delay is unavoidable, due to the need to resolve matters of some complexity as outlined earlier in this report.

Recommendation

That pursuant to Section 37A(4) and in consideration of Section 37A(1) of the Resource Management Act 1991, the Matamata-Piako District Council, for all of the above reasons, grants an extension of the time period to make a decision on the Notification of the application (to a maximum of 20 working days), and to make a decision on the application (to a maximum of 40 working days).

Report Prepared for Submission by:



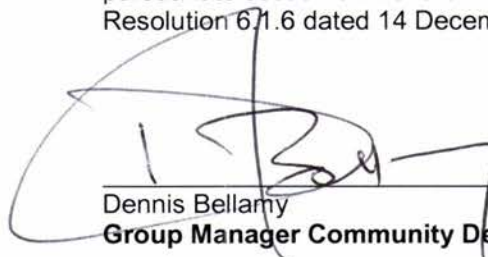
Peter McCoskrie
Resource Consents Planner

Report Reviewed by:



Lance Feaver
Senior Consents Planner

This consent has been granted under delegation from the Matamata-Piako District Council, pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 6.1.6 dated 14 December 2011.



Dennis Bellamy
Group Manager Community Development

29/05/13
Date