

PROPOSED CHANGE TO THE MATAMATA PIAKO DISTRICT PLAN

**Factory Road
Waharoa, Waikato**

**FOR:
Open Country Dairy**

**STATUTORY ASSESSMENT
INCLUDING AN
ASSESSMENT OF ENVIRONMENTAL
EFFECTS**

1 SEPTEMBER 2016

PROPOSED CHANGE TO THE OPERATIVE PLAN

PART A: THE APPLICANT, THE PROPOSED PLAN CHANGE, AND THE SITE

1 THE APPLICANT AND PROPERTY DETAILS

To:	Matamata Piako District Council
Applicants Name:	Open Country Dairy Limited
Address for Service:	Colin Hopkins DCS PO Box 91247 Victoria Street West Auckland 1142
Name and Address for Fees:	Open Country Dairy Limited Attn: Jason Tarrant P.O. Box 16 Waharoa 3441
Site Address:	60 Factory Road, Waharoa, Waikato
Legal Descriptions:	LOT 1 DP 333824, Lot 2 DP 507925 and Lot 1 DP 415727
Site Area:	13.91ha more or less
Brief description of proposal:	Plan change request to establish a Development Concept Plan relating to the Open County Dairy land at Factory Road, Waharoa. The proposed Development Concept Plan is to provide for the integrated and coordinated development of the site to facilitate the operation and increase in capacity for the existing milk processing facility.

I attach an assessment of environmental effects that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

Other information attached:

Appendix 1: Proposed Development Concept Plan

Appendix 2: Applicant Statement – Open Country Dairy

Appendix 3: Landscape and Visual Assessment: Mansergh Graham Landscape Architects Ltd

Appendix 4: Traffic Assessment: Traffic Design Group

Appendix 5: Noise Assessment: Hegley Acoustics

Appendix 6: Stormwater and Infrastructure Assessment – Gwilym Environmental

Appendix 7: Indicative Master plan

Appendix 8: Copy of Resource Consent: 102.2013.10649

Appendix 9: Certificate of Title

Appendix 10: Certificate of title – Private portion of Factory Road

Appendix 11: Consultation with NZTA

Appendix 12: Landscaping Plan: Mansergh Graham Landscape Architects Ltd



Colin Hopkins (duly authorised agent)

Planning Consultant, DCS

DATE: 02 September 2016

NOTIFICATION VERSION

Figure 1: Aerial Photograph – Site location (Source: Google Maps)



Figure 2: MPDC District Plan Zoning Map

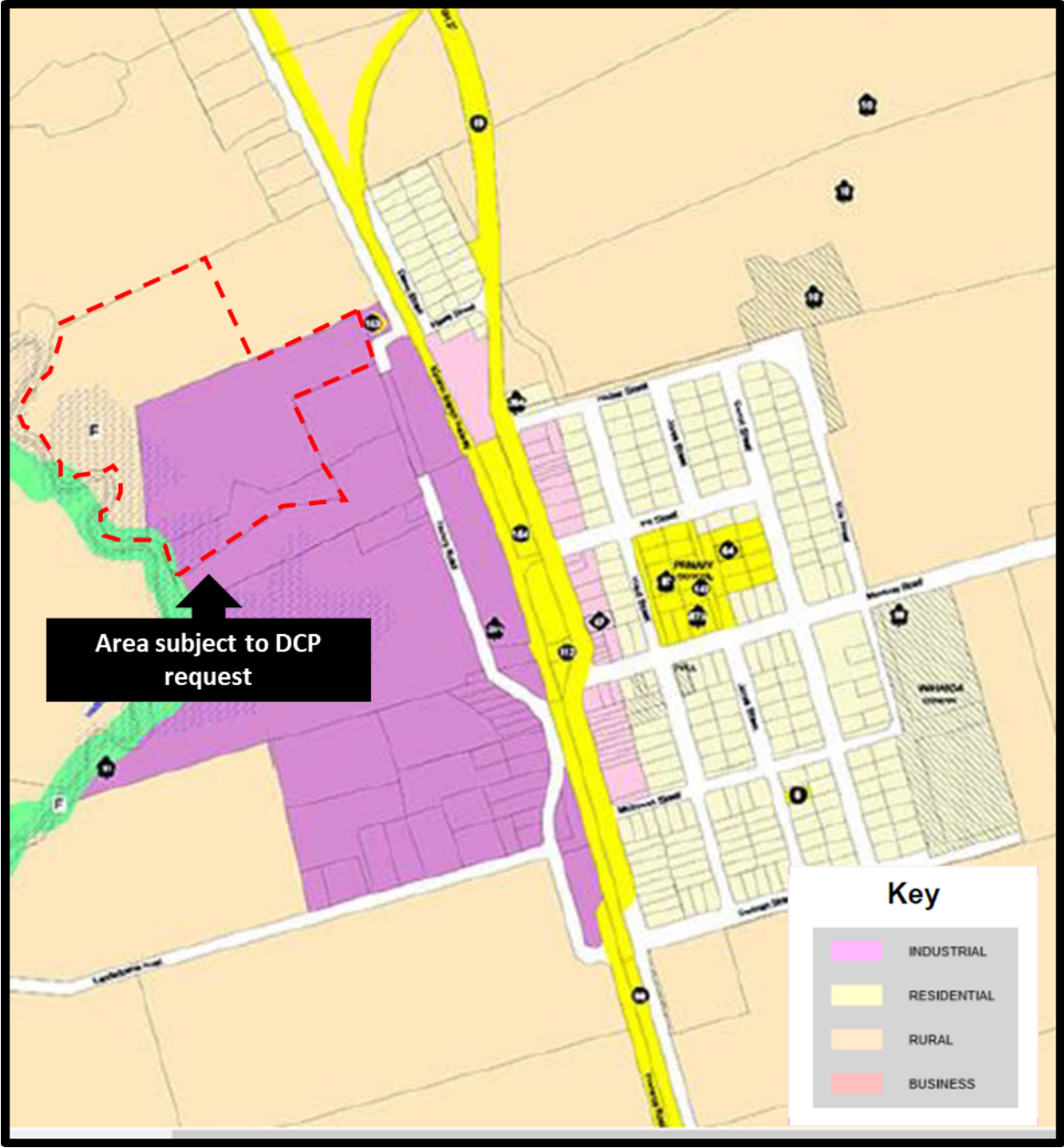
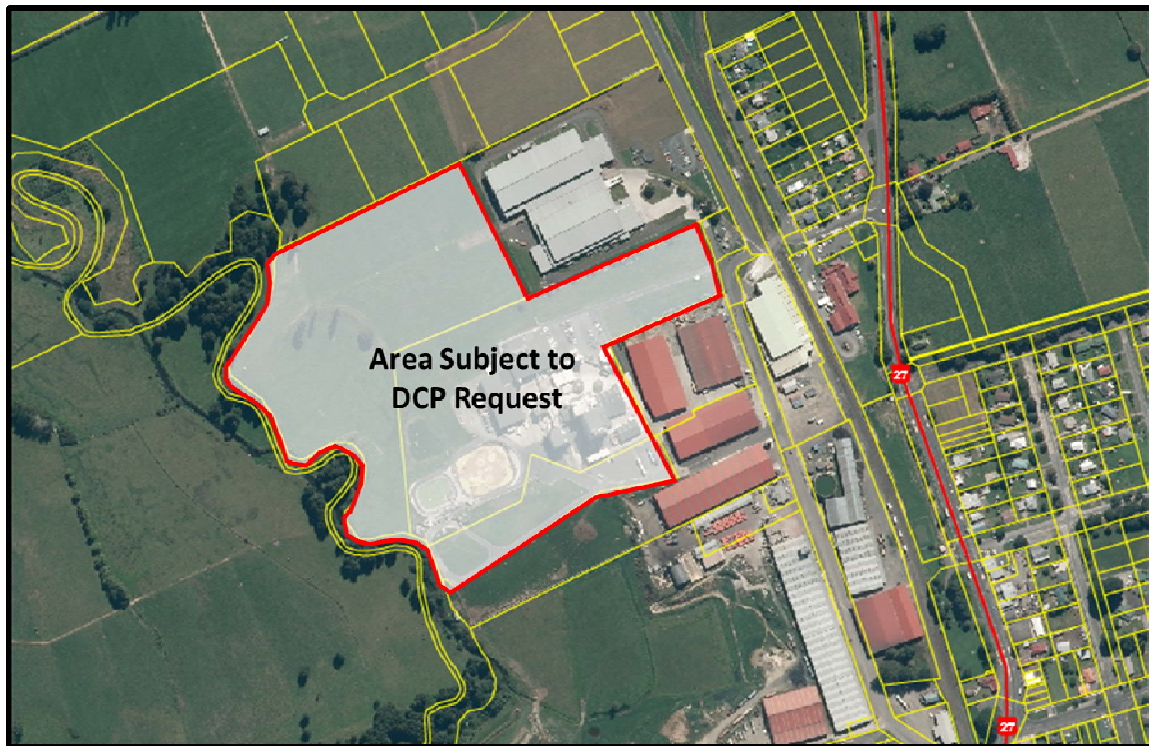


Figure 3: Area Subject to DCP request



2 THE PROPOSAL

The applicant, Open Country Dairy Limited (OCD) is seeking a plan change to the Matamata Piako District Council District Plan (District Plan) to establish a Development Concept Plan (DCP) for their site at Factory Road, Waharoa.

A copy of the proposed DCP is attached as **Appendix 1**, and is described in **Part B** of this assessment.

In support of the application, OCD have engaged a range of specialists to inform the development of the DCP application including:

- Planning Report – DCS (this report);
- Applicant Statement – OCD;
- Landscape and Visual Assessment – Mansergh Graham Landscape Architects Ltd
- Noise Assessment – Hegley Acoustics
- Traffic Assessment – Traffic Design Group
- Stormwater Assessment – Rob Gwilym and S&L Consultants

These assessments form the document that is the plan change request package and are attached as **Appendices 2-6** respectively.

The purpose of the request is to provide for a District Plan framework that enables the integrated and co-ordinated management of the milk processing facility on the site from a resource management perspective.

The structure of the DCP proposed by OCD is based on providing for opportunities to increase the processing capacity of the milk processing facility on the site. OCD anticipate that the future development of the site will occur in a progressive manner, and for the purpose of this request, these progressive increases are referred to as "stages". The intensity of the activity is based on the following milk volumes:

- Existing: 475 million litres
- Stage 1: increase up to 750 million litres
- Stage 2: increase up to 1 billion litres
- Stage 3: increase up to 1.25 billion litres

Each of these stages is reflected in the DCP activity schedule by a proposed activity status reflective of the matters relevant for control or discretion based on the reasonably anticipated effects associated with the increase in volume, and where necessary any required upgrades. Of note, the Stage 1 increase to 750 million litres is proposed as a permitted activity as the assessments included in this application demonstrate that the effects of this increase are such that it can be enabled should the DCP be approved.

It is noted that the DCP is structured such that should OCD be in a position to progress (and give effect to) an application to enable processing of 1.25 billion litres, all the relevant matters for consideration, and any necessary upgrades to infrastructure are required by the relevant matters of discretion. In this sense, although the application documentation refers to "stages" there is no express requirement that the activity develop in a staged manner.

This plan change request demonstrates that this proposal meets the statutory obligations of the Act, including the assessment required under section 32 of the Act, and this planning report is the evaluation report that is required to be prepared by section 32, and is to be read in conjunction with the other technical reports and analysis forming part of this plan change request and enabling a full understanding of the plan change request and its effects.

If approved, the DCP will facilitate the staged development of the site, managing the consequences and setting the scope for the consideration of the potential future increase in capacity of the milk processing facility and the associated actual and potential effects by setting an appropriate planning framework for the assessment of the activity on site.

An indicative masterplan of the potential development of the site is attached as **Appendix 7**. It is noted that under the current version of the indicative masterplan no development is shown in the north or north-western portion of site. Should development in the northern portion of this land occur, it would be similar in nature and scale to development throughout the wider "Area C" as identified in the DCP application material (and has been considered as such in the specialist reports that support this application), whilst any development in the north-western portion of the site is likely to be limited to an expanded wetland due to ground conditions.

3 STRUCTURE OF THIS ASSESSMENT

For ease of assessment, this plan change request is set out in the following parts:

- **Part A** introduces the proposed plan change, the site, and the relevant background to the request;
- **Part B** introduces the proposed Development Concept Plan, and provides a comparison between the proposed provisions and the Matamata Piako District Plan.
- **Part C** assesses the proposal against the relevant statutory matters.
- **Part D** provides a conclusion and summary of the assessment.

4 SITE DESCRIPTION

Located at the northern end of Factory road, the subject site is located on the north western edge of the Waharoa Township within the Waharoa Industrial Park. OCD commenced operation on the site as Open Country Cheese Limited in 2004, and currently produces cheese, whey powder, milk powder and various milk by products on the site.

To the west of the site, beyond an esplanade reserve, is the Waitoa River, beyond which is rural land. Immediately to the south and north are industrial and rural sites, while residential properties are located on the eastern side of Waharoa beyond the State Highway and railway.

Access to the site is off Factory Road, which can be accessed directly from State Highway 27 at the northern end of Waharoa Township, or via Link road from the state highway at the southern end of Waharoa Township. Factory Road can also be accessed via Lansdowne Road from the south-west. It is noted that part of Factory Road is privately owned by Waharoa Industrial Park Limited (Bruce Clothier, director), and has a separate title. The title is subject to various rights of way and other easements in favour of neighbouring properties. Open Country's property comprised in CT 460633 has registered easements for a right of way and services over the whole of the area in the title created by Instruments 6047014.6 and 7566901.6. The easements were required by Council as part of the resource consents issued for the relevant subdivisions at the time. The easements cannot be varied and/or surrendered without the consent of Waharoa Industrial Park Limited, Open Country and Council. A copy of the CT for this portion of road is attached as **Appendix 11**.

The site is zoned Industrial and Rural under the Matamata Piako District Plan. Consent is held with the Matamata Piako District Council (MPDC) for the operation of a milk processing factory (and associated activities) for up to 475 million litres of milk (Council Reference 100.2013.10649).

Consents are held with the Waikato Regional Council (WRC) for the discharge of contaminants to air¹, discharge of treated wastewater to land, discharge of treated wastewater to the Waitoa River, discharge of condensate to the Waitoa River, discharge of

¹ Through two boilers (9MW and 14MW both discharging through a 45m high stack), a whey dryer, and a milk powder drying plant.

stormwater to the Waitoa River, discharge of treated wastewater to land and discharge of dairy by-products to land.

5 BACKGROUND

OCD was formed in 2001, and has been operating the Factory Road site since 2004. Having invested heavily in their operations on the site, OCD see the opportunity to make further investment in the site, and consider the DCP to provide them with the confidence necessary to progress with further investment on the site. A statement from OCD is attached as **Appendix 2** to this report. A description of the existing consented activity is outlined in section 6 below.

As part of the preparation of this request, OCD have undertaken consultation with local iwi, neighbouring property owners, New Zealand Transport Agency (NZTA), and both MPDC and WRC with respect to the future development of the site (see section 14 below).

6 THE EXISTING RESOURCE CONSENT

Resource Consent 102.2013.10649:

The existing activity operates under a comprehensive consent² referenced by Council as 102.2013.10649. This consent provides for the operation of the Milk Processing Facility with a capacity of 475million litres per annum, along with hazardous facilities management, and wrapped together all the existing resource consents for the site. A copy of the existing consent is attached as **Appendix 8**.

Within the Section 42(A) Report prepared by Council's Reporting Officer for this application a useful summary of the existing land-use consents that were incorporated into that approval is provided³.

In considering the scope and extent of the proposed DCP plan change, consideration has been given to the scope of the consent and the potential impact on conditions of the existing consent for the activities in the site.

It is considered that the proposed DCP activities will fit well with the suite of conditions imposed on the approved consent, and that all matters that the consent seeks to control have been provided for in the DCP. In particular, it is noted:

- Noise: The outcomes achieved by the conditions of consent are consistent with outcomes achieved by the proposed management of noise on the site. As outlined in the Noise Assessment prepared by Hegley Acoustics, specific noise control limits are proposed for the activity, and a Noise Emission Control Boundary is proposed, which in combination are anticipated to manage any adverse noise effects of the proposal.

² This consent brought together a number of different consents for the activities on site to a single comprehensive consent.

³ See Table 6 within section 5.4.

It is considered that these controls will ensure that any noise effects are consistent with the outcomes achieved by performance standards of the Plan;

- Parking: Traffic Assessment prepared by TDG had demonstrated that parking can be adequately provided for onsite, and provision for the appropriate level of parking is provided for in the DCP;
- Emissions: The proposed DCP is consistent with the outcomes anticipated by the condition and this requirement has been incorporated into performance standards;
- Lighting/Glare: The proposed DCP is consistent with the outcomes anticipated by the condition and this requirement has been incorporated into performance standards;
- Vibration: The proposed DCP is consistent with the outcomes anticipated by the condition and this requirement has been incorporated into performance standards;
- Refuse: The proposed DCP is consistent with the outcomes anticipated by the condition and this requirement has been incorporated into performance standards;
- Hazardous substances: The proposed DCP is consistent with the outcomes anticipated by the condition and this requirement has been incorporated into performance standards;
- Landscaping: A Landscaping plan forms part of the DCP application, and maintenance of the landscaping forms part of the performance standards..
- Stormwater/Wastewater: able to be managed by regional consents.

Future Consenting Implications for developing the site

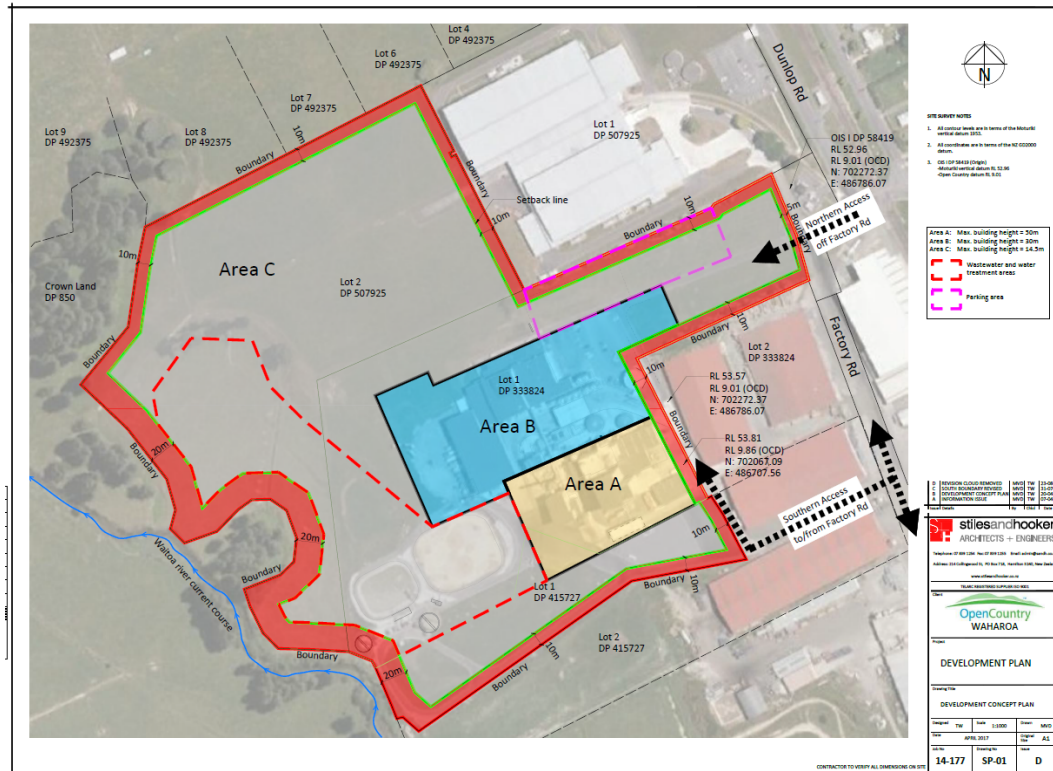
Expanding the scope of the consented milk processing facility currently requires consent as a discretionary activity, and given the nature of the activities on the site, consent may be required for each of the various buildings or expansions of the activities related to the milk processing facility.

Given the nature of the activity on the site, establishing a DCP for the site is considered an effective way to recognise the existing consented activity, the underlying zoning, the surrounding environment, and set a suitable planning framework that provides for the integrated resource management of the site, and that provides OCD with the relative degree of confidence that will enable the necessary long term planning required for major investments.

PART B: THE PLAN CHANGE REQUEST

7 THE REQUEST FOR THE DEVELOPMENT CONCEPT PLAN

It is proposed to establish a new DCP across the OCD site at Factory Road Waharoa. The proposed DCP is attached as **Appendix 1**.



Other Permitted Activities

In association with the milk processing activity, it is proposed to provide for a range of ancillary activities as permitted activities (where they also meet the performance standards). Activities are proposed that reflect the existing ancillary activities and that are reasonably anticipated to occur as part of the growth of the facility on the site in accordance with the DCP.

A permitted activity status is proposed for buildings and structures associated with activities accessory and/or ancillary to permitted, controlled, or restricted discretionary activities where they meet the performance standards, with any activity not meeting the performance standards being considered as a restricted discretionary activity.

In addition, Energy production is specifically proposed as a permitted ancillary activity to the operation of the milk processing facility on the site. Whilst it is anticipated that any increase in need for energy production on the site will coincide with the increase in processing, primarily the effects of the Energy production will be considered by the Waikato Regional Council. It is noted that should this activity not meet the performance standards, it would be considered as a restricted discretionary activity (see below).

Similarly, existing activities for new wastewater and water treatment plants are provided for as permitted activities within the area shown on the DCP. This recognises that the existing facilities are provided for as permitted activities, and enables upgrades and management of these facilities within the area shown on the DCP. It is noted that effects of the discharges associated with these activities will be considered by Waikato Regional Council.

Earthworks, which are also reasonably anticipated to be associated with any building construction are also proposed as permitted activities, subject to compliance with the relevant performance standards.

Proposed Permitted Activities

The following activities are proposed as permitted activities (subject to compliance with the performance standards outlined within section 1.1 of the DCP):

- a) The operation of a milk processing facility, involving the processing of up to 750 million litres per annum;
- b) The following buildings, structures and activities accessory and/or ancillary to permitted, controlled, or restricted discretionary milk processing:
 - Facilities for the packing and distribution of any products produced on site.
 - Transport servicing depots and workshops
 - Operation, maintenance, and upgrade Water and Wastewater Treatment Plants (within the area shown on the DCP)
 - Offices, laboratories and research facilities
 - Car parking within the demarcated parking areas shown on the DCP
 - Energy Production including boilers, power plants and co-generation plants
- c) Ancillary activities to the operation of the milk processing facility including: canteens, dining rooms, ablution

facilities, medical rooms, child care centres and recreational activities for staff

- d) Earthworks associated with the construction and development of buildings, structures and activities accessory and/or ancillary to any permitted, controlled, or restricted discretionary activity;
- e) Storage of Hazardous substances relating to a permitted, controlled, or restricted discretionary activity for a milk processing facility.

Controlled Activities

Controlled activity status is proposed for an increase in the milk processing facility volume only (as discussed above), and is considered that the matters for control in section 1.2 can manage the effects of this activity.

Proposed Controlled Activities

The following activities are proposed as controlled (subject to compliance with the performance standards outlined within section 1.1 of the DCP):

- a) The operation of a milk processing facility, involving the processing of up to 1 billion litres per annum;

Note:

Controlled Activities are subject to the matters for control outlined in section 1.2 Matters of Control in the DCP

Restricted Discretionary Activities

In addition to providing for the increase in the capacity of the milk processing facility, this activity status is also for any activity that is provided for as a permitted, controlled, or restricted discretionary activity that does not meet the performance standards in the DCP.

Given the activities will be considered by their relevant status in the DCP, it is considered that where the performance standards are not met that specific matters for assessment can be identified and therefore restricted discretionary status, rather than discretionary status is appropriate:

Proposed Restricted Discretionary Activities

The following activities are proposed as restricted discretionary (subject to compliance with the performance standards outlined within section 1.1 Performance Standards of the DCP):

- a) The operation of a milk processing facility, involving the processing of up to 1.25 billion litres per annum;
- b) Any activity that is provided for in this DCP as a Permitted, Controlled, or Restricted Discretionary activity that does not meet the performance standards within Section 1.1 Performance Standards

Note:

Restricted Discretionary Activities are subject to the matters for discretion outlined in section 1.3 Matters of Discretion of the DCP

Discretionary and Non-Complying Activities

Following on from the identification of activities where appropriate matters for discretion can be identified, it is proposed that where an activity is not specifically provided for in the DCP, that they are considered as either discretionary or non-complying activities.

Specifically, where an activity is not provided for but meets the performance standards, consideration of the activity can be undertaken as a discretionary activity, whilst any activity that is not specifically provided for by the DCP and also does not meet the performance standards is proposed to be considered as non-complying activity. For example, increasing the capacity beyond 1.25 billion litres per annum, being not provided as a permitted, controlled, or restricted discretionary activity, could be discretionary activity if it meets all the performance standards, or a non-complying activity if it were not in accordance with the performance standards.

As the DCP sets specific areas for wastewater and water treatment facilities, should these be proposed outside of the area identified on the DCP, then discretionary activity status is proposed to give full consideration to the potential effects.

Proposed Discretionary and Non-complying Activities

The following activity is proposed as a discretionary activity:

- a) Any activity that is not provided for in this DCP as a Permitted, Controlled, or Restricted Discretionary activity that meets the performance standards within Section 1.1 of the DCP.
- b) New wastewater treatment plants (outside of the location shown on the DCP)
- c) New water treatment plants (outside of the location shown on the DCP)

The following activity is proposed as a Non-complying activity:

- a) Any activity that is not provided for in this DCP as a Permitted, Controlled, or Restricted Discretionary activity and that does not meet the performance standards within Section 1.1 Performance Standards

The matters for control and restricted discretion:

In general the matters for control and restricted discretion are based on the matters outlined in the District Plan, and as provided for in existing DCPs. In this case, these matters have been informed by the specialist assessments provided in support of the application.

With respect to the administration of the matters, the consideration of Visual matters is only included with respect to the matters of control, reflecting the proposed activities, but is not included in the matters for discretion.

1.2 Matters of Control

1. General	<ul style="list-style-type: none">a) Location relative to the DCPb) Confirmation of compliance with the performance standards of the DCP, including confirmation of staff numbers for the purpose of demonstrating compliance with parking standards.
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2. Visual	<ul style="list-style-type: none"> a) Building Design <ul style="list-style-type: none"> - Scale and bulk: consistency with performance standards - External appearance, colour scheme and cladding: Reflective of Industrial Environment, with buildings typically pre cast concrete panels, coloursteel roofing and milk storage tanks stainless steel. Reflective materials on buildings shall be avoided to reduce impact of glare. b) Scale, including the height and bulk of the building c) Incorporation and appropriate scale of signage and provision of lighting
3. Traffic and Parking	<ul style="list-style-type: none"> a) Staff Parking to be provided at a rate as per the performance standards (being at a rate equivalent to staff numbers, plus 10 visitor spaces) b) All, parking spaces (including any Fleet Parking) shall be designed to meet the standards in 1.1 Performance Standards; c) Allocation of a loading space for a courier van adjacent to the office building; d) Provision of safe and efficient operation of existing access/exits e) Traffic generation: to be demonstrated to be in general accordance with the following estimated truck delivery movements per year (based on cumulative production capacity): 1 billion litres – 76,000
4. Landscaping	<ul style="list-style-type: none"> a) Stage 2 Landscaping (Riparian Planting – as shown on DCP Plans) to be implemented. b) Stage 1 Landscaping (Amenity Planting and Specimen Tree Planting) to be maintained.
1.3 Matters of Discretion – Restricted Discretionary Activities.	
1. General	<ul style="list-style-type: none"> a) Location relative to the DCP b) Confirmation of compliance with the performance standards of the DCP, including confirmation of staff numbers for the purpose of demonstrating compliance with parking standards. c) Extent of compliance with the matters of control
2. Traffic and Parking	<ul style="list-style-type: none"> a) Staff Parking to be provided at a rate as per the performance standards (being at a rate equivalent to staff numbers, plus 10 visitor spaces) b) All, parking spaces (including any Fleet Parking) shall be designed to meet the standards in 1.1 Performance Standards; c) Allocation of a loading space for a courier van adjacent to the office building; d) Provision of safe and efficient operation of access/exits e) Provide a Traffic Assessment (including surveys) to determine the existing level of service at the time of expansion for the intersections at Factory Road/Hawes Street and SH27, and Link Road and SH27. This assessment shall demonstrate that this level can be maintained (and may include mitigation, such as a Fleet Management Strategy to limit impacts on the intersections during peak times, or physical mitigation to the intersections). f) Traffic generation: to be demonstrated to be in general accordance with the following estimated truck delivery movements per year (based on cumulative production capacity): 1.25 billion – 95,000
3. Landscaping	<ul style="list-style-type: none"> a) Stage 1 and Stage 2 Landscaping to be maintained in accordance with DCP Plans)

Performance Standards / Development Controls

In general the performance standards as outlined in the District Plan have been proposed for adoption as the expectation is that the standard requirements in the plan can be met.

Guidance has also been taken from our review of existing and proposed DCPs and the specialist assessments. Effects associated with the performance standards are considered below in the assessment of effects.

Of particular note in terms of necessary upgrades, the traffic assessment has identified that an upgrade and reorganisation of the vehicle access arrangements should occur. OCD propose to complete these upgrades in association with the increase in processing capacity of the proposal to 750million litres. As this is proposed as a permitted activity, and all permitted activities are subject to compliance with the performance standards, this is specifically reflected below in the proposed performance standards. Similarly, ongoing requirements relating to access and parking are also included as standards to assist the ongoing monitoring of the proposal.

1.1 Performance Standards							
1. Noise	<p>Noise from operational activities on the site shall not exceed:</p> <ul style="list-style-type: none">- When measured at the <u>inner</u> noise control boundary: At all times: 65dB L_{aeq}- When measured at the outer noise control boundary: 7.00am to 10.00pm: 50 dB L_{aeq} 10.00pm to 7.00am. 40dB L_{aeq} and 75dB L_{afmax} <p>The Inner and Outer Noise Emission Control Boundaries are as defined on the DCP plan</p> <p>The noise levels shall be measured in accordance with the requirements of NZS6801:2008 "Measurement of Environmental Sound" and assessed in accordance with NZS6802:2008 Acoustics - Environmental Noise.</p>						
2. Construction Noise	<p>All construction noise shall meet the limits recommended in Table 1 of NZS6803P:1984. The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work and shall be measured in accordance with NZS6803P:1984. Adjustments provided in Clause 6.1 of NZS6803P:1984 shall apply, and references in the Tables of NZS6803P:1984 to "NZS6802" shall read as references to Clause 4.2.2 of NZS6802:1991.</p>						
3. Vibration	<p>Vibration shall not exceed the following average levels:</p> <p>a) At or within the boundary of any site zoned residential, or within 20m of any dwelling in the rural or rural-residential zones:</p> <table><thead><tr><th>Time</th><th>Average Weighted Vibration Level (Wb or Wd)</th></tr></thead><tbody><tr><td>Monday to Saturday 7.00 - 6.00pm (0700 - 1800)</td><td>45 mm/s²</td></tr><tr><td>At all other times</td><td>15 mm/s²</td></tr></tbody></table>	Time	Average Weighted Vibration Level (Wb or Wd)	Monday to Saturday 7.00 - 6.00pm (0700 - 1800)	45 mm/s ²	At all other times	15 mm/s ²
Time	Average Weighted Vibration Level (Wb or Wd)						
Monday to Saturday 7.00 - 6.00pm (0700 - 1800)	45 mm/s ²						
At all other times	15 mm/s ²						

	<p>b) At or within the boundary of any adjacent site zoned business or industrial:</p> <table border="1"> <thead> <tr> <th>Time</th><th>Average Weighted Vibration Level (Wb or Wd)</th></tr> </thead> <tbody> <tr> <td>At all times</td><td>60 mm/s²</td></tr> </tbody> </table> <p>c) The weighted vibration levels Wb and Wd shall be measured according to BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying an adjacent site.</p>	Time	Average Weighted Vibration Level (Wb or Wd)	At all times	60 mm/s ²
Time	Average Weighted Vibration Level (Wb or Wd)				
At all times	60 mm/s ²				
4. Lighting and Glare	<p>a) At no time between 7.00am and 10.00pm shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux, measured horizontally or vertically at the boundary of any non-industrial zoned site adjoining.</p> <p>b) At no time between the hours of 10.00pm and 7.00am shall any outdoor lighting be used in a manner that causes:</p> <ol style="list-style-type: none"> An added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjoining building within a non-industrial zone. An added illuminance in excess of 20 lux measured horizontally or vertically at any point along any non-industrial zone boundary. <p>c) Where measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting.</p> <p>d) The outdoor lighting on any site adjoining any non-industrial zoned site shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to any occupants of the non-industrial site.</p> <p>e) No reflective material or unpainted surface that creates glare to the extent that it causes discomfort shall be used</p> <p>For the purpose of this standard, the discomfort level is defined as one that can be detected and determined to be a nuisance by an appropriately experienced Council Officer who is able to apply a frequency, intensity duration, and offensiveness assessment objectively to their observations.</p>				
5. Air Emissions	<p>a) Odour: The management of activities shall ensure that there is no odour nuisance at or beyond the boundary of the property.</p> <p>b) Dust and Particulate: The management of activities shall ensure that there is no discharge of dust or particulate to the extent that it causes an adverse effects at or beyond the property.</p> <p>For the purpose of this rule an odour nuisance is defined as one that can be detected and determined to be a nuisance by three observers who are neutral to the issue, able to apply the frequency, intensity, duration and offensiveness to their observations and who are able to report these accurately; or an appropriately experienced Council or Regional Council Officer after having considered objectives, policies and guidelines of assessment as provided in the relevant sections of a Regional Air Plan or consideration of the provisions in Section 17 and Part XII of the RMA.</p>				
6. Use and storage of hazardous substances	<p>The use and storage of hazardous substances shall comply with the Hazardous Substances and New Organisms Act 1996 (HASNO) as amended and the regulations made under the HASNO Act.</p>				

7. Building Envelope (Areas as shown on the DCP Plan)	<p><u>Area A:</u> Maximum height: 50m</p> <p><u>Area B:</u> Maximum height: 30m</p> <p><u>Area C:</u> Maximum height: 14.5m</p>
8. Yard	10m
9. Front Yard	5m
10. Waitoa River Yard	20m setback (as measured from the river bank)
11. Height Relative to Boundary	Height (h) shall not exceed one quarter the distance (d) to the closest boundary adjoining (h = d/4) for site boundaries adjoining any non-Industrial zone.
12. Front Yard Landscaping	50% of required Front Yard
13. Building Design	<p>External appearance, colour scheme and cladding of buildings shall be:</p> <ul style="list-style-type: none"> i. Reflective of Industrial Environment, with buildings typically pre cast concrete panels, coloursteel roofing and milk storage tanks stainless steel; ii. Reflective materials on buildings shall be avoided to reduce impact of glare.
14. Car Parking, loading, Fleet Parking, and Formation and Manoeuvring	<ul style="list-style-type: none"> a) A minimum of 45 staff parking spaces shall be provided on the site in association with permitted activities. b) Each application to increase the milk processing capacity of the facility shall be accompanied by details outlining the staff increases associated with the capacity increase. Provision shall then be made for staff parking at a rate equivalent to the staff requirement for each consented increase in the milk processing capacity. c) 10 visitor parking spaces shall be provided at all times. d) 1 parking space shall be provided for a courier van at all times. e) All visitor parking and loading spaces shall be clearly identified. f) All parking dimensions shall be, formed and surfaced in accordance with the MPDC Development Manual 2010. g) Parking shall be located in the areas shown on the DCP.
15. Access	<ul style="list-style-type: none"> a) Vehicle access is to be provided and maintained at both the northern and southern boundaries of the site on Factory Road (and as shown on the DCP). b) The Northern access off Factory Road shall be maintained as a single driveway access (i.e. shared by light and heavy vehicles); c) All vehicle accesses shall be designed and constructed in accordance with the MPDC Development Manual 2010
16. Signage	<ul style="list-style-type: none"> a) Signage attached to or forming part of the principal building, its walls or canopies shall not exceed 30m² b) In addition, free standing signs are permitted where the surface area viewed from any one direction does not exceed 16m²
17. Landscaping	<p>To be maintained in accordance with the site landscaping plan (and the staging of that plan) that forms part of the DCP.</p> <p>Stages of Landscaping to be implemented:</p> <ul style="list-style-type: none"> • Stage 1: Amenity Planting and Specimen Tree Planting (required with the operation of a

	milk processing facility of up to 750million litres per-annum) <ul style="list-style-type: none"> Stage 2: Riparian Planting (required with the operation of a milk processing facility of up to 1 billion litres per-annum).
18. Earthworks	Earthworks must be undertaken in accordance with the MPDC Development Manual (2010) and the Waikato Regional Council's Guidelines for Soil Disturbing Activities (2009).
19. Wastewater Treatment Plants	To be limited to the location shown on the DCP.
20. Water Treatment Plants	To be limited to the location shown on the DCP
21. Stormwater Discharge	All stormwater discharge to be via the on-site stormwater wetland and be managed in accordance with the MPDC Development Manual

8 COMPARISON WITH THE DISTRICT PLAN, OTHER DCPS, AND THE EXISTING CONSENT

The following table provides a comparison⁴ between the activities proposed in the DCP and their status within the District Plan. Comparison is also given to the status of these activities in selected existing DCPs (of a similar nature to that proposed), and with the existing consented activity.

SITE ZONE: INDUSTRIAL				
Activity	Proposed Status	Status in District Plan	Status in other DCPs	Existing Consent (at current scale)
<u>The operation of a milk processing facility at intensities of:</u> <ul style="list-style-type: none"> Up to 750 million litres per annum; Up to 1 billion litres per annum Up to 1.25 billion litres per annum 	<ul style="list-style-type: none"> Permitted Controlled Restricted Discretionary 	Discretionary	Permitted /controlled Tatua ./ Waitoa	Consented
Permitted Activities: b) The following buildings, structures and activities accessory and/or ancillary to permitted, controlled, or restricted	Permitted (with performance standards)	Permitted (with performance standards)	Permitted – Tatua / Waitoa	Consented

⁴ General comparison/ best fit where specific activities are provided for.

<p>discretionary milk processing:</p> <ul style="list-style-type: none"> • Facilities for the packing and distribution of any products produced on site. • Transport servicing depots and workshops • Operation, maintenance, and upgrade Water and Wastewater Treatment Plants (within the area shown on the DCP) • Offices, laboratories and research facilities • Car parking within the demarcated parking areas shown on the DCP • Energy Production including boilers, power plants and co-generation plants <p>c) Ancillary activities to the operation of the milk processing facility including: canteens, dining rooms, ablution facilities, medical rooms, child care centres and recreational activities for staff</p> <p>d) Earthworks associated with the construction and development of buildings, structures and activities accessory and/or ancillary to any permitted, controlled, or restricted discretionary activity;</p> <p>e) Storage of Hazardous substances relating to a permitted, controlled, or restricted discretionary activity for a milk processing facility.</p>				
<p>Controlled Activities:</p> <p><i>[Note: only Milk processing facility of up to 1 billion per annum provided as controlled activity – see above]</i></p>	See above			
<p>Restricted Discretionary Activities:</p> <p>b) Any activity that is provided for in this DCP as a Permitted, Controlled,</p>	Restricted Discretionary	Restricted Discretionary	Discretionary: Tatua / Waitoa	

The following table provides a comparison⁵ between the development controls and performance standards proposed in the DCP and their status within the District Plan. Comparison is also given to the status of these development controls and performance standards in selected existing DCPs (of a similar nature to that proposed), and with the existing consented activity.

Development Controls	Proposed	In District Plan	In other DCPs	Existing Consent (at current scale)
Maximum Height	VARIABLES: <u>Area A:</u> Maximum height: 50m <u>Area B:</u> Maximum height: 30m <u>Area C:</u> Maximum height: 14.5m	12m (where no DCP) OR 20m (for a DCP) OR as defined in the DCP	Waitoa: 60m Tatua: 30m	45m high stack 33.7m Dryer building and 40.56m Dryer exhaust stack
Yard	10m	10m	Generally 10m	
Front Yard	5m	5m		
Front Yard Landscaping	50% of required Front Yard	50% of required Front Yard		
Waitoa River Yard	20m from River bank	N/A but consistent with Esplanade requirement	-	-
Height Relative to Boundary	Height (h) shall not exceed one quarter the distance (d) to the closest boundary adjoining (h = d/4) for boundaries adjoining any non-Industrial zone.	Height (h) shall not exceed one quarter the distance (d) to the closest boundary adjoining (h = d/4) for boundaries adjoining any non-Industrial zone.	-	-
Performance Standards	Consistency with the Plan			
Noise	The proposed noise limits and the NECB achieve the same outcome as the performance standards in the District Plan. It is noted that the proposed noise standards have been updated to reflect the most recent iterations of the New Zealand Standards for Acoustics.			
Construction Noise	As per the performance standards in the District Plan			
Vibration	As per the performance standards in the District Plan			
Lighting and Glare	As per the performance standards in the District Plan			
Air Emissions	As per the performance standards in the District Plan (general reliance on section 17 of the RMA)			
Use and storage of Hazardous	As per the performance standards in the District Plan			

⁵ General comparison/ best fit.

substances	
Management and disposal of wastes	As per the performance standards in the District Plan
Building Envelope	Maximum Height: Proposed having considered the Visual Landscape Assessment undertaken by Mansergh Graham and reflecting the existing consented development.
Yard	Yards: of 10m proposed as per development controls in the District Plan.
Front Yard	As per the performance standards in the District Plan
Front Yard Landscaping	As per the performance standards in the District Plan
Waitoa River Yard	As per the performance standards in the District Plan for River Protection Yards
Height relative to boundary	As per the performance standards in the District Plan
Access	As determined by the specialist assessment
Car Parking	As determined by the specialist assessment
Signage	Of a level similar to that of a permitted activity
Landscaping	Specific outcome to be provided based on landscaping plan
Earthworks	As per the MPDC Development Manual and Waikato Regional Council's Guidelines for Soil Disturbing Activities (2009)
Wastewater Treatment Plants	Location and extent as identified on DCP
Water Treatment Plants	Location and extent as identified on DCP
Stormwater Discharge	Discharge via existing wetland as shown on DCP, and managed in accordance with the performance standards of the District Plan (MPDC Development Manual)

9 IMPACT ON EXISTING PROVISIONS OF THE OPERATIVE PLAN

The District Plan

The applicant seeks to establish a DCP across the OCD site at Factory Road, Waharoa. As the DCP is specific to the site and to the milk processing facility, and based on the outcomes of the statutory assessments in the sections below (and consideration of existing activities and their operation under the District Plan), the proposal is considered to be able to integrate within the existing District Plan without necessitating changes to the objectives and policies or General Rules of the District Plan (as discussed in the assessments below).

The DCP is proposed to be introduced into Schedule 5 of Part B the District Plan, with a consequential addition to the Planning maps in Part C of the District Plan.

In terms of format and structure, guidance has been taken from existing DCPs that form part of the District Plan, and on direction received from engaging with Council. The final format and layout of the DCP will be to the satisfaction of MPDC.

PART 3: ASSESSMENT

10 STATUTORY TESTS

The following sections of this report undertake a detailed evaluation of the statutory requirements or tests the Council must address in considering any plan change request. The assessment includes the necessary considerations the Council must address in terms of section 32 of the Act. Section 32 was amended by the Resource Management Amendment Act 2013 and this report addresses the revised requirements for evaluation reports introduced by the amendment section.

The Environment Court, in considering a major plan change redevelopment for Long Bay, Auckland outlined a series of requirements the Council needs to address when determining a proposed new district plan, public plan change, or private plan change (*Long Bay-Okura Great Park Society Inc v North Shore City Council (A078/08)*). While section 32 has been amended since this time, nevertheless the Long Bay decision provides a useful framework around the appropriate principles to consider in evaluating a private plan change request. The following sections address the matters set out by the Court in that decision. Where the statutory test has been amended this is addressed.

The next sections evaluate the extent to which and how this private plan change gives effect to the purposes of the Resource Management Act and achieves the statutory tests for a supportable plan change.

11 PURPOSE OF THE RESOURCE MANAGEMENT ACT: PART 2 ASSESSMENT

The Environment Court in the Long Bay decision stated "*A district (change) should be designed to accord with and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.*"

Section 5 of Part 2 identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The proposed plan change to introduce a DCP for the site will assist Council in achieving the purposes of the Act. Fundamentally, this plan change request to establish a DCP for the site enables the comprehensive and integrated use and development of the Factory Road site.

Through enabling a site specific planning framework to manage the increase in productivity of the existing milk processing facility will provide certainty for investment to OCD, and will in turn have a direct positive contribution to the social, economic and cultural wellbeing of the

local community through providing access to employment opportunities, whilst also contributing to the efficient use and development of industrial land.

Furthermore, the integrated management of the site, in combination with the regional consents will assist the Council in "safeguarding the life-supporting capacity of air, water, soil and ecosystems through the management of stormwater, enabling the built form (stack height) outcomes that assist the management of the discharge of contaminants to air, and through the ability of appropriately managing landscaping within the industrial environment.

On the basis of the assessments below and the attached specialist assessments, in our view Council can be satisfied that the request for a plan change to establish a DCP for the site will meet the purpose of section 5 of the RMA, and that it will avoid, remedy or mitigate any adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development. Given the nature of the proposal, and the subject site and surrounding environment, the proposal is not considered to be contrary to the matters in section 6.

Of particular relevance is that as demonstrated by the specialists assessments prepared in support of the plan change request, the increase in capacity of the milk processing facility can be undertaken in manner that ensure that it sets a consenting pathway for an activity that is appropriate for the site, and acceptable in the context of the surrounding environment. As such, the plan change request will assist the Council to achieve the purpose of the Act in regard to the matters of national importance.

Section 7 of the Act identifies a number of "other matters" to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

This plan change request to establish a DCP for the site will assist the Council to achieve the purpose of the Act in regard to the other matters by enabling the integrated and co-ordinated development of an industrial site, enabling an efficient use of the land resource. Additionally, and as outlined in the assessments below amenity values of the surrounding environment will be maintained through the appropriate management of the development of the site through the DCP.

Section 8 of the Act requires Council to take into account the principles of the Treaty of Waitangi. As noted above and in section 14 below, OCD have undertaken consultation with Waikato Tainui as part of the development proposal, and will continue to engage with Waikato Tainui as part of the further development of the site. This consultation is a reflection of the recognition of the role of Waikato Tainui as kaitiaki of the land, and as such, through this meaningful engagement the principles of the Treaty of Waitangi have therefore been taken into consideration of the application.

12 RELEVANT PLANNING DOCUMENTS

Hauraki Gulf Marine Park Act

As the subject site is located within the Catchment for the Hauraki Gulf, regard must be had to sections 7 and 8 of the Hauraki Gulf Marine Park Act. These sections recognise the national importance of the Hauraki Gulf, and establish the importance of the management of the Hauraki Gulf, its islands, and its catchments.

In the context of the activities proposed for the site, and as outlined in the assessments below, the proposed DCP is not anticipated to give rise to any adverse effects on the Hauraki Gulf, and does not conflict with the recognition of the national importance or management of the Gulf.

National Policy Statements or NZ Coastal Policy Statement

There are no relevant national policy statements or New Zealand Coastal policy statements apply to this request to establish a DCP for the site.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011)

Based on the information held by OCD⁶ for the site, it is understood that the site was occupied by residential dwellings until it was developed by Open Country Cheese (predecessor to OCD). As part of the use of the site as a milk processing facility, two activities on the Hazardous Activities and Industries List have been registered, being: A17 Storage Tanks or drums for fuel, chemical or liquid waste, and E5 Coal or coke yards. Both of these activities have been contained in specific areas on the site (see Figure 5).

As the land meets the definition of "land covered" under the regulations, consideration of the activities in clause 5 of the NES is required. In this case, the proposed DCP does not in itself involve any of the activities specified in clause 5 of the NES as:

- It does not involve the removing or replacing of a fuel storage system;
- Does not involve the sampling of soil;
- Does not involve the disturbance of soil;
- Does not involve the subdivision of land; and
- Does not change the use of the land.

With respect to the administration of the DCP, I note that in the context of the activities proposed on the site, the activity most likely to require consent under this NES would be land disturbance associated with the construction of new buildings and structures (proposed as controlled activities). Assessment of the NES at this time is considered appropriate, reflecting the direction of the NES to apply to the area of the land identified as subject to the HAIL, and enabling the volume of land disturbance to be considered against the permitted standards of the NES. It is noted that the proposal does not seek to integrate the NES

⁶ Based on a review of Historic Aerial photographs supplied by the Waikato Regional Council dated 1966, 1972 and 1981.

requirements specifically into the DCP, with the consideration of the NES being undertaken in parallel to any consenting requirements, and ensuring that relevant updates to the NES will continue to be considered as anticipated by that legislation.

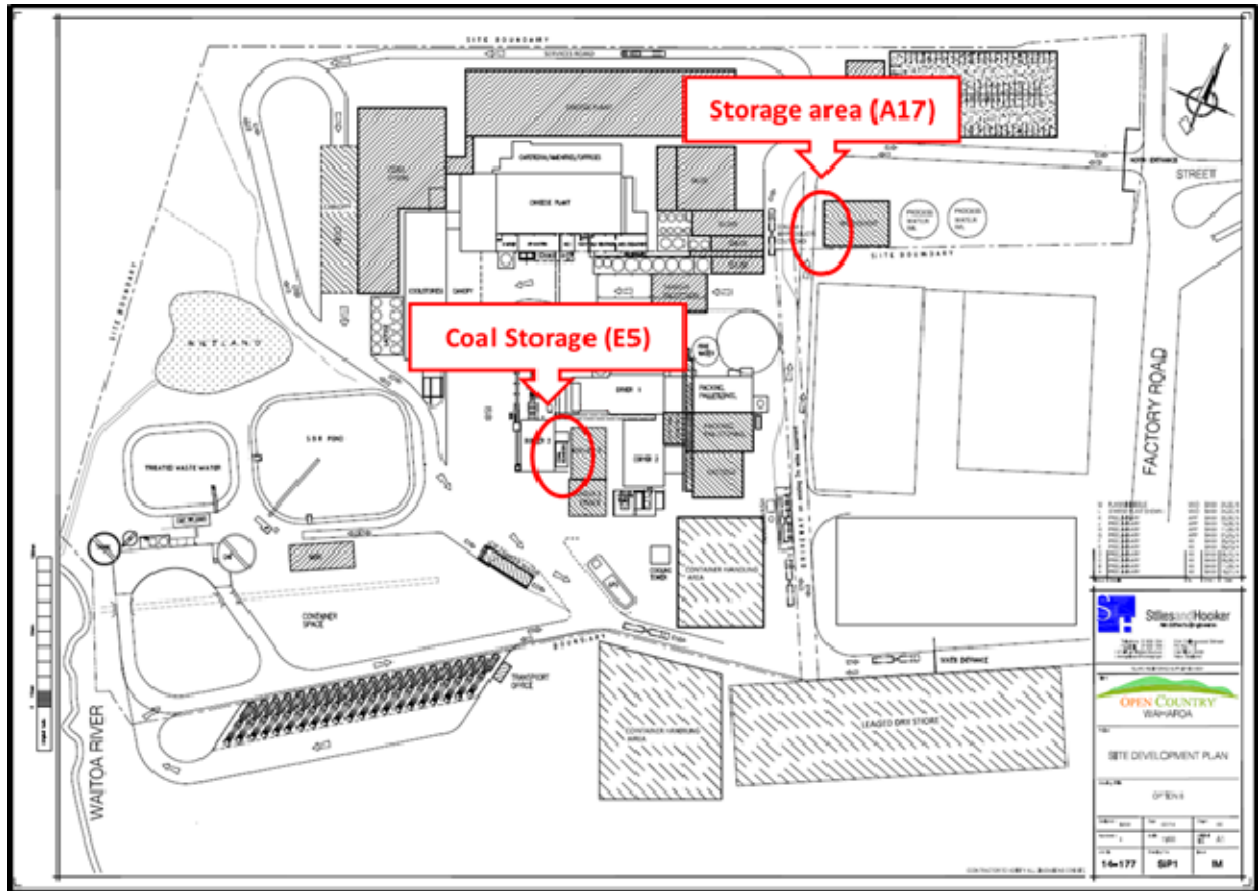


Figure 5: HAIL Activity Locations

National Environmental Standard for Air Quality (2004)

The responsibility for managing air quality under the RMA sits with the Regional Council, which in this case is the WRC. This NES are regulations made under the RMA that establish minimum standards that discharges to air must meet.

In this case, OCD hold a consent for the combustion of coal creating a discharge of contaminants to air with the WRC, and also have an application currently being processed by the WRC. Both the existing consent and the technical assessments supporting the current application identify that the proposal will not exceed the standards of the NES.

With respect to the administration of the DCP, given the responsibility to manage air quality sits with the WRC, any consideration of this activity will be limited to the consideration of any buildings or stacks associated with this activity. The DCP therefore structures energy production to include boilers, power plants and co-generation plants as a controlled activity and establishes matters for control and performance standards relating to the built form of these facilities.

Other National Environmental Standards

For completeness, it is noted that the National Environmental Standards for Sources of Drinking Water, Telecommunication Facilities, and Electricity Transmission Activities, are not relevant to the proposed DCP request.

Regional Policy Statement

The Environment Court in the Long Bay decision stated that:

When preparing its district plan (change), the territorial authority shall:

- (a) Have regard to any proposed regional policy statement*
- (b) Not be inconsistent with any operative regional policy statement"*

The statutory test has since been amended, and section 75 of the Act outlines that a district plan change must "give effect to" any regional policy statement. This is a stronger test than "not be inconsistent".

Waikato Regional Policy Statement 2016

The Waikato Regional Policy Statement (RPS) sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought to achieve the integrated management of the natural and physical resources of the Waikato Region.

Of particular relevance to the proposed request to establish a DCP on the site are the following issues:

- Managing the Built Environment;

Relationship of Tangata Whenua with the environment (te taiao); In addition, it is noted that the RPS specifically defines a "regional significant industry" as:

Means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

In this case, as the existing milk processing facility operated by OCD forms part of the dairying industry, and this industry is of both regional and national significance (particularly on an economic, but also a social and cultural level). As such, the provisions that relate to "regionally significant industry" in Part B 4 are also specifically relevant.

With these issues in mind, and having considered the Objectives in section 3 and policies outlined in Part B of the RPS it is considered that the request for plan change to establish a DCP on the site:

- Facilitates the continued efficient use of industrial land;
- Establishes appropriate planning framework to ensure that the built environment can be managed in an integrated, sustainable, and co-ordinated manner. Furthermore it provides for an activity that is appropriate in the context of the surrounding environment and underlying zone, and that supports the social and economic wellbeing of the region.
- Contributes to the management of potential reverse sensitivity effects through providing a clearer understanding of the scope of the activities on the site and potential effects;

- Does not impact on outstanding natural features and landscapes;
- Does not unreasonably detract from the amenity of the site and surrounding environment;
- Consultation has been undertaken with NZTA, who have confirmed that capacity is available at the two intersections with SH27 (being regionally significant transport infrastructure);
- In the context of the structure of the District Plan, enabling a DCP to be established for the activity gives effect to the RPS direction to co-ordinate and provide the appropriate provisions for the development of a regional significant industry; A DCP provides greater certainty for the long term investment by OCD on the site, thereby giving effect to the direction of the RPS to recognise the long term benefits of such activities to the economic, social and cultural wellbeing of the surrounding communities.

Overall, the proposed request for a plan variation is considered to be consistent with the direction and objectives and policies, and therefore give effect to the RPS.

Regional Plans

The Long Bay Environment Court Decision states:

In relation to regional plans:

(a) The district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and

(b) Must have regard to any proposed regional plan or any matter of regional significance etc."

Waikato Regional Plan

The Waikato Regional Plan (WRP) provides direction for the use, development and protection of natural and physical resources in the Waikato Region, and provides for the implementation of the strategic framework set out in the RPS. The WRP contains modules covering Matters of Significance to Maori, Water, River and Lake Beds, Land and Soil, Air, and Geothermal Resources.

Consents are held with the Waikato Regional Council for the discharge of contaminants to air, discharge of treated wastewater to land, discharge of treated wastewater to the Waitoa River, discharge of condensate to the Waitoa River, discharge of stormwater to the Waitoa River, discharge of treated wastewater to land and discharge of dairy by-products to land.

As would be expected, a number of consenting matters at District Plan level that would be facilitated by the DCP (e.g. new buildings, expansion to the cheese factory or warehousing or storage capacity) would not impact on the current regional consents held for the site. Where development on the site triggered a requirement for new regional consents under the WRP, or where consents expire, these would be for to the Waikato Regional Council as appropriate.

Establishing a DCP for the site is considered to provide greater certainty for OCD with respect to planning the major investment required to develop the site, and assists with the co-

ordination and integration of consenting at a regional level with respect to durations of consent and the staged development of operations on the site.

Other Management Plans and Strategies

The Environment Court in the Long Bay decision stated:

"When preparing its district plan (change), the territorial authority must also:

- Have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register, and to various Fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;*
- Take into account any relevant planning document recognised by an iwi authority; and*
- Not have regard to trade competition."*

Waikato Land Transport Strategy 2015-2045

The Waikato Land Transport Strategy 2015-2045 (WLTS) sets the strategic direction for land transport in the Waikato Region for the next 30 years.

Given the proximity of the site to State Highway 27, the WLTS is of relevance to the consideration of the request. In this case, and as outlined in the assessments below the Traffic Assessment (attached **Appendix 5**) the scope of activities provided for by the DCP are anticipated to be able to be managed so that any potential adverse effects on State Highway 27 are appropriately mitigated or avoided.

District Plan

The Long Bay decision stated that a district plan or plan change must include:

"The formal requirement that a district plan (change) must also state its objectives, policies, and the rules (if any) and may state other matters."

Matamata Piako District Plan

As outlined above the proposed request to establish a DCP across the OCD site at Factory Road, Waharoa is proposed to be introduced into Schedule 5 of Part B the District Plan, with a consequential addition to the Planning maps in Part C of the District Plan.

In terms of the relevant provisions of the District Plan of particular relevance to the request to establish a DCP for the site are the matters as they relate to the provision of the milk processing facility on the industrial zone site.

The following assessments consider the integration of the proposed DCP into the District Plan. *Part A: Issues, Objectives and Policies*

In this case the objectives and policies that relate to Significant resource management issues as they relate to Industry (section 2.4.5) and Integrating land use and Infrastructure (section 2.4.6), and the Environment as they relate to Amenity (section 3.5.2) and Transportation (section 3.8) are of particular relevance to the request for a DCP.

With regard to the provisions relating to Industry⁷, the proposed DCP is considered to enable the orderly and coherent development of an industrial activity on a site that is appropriate for industrial use, and can be managed to ensure that any adverse effects are avoided, remedied or mitigated so that the amenity values of the surrounding environment are retained.

With respect to Integrating land use and Infrastructure⁸, of particular relevance is the potential impact on the transport, stormwater, and wastewater networks. As outlined in the assessment below and within the specialist report prepared by TDG (attached as **Appendix 4**), the scope of activities provided for by the DCP is not anticipated to have any adverse effects on transport network. Similarly, and as outlined in the assessment prepared by Gwilym Environmental (attached as **Appendix 6**), stormwater can be appropriately managed by the development, whilst the existing and wastewater treatment plants and provision for the consideration of new wastewater treatment plants ensures that any adverse effects associated with wastewater are appropriately managed on site without impacting on the network.

⁷ 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.*

⁸ Objective 1: *Land-use, subdivision and infrastructure are planned in an integrated manner that:*

- *Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure;*
- *Recognises the need for the provision of infrastructure; and subdivision, land-use and development to be co-ordinated; and*
- *Ensures the sustainable management of natural and physical resources while enabling people and communities to provide for their economic, social, and cultural wellbeing.*

Policy 1: *Rezoning, new development, and expansion/ intensification of existing development shall take place where:*

- *The operation, maintenance, upgrading, or development of infrastructure, including regionally significant infrastructure, is not compromised;*
- *There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost-effectively to meet that demand;*
- *The networks have been designed to carry the type of service including the type and volume of traffic required to support the development; and*
- *Adverse effects on the natural and physical environment can be appropriately avoided, remedied, and mitigated.*

Policy 2: *Land use and infrastructure must be co-ordinated so that:*

- *Development can be appropriately serviced by infrastructure in a cost-effective manner;*
- *Land use change does not result in adverse effects on the functioning of infrastructure networks; and*
- *Development does not adversely affect the efficiency and effectiveness of infrastructure networks*

Policy 3: *Subdivision and development which result in the uneconomic expansion of existing infrastructure shall be avoided.*

Policy 4: *The increased demand on infrastructure is managed by requiring subdivision and development to be co-ordinated with the provision of infrastructure and integrated with the transport network and the District's road hierarchy*

The Plan sets a direction for managing Amenity through the consideration and use of Development Standards, the protection provided through controlling Design, Appearance and Character, the management of Nuisance Effects, and controlling signage.

With respect to Development Standards⁹, it is considered that the underlying District Plan provisions unreasonably constrain the built environment associated the industrial activity on site, and that the proposed DCP can provide for a more appropriate planning framework and development controls that recognises the ability to develop the site in an efficient manner that will not unreasonably detract from the amenity of the surrounding environment through adverse shading and dominance effects.

In terms of design, appearance and character¹⁰, the Plan seeks to ensure that the design and appearance of building and sites is in keeping with the character of the surrounding environment. As noted in the assessments below and within the Landscape and Visual Assessment (attached as **Appendix 3**), the proposed development of the site that would be facilitated by the DCP is considered to be acceptable from a visual perspective and is not anticipate to detract from the amenity or character of the surrounding townscape or landscape of Waharoa.

In regards to nuisance effects¹¹, through enabling a consenting framework that reflects the OCD masterplan of the site, it provides certainly around the co-ordinated development of the site to ensure that nuisance effects can be appropriately internalised or avoided. Given the nature of the milk processing activity, of particular relevance is the management of noise generated on the site. As outlined in the assessments below and within the Noise Assessment (attached as **Appendix 4**), noise can be managed to ensure that there are no

⁹Objective 1: *To maintain and enhance a high standard of amenity in the built environment without constraining development innovation and building variety.* Policy 1: *To ensure that development in residential and rural areas achieves adequate levels of daylight admission, privacy and open space for development sites and adjacent properties.* 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.*

¹⁰ 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.*

¹¹ 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.*

Objective 2: *To provide healthy and safe working, living and recreational environments by avoiding and mitigating the effect of excessive noise, vibration, odour and dust.* Policy 2: *To ensure that activities in business, rural, industrial and recreational areas avoid, remedy or mitigate generated effects to maintain and enhance a healthy, safe and pleasant environment and take all reasonable steps to internalise any nuisance effects.*

Objective 6: *To ensure that subdivision and land use activities are located and sited in a manner that recognises existing and planned infrastructure networks and avoids, remedies, or mitigates any potential reverse-sensitivity effects on those infrastructure networks.* Policy 6: *To ensure that appropriate buffers and other mitigation measures are established between incompatible activities and zones.*

adverse nuisance effects on the surrounding environment, and the proposed development enabled by the DCP will be able to comply with the performance standards of the Plan.

In terms of signage, it is proposed to rely on the extent of signage provided for by the Plan, given the nature of the activity on site and the scale and form of the buildings associated with the activity these standards are considered to be appropriate.

Having considered the proposal against the existing provisions of the District Plan, no changes are considered necessary to the objectives and policies or general rules. The proposed DCP is considered to be able to operate in accordance with the structure of the District Plan, which currently provides for the operation and management of industrial activities of the nature consented on the site, and to the extent proposed by the DCP.

It is also noted that the District Plan provides for a number of similar DCP activities that are currently being administered under this framework. Indeed, in the context of the structure of the District Plan, using a DCP to manage the integrated and co-ordinated development of an activity such as that proposed is considered to give effect to the RPS direction to co-ordinate and provide the appropriate provisions for the development of regional significant industries. As such, it is our view that enabling the District Plan to manage the activity on the site by way of a DCP is acceptable in the context of both the direction and structure of the Plan, and is the most appropriate way to give effect to the RPS.

Part B: Rules

Of particular relevance in this case are the management activities, and extent and scope of development controls provided by the underlying provisions of the District Plan.

In considering the existing consented use on the site, and the outcomes of the specialist assessments that support this plan change request, the provision of the milk processing activity on site is considered to be consistent with the direction of the Plan in managing activities (and consistent with scheduled sites across the district of similar nature).

Similarly, with respect to development controls, the proposed DCP seeks to provide the scope for an appropriate built form that reasonably relates to the appropriate and efficient use of the site as a milk processing facility. In my view, the inappropriateness of the underlying provisions to reflect this type of development is particularly apparent in the context of the Waharoa Industrial Park, where the general provisions of the District Plan as they relate to industrial activities are not considered to provide the most practical or efficient limits for controlling the reasonable form of industrial activities on the site. This is reinforced by the range and scale of development controls provided for across the many existing DCPs as they relate to similar Industrial zone sites accommodating similar activities. As such, the proposed DCP seeks to provide for a greater Building Height development standard. Retaining consistency with the District Plan in terms of the Yard, Front Yard, and Front Yard Landscaping is considered to be appropriate.

The scope and appropriateness of the development controls proposed as part of the request to establish the DCP on the site are discussed below with respect to the adverse effects, and demonstrates that scale and extent of built form potentially enabled by the proposed development controls is consistent with the direction of the Plan.

13 EFFECTS ON THE ENVIRONMENT

The Council must also satisfy itself when considering this plan change request this plan change request are the actual and potential effects enabled by the plan change.

In terms of the actual and potential effects of the DCP enabled by the plan change request, the following effects are considered relevant:

- Amenity effects
- Effects arising from Built Form
- Traffic effects
- Effects on infrastructure
- Noise effects
- Odour effects
- Effects associated with Hazardous substances
- Effects of any discharges

The following assessments address these elements and should be read in conjunction with the specialist assessments:

Amenity Effects

The area subject to the proposed request for a plan change is zoned for industrial use, and is currently operating as a milk processing facility under consent 102.2013.10649. The proposed DCP seeks to provide for continued operation of this activity on the site but to provide for a staged expansion of the milk processing facility on the site in an integrated and co-ordinated manner.

In the context of this environment, and the proposed mitigation of effects outlined in the assessments below, the proposed activities provided for under the DCP are considered to be consistent with the existing amenity on the site and surrounding environment, and are not anticipated to give rise to any adverse amenity effects.

Effects arising from Built Form

In association with the built forms associated with development provided for under the DCP, any effects are anticipated to be limited to shading effects and visual effects.

Shading

The proposed performance standards relating yards and maximum height in the DCP and in relation to the areas shown on the DCP plan are considered to be appropriate to ensure that any adverse shading effects on adjacent land are avoided, and development in association with these controls is therefore not expected to give rise to any adverse shading effects.

Visual effects

Mansergh Graham Landscape Architects (MGLA) have undertaken a comprehensive visual assessment of the existing landscape and character, the potential landscape facilitated under development provided for by the DCP, and the effects on the proposed development on the

surrounding environment in order to gain an understanding of the likely visual effects arising from the potential development of the land in accordance with the proposed DCP. This assessment was based on the consideration of various models including, Digital Elevation Model, a Digital Surface Model, and the creation of a 3D interactive Model¹².

In general, the assessment identified that any adverse visual effects were considered to be negligible and low, both of which are identified as being below the threshold of minor in terms of the RMA, whilst the view from two locations were identified as being low-moderate, which is identified as on the minor threshold with respect to the RMA.

In practical terms avoiding all adverse effects visual is not possible, however it is noted that future industrial development in the Waharoa Industrial Park would provide some practical screening, and would reduce these visual effects. Importantly, in terms of the existing character and landscape of Waharoa and surrounding landscape the visual assessment identified that any adverse effects would be negligible.

The assessment also identifies that in general, there is flexibility for development to occur within the Areas identified in the DCP and maintain a consentient level of effects.

A mitigation strategy is proposed to mitigate adverse visual effects of the proposal and includes:

- Amenity planting, including specimen trees along the eastern and western boundaries of the site;
- Riparian Planting (indigenous planting) along the southwestern boundary (Waitoa River Stream Banks);
- Use of a range of cladding options and variation to building heights; and
- Restriction of light emissions (consistent with the Performance Standards of the District Plan).

To manage effects of development under the DCP this mitigation strategy has been built into the DCP plans, performance standards, and matters of control as follows:

- Landscaping mitigation is proposed in two stages (as shown on the DCP Landscaping Plan in **Appendix 12** (also included in suite of DCP Plans in Appendix 1)).

The first stage of landscape planting (Amenity Planting and Specimen Tree Planting) is to occur in association with the expansion of the activity to 750million litres. Expansion to this capacity is proposed as a permitted activity, and all permitted activities are required to meet all the performance standards, of which the implementation and maintenance of Landscaping plan is included.

The second Stage of landscaping (Riparian) is proposed to coincide with the expansion of the processing capacity of the site to 1 Billion litres per annum as a controlled activity. As such, the implementation of the Stage 2 planting is provided

¹²Accessible via this link:

http://www.mgla.co.nz/webviewer/ceviewer.html?3dWebScene=webscenes/OCD_Waharoa.3ws

as a matter for control. It is noted that the performance standards for landscaping apply to controlled activities too.

For completeness, the maintenance of both stages of landscaping is proposed as a matter of discretion (therefore applying to the expansion to 1.25 billion litres per annum).

- In terms of design, the range of cladding options are included as a performance standard (therefore applying to permitted activities), and a matter of control (to provide a check at the point of expansion).
- Performance Standards relating to light emission that are consistent with the MPDC District Plan are also included.

With these considerations in mind, it is anticipated that the range of visual effects associated with the all three stages of the development to increase the capacity of the milk processing facility can be accommodated and will not have any unacceptable visual effects on the surrounding environment. It is considered that the proposed mitigation strategy has been suitably incorporated in to the matters for control and performance standards so that any adverse effects are managed appropriately.

Traffic effects

Traffic Design Group (TDG) have undertaken an analysis of the three stages of development associated with the increase in capacity of the milk processing facility in order to gain an understanding of the likely traffic and transportation effects arising from the potential development of the land in accordance with the proposed DCP.

Parking and loading

In terms of parking, TDG have observed that the District Plan requirements are likely to exceed the actual parking demand generated by activity on the site (see section 7 of the specialist Traffic Assessment), and recommended that for each stage of development that parking be equal to the number of staff expected to be on site at any one time, plus 10 spaces for visitors. As part of the ordinary operation of the activity informal parking around the site by contractors is also anticipated and not expected to have any impact on the function of the site. This parking arrangement is considered to be suitable to cater for the expected parking effects of the activity, and will also contribute to the efficient use of the site and under-utilisation of parking on site.

Having considered this advice from TDG, I am satisfied that this method of providing parking on the site will be consistent with the outcomes sought by the District Plan.

As such, parking controls have been provided in the DCP as follows:

- Performance Standards require a minimum level of parking to be provided for permitted activities (Note: the prescribed level is consistent with existing staff numbers and staff expected for processing of up to 750million litres; plus 10 spaces for visitors). Each application to increase the milk processing capacity of the facility is then required to be accompanied by details outlining any staff increases associated with the capacity increase. Provision shall then be made for staff parking at a rate

equivalent to the staff requirement for each consented increase in the milk processing capacity.

- The consideration of adequate parking is included a matter for control and a matter for discretion.

Although providing for a loading space is not anticipated to be a problem given the extent of parking available the size of the site, TDG have recommended that one parking space to be allocated as a loading space for courier vans (or other light vehicles). As such, as part of the performance standards provision is made for the requirement of one parking space to the allocated for this purpose. Given the size of the site and capacity of the tanker bays, all unloading of fleet vehicles is anticipated to be managed on site, without any overspill beyond the site boundaries.

It is noted that parking for the truck fleet is currently provided for on the adjacent site to the south. Although this arrangement is proposed to continue, provision has been made in the masterplan for the site to accommodate this ancillary activity on site (Transport servicing depots and workshops) as a permitted activity. Performance standards are proposed relating to the location of the activity to ensure that any adverse effects are internalised to the site or consistent with the amenity anticipated by the adjacent industrial uses.

Access

Potential adverse effects on the function and operation of the accesses to the site as a result of the staged development of the site have been considered by TDG (see section 9 of the specialist Traffic Assessment, and addendum), who have concluded that the anticipated traffic volumes can be distributed through the existing accesses with no safety or efficiency concerns.

It is noted that under the current masterplan, the tanker bay will be relocated, and as part of this relocation the following upgrades to the access arrangements for the site are likely to occur:

- Retention of the existing southern access onto Factory Road in its current form (as two way for trucks);
- Light vehicle traffic continue to use the northern access only (providing two way access);
- Provide for the use of the northern access for in bound truck movements;
- Outbound traffic will continue to be through the Southern Access to/from Factory road (for trucks), and the Northern Access off Factory road (for light vehicles).

As this is the most likely outcome for the site, TDG have considered this arrangement and the impact of the potential upgrades. TDG have advised that this arrangement can operate safely and efficiently, subject to the appropriate design of the reconfigured access. This design should be in accordance with the MPDC Development Manual 2010, and it is recommended that the northern access be retained as a single driveway, rather than providing a separate driveway as part of the upgrade.

As such, performance standards relating to access controls have been provided in the DCP as follows:

- Vehicle access is to be provided and maintained at both the northern and southern boundaries of the site on Factory Road (and as shown on the DCP).
- Performance Standard requiring all accesses to be designed and constructed in accordance with the MPDC Development Manual 2010;
- The Northern access off Factory Road shall be maintained as a single driveway access (i.e. shared by light and heavy vehicles);

The provision of safe and efficient operation of access/exits is also included as both a matter of control and discretion.

It is noted that in the event alternative accesses were proposed and/or events transpired that the northern or southern access as shown on the DCP were not able to be maintained. The provision of an alternative access would be a restricted discretionary activity (being a permitted activity not meeting the performance standards), and the matters of discretion explicitly include the provision of safe and efficient access. The key design consideration of any access being designed in accordance with the MPDC development standards would also apply.

TDG have undertaken consultation on behalf of OCD with the NZTA, providing them with a copy of the Transportation Assessment that accompanies this request. Having reviewed this assessment, NZTA have confirmed that capacity is available at the two intersections on to SH27 to cater for the traffic generated by the proposal, and have therefore advised that they are not opposed to the request. A copy of this consultation is attached as **Appendix 11**.

For the above reasons, I am satisfied that adverse traffic effects associated with the access can be appropriately managed in association with the increase in capacity proposed for the site under the DCP.

For completeness, and as noted above, the continued use of Factory Road and the “private” section of the road is provided for by the necessary easements giving Open Country Dairy rights of access of this land. No specific controls or annotations on the DCP are considered necessary as this private road functions as if it were public road for all intents and purposes.

Network effects and State Highway 27

To understand the potential adverse effects on the traffic network, TDG have undertaken modelling on the intersections of Hawes Street and the Link Road intersections with SH27.

This assessment demonstrated that the proposed increase in activity facilitated by the DCP will have less than minor adverse effects on the Hawes Street intersection and no mitigation is required.

In terms of the Link road and SH27 intersection, the modelling identified that when expansion exceeds 1 billion litres per annum (i.e. the milk processing is a restricted discretionary activity), during the peak hour on Fridays during the peak milk season, there is likely to be a slight delay in making a right turn exit movement. TDG advise that the key aspect for consideration in terms of mitigating any adverse effects associated with this delay

is that any increase in traffic resulting from the development should not impact on the level of service at this intersection¹³. As such, and given the relatively small time scale associated with this delay, and factoring in changes that may occur to flows on SH27, TDG recommend that at the time of expansion beyond 1 billion litres per annum, that an assessment of the intersections with SH27 be provided. This assessment (which would include surveys) shall determine the existing level of service at the time of the expansion, and demonstrate that either: the existing level of service is maintained, or include any mitigation (which may include a fleet management strategy to avoid this peak time, or physical mitigation of the intersections). As this requirement relates to the expansion of the activity as a restricted discretionary activity, this requirement has been included as a matter of discretion. In the event the assessment demonstrates that mitigation is required, as a specific matter for discretion, conditions relating to the implementation of the mitigation can be imposed on the restricted discretionary consent.

As noted above, TDG have consulted with NZTA on the potential impacts of the activity on SH27, and NZTA have confirmed that they have no objections to the proposal.

Summary

As outlined in the assessments above, it is anticipated that range of effects associated with the all three stages of the development associated with the increase in capacity of the milk processing facility can be accommodated and will not unreasonably impact on the safe and efficient operation of the road network. Furthermore, suitable matters of control and discretion are included, along with performance to ensure that any adverse traffic effects can be managed appropriately.

Effects on Stormwater

Gwilym Environmental and S&L Consultants Ltd have undertaken an analysis of the existing stormwater reticulation and wetland and considered the effects of the proposed expansion on this infrastructure. This assessment has demonstrated that the system can manage the proposed expansion enabled by the DCP and can continue to operate in accordance with the consents held with WRC. As such, the expansion is not anticipated to give rise to any adverse effects on stormwater.

Performance standards requiring the stormwater to be via the existing wetland as shown on DCP, and managed in accordance with the MPDC Development Manual.

Noise effects

Hegley Acoustics have undertaken an analysis and modelling of the anticipated noise effects relating to the development in accordance with the proposed DCP.

On the basis of this assessment, Hegley Acoustics have recommended that noise criteria relating to the activity that are based on the District Plan standards, but modified to reflect current versions of the New Zealand Standard, can be applied to manage the existing and proposed future activities on the site.

¹³ Note: some delay may be able to be accommodated without impacting on the level of service.

In terms of administering the noise levels, and in the context of the surrounding environment, Hegley Acoustics have recommended that a Noise Emission Control Boundary (NECB) be applied, and have recommended that two boundaries, referred to as the “inner” and “outer” boundaries be utilised.

The inner boundary is proposed to manage effects for the nearby industrial neighbours, whilst the outer boundary manages effects on the more distant residential dwellings. These boundaries are based on achieving outcomes of $65\text{dB}L_{Aeq}$ for the Industrial neighbours, and $50\text{dB}L_{Aeq}$ day time and $40\text{dB}L_{Aeq}$, night-time noise levels for residential neighbours (through the adoption of the modified $75\text{dB}L_{AFmax}$ in accordance with NZS 6802) to be consistent with the outcomes anticipated under the District Plan provisions.

In coming to this conclusion, Hegley Acoustics have outlined key methodological considerations in their specialist report, in summary these are:

- It is recommended that the relevant modifications as set out in the most recent versions of the New Zealand Standard for the measurement of noise (NZS 6801) be adopted for the purpose of the DCP. This is primarily relevant with respect to the change from a L_{10} noise metric for operational sound to L_{Aeq} , and updating the reference of the L_{max} metric to L_{AFmax} .
- The assessment has identified that level of amenity anticipated by the proposed noise limits can be applied without and additional stated restriction on Sundays or Public Holidays.
- With respect to numerical limits proposed:
 - For residential dwellings, the District Plan levels are favoured to maintain a high level of amenity for these properties;
 - An update to the District Plan L_{max} limit of 65dB is however proposed, as the existing numeric and standard of measurement is not anticipated to provide any more protection to the noise receiver, and would place undue constraint on the noise maker. As such $75L_{AFmax}$ is proposed to be applied; and
 - For industrial activities, the District Plan levels are favoured as they maintain a reasonable level of amenity for these properties;
- Where practical the NECB has been designed to follow property boundaries.

The proposed NECB forms part of the DCP Plans that are attached as **Appendix 1**, and is represented below in **Figure 6**.

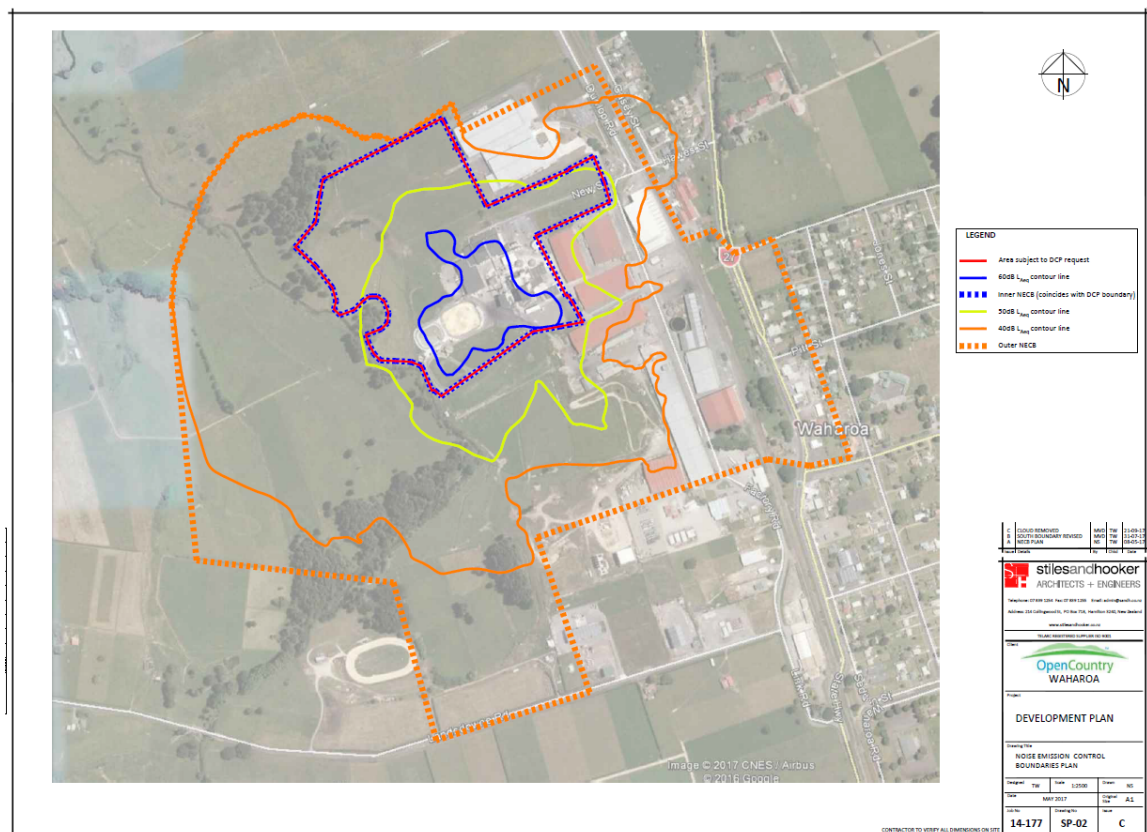


Figure 6: Noise Emission Control Boundaries (NECB)

As such, it is considered that there are no adverse noise effects, and that through the implementation of the NECB and the proposed noise limits that the outcome achieved with respect to the management of noise effects on the site will be consistent with those anticipated for similar activities under the MPDC District Plan.

Odour effects

Primarily any odour effects are anticipated to arise from the operation of the energy centre and from the management of discharges of treated wastewater. These activities are all subject to compliance with the regional consents held with the WRC. Any odour effects associated with the activity on the site will continue to be managed in accordance with the regional consents held for the site.

Effects associated with Hazardous substances

As part of the operation of the activity on the site, nitric acid is stored on the site. In this case the volume of nitric acid required to be stored on site remains consistent with the consented activity (under which the storage of nitric acid on site was assessed as meeting the permitted activity status with a effects ratio of 0.45 (maximum potential of 0.6). It is considered appropriate to apply performance standards in the DCP that are consistent with the approach taken by the District Plan for managing Hazardous Substances, and also the current management of hazardous substances under the existing consent. Taking this approach is considered appropriate to ensure any potential adverse effects are appropriately mitigated.

For completeness, it is noted that that areas designed for the storage of hazardous substances on the site meet the design criteria to ensure that any discharge does not enter the stormwater or drainage system, and has the appropriate HSNO certification.

Effects of any discharges

Any effects associated with the discharge of contaminants relate to either the disturbance of land identified as being subject to a HAIL activity, or discharges of contaminants associated with the implementation of the regional consents held by OCD.

Adverse effects associated with the regional consents will continue to be managed in accordance with the conditions of these consents.

In terms of the HAIL activities on the site, should development necessitate the disturbance of land around these areas, consents would be required under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (2011).

Effects Conclusion

Overall, and taking in to consideration the specialists assessments, it is considered that adverse effects associated with the works enabled by the proposed DCP are acceptable from a resource management perspective.

Furthermore, the nature of effects anticipated by the increase in capacity of the milk processing facility are such that reliance can either be placed on the performance standards of the MPDC Plan, or where necessary specific standards and assessment criteria can be applied through the DCP to ensure that any adverse effects are appropriately mitigated.

14 CONSULTATION

OCD have met with representatives of the MPDC on a number of occasions to discuss the potential future development of the site and to discuss the limitations and benefits of managing the future development of the site either by way of land use consents under the District Plan, or in accordance with a request to establish a DCP for the site. Specifically, in terms of the DCP, OCD and DCS have engaged with MPDC staff regarding the potential scope, structure, and direction for the DCP application.

Consultation has also been undertaken with the WRC to discuss the potential for managing development on the site and the impacts on current and potential future consent applications.

TDG have undertaken consultation on behalf of OCD with NZTA, providing them with the opportunity to review the proposal and consider the potential impacts on the intersections with SH27.

OCD have undertaken consultation with the wider Waharoa community (see figure four) to advise of the proposed development and pending application (including specific applications relating to the development of the site to be made with the Waikato Regional Council). OCD also host an annual community day to keep the community up to date with happenings at the Plant. In general the parties consulted were supportive of the proposal.

Consultation has also been undertaken with Waikato Tainui representative Kevin O'Shannessey¹⁴ who advised general support for the proposal and wider development plans for the site. OCD will continue to engage with Iwi as their development plans for the site progress.



Figure 7: Consultation Map

15 SECTION 32 ANALYSIS

Statutory considerations

Section 32 analysis is integral to ensuring transparent, robust decision-making in Resource Management Act plan changes, such as this DCP application. Section 32 requires proposals to be examined for their appropriateness in achieving the purpose of the RMA, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk.

The following assessments are to be read in conjunction with the assessments above.

Section 32(1): An evaluation report required under this Act must:

Section 32 (1) (a)

"Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act;"

In this case, the proposed DCP application is considered to be the most appropriate way to achieve the purpose of the Act with respect to the existing and proposed activities on the site.

¹⁴ Meeting 1 August 2016.

As noted in the assessments above and the consideration of alternatives below, the DCP is considered to provide the most efficient way to ensure the integrated and co-ordinated management of the milk processing facility on the site from a resource management perspective. Furthermore, as the proposal seeks to establish a site and activity specific DCP and there are no consequential changes required to the objectives and policies or General Rules of the District Plan, and the DCP application fits the current MPDC Plan Structure for managing similar activities throughout the district.

Section 32(1) (b)

"Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

- i. identifying other reasonably practicable options for achieving the objectives; and*
- ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- iii. summarising the reasons for deciding on the provisions;"*

Further to this, section 32 (2) requires that:

An assessment under subsection (1)(b)(ii) must—

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - i. economic growth that are anticipated to be provided or reduced; and*
 - ii. employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions*

In terms of the consideration these matters in terms of achieving the objectives the following reasonable options were identified and are considered below:

- Option 1: *Status Quo (do nothing)*

This option would see no change to the MPDC District Plan, and the activity on the site would continue to operate under the Industrial Zone provisions and approved consents. Under the status quo, future development would trigger consent as a discretionary activity, as well as likely requiring consent for various buildings or expansions of the activities related to the milk processing facility.

Given the nature of the activity on the site, and considering the conclusions with respect to adverse effects provided in this assessment, it is considered to be particularly inefficient way of managing the established activity on the site. Importantly, this approach does not give OCD confidence that enables the long term financial planning for major investments, and therefore has potential adverse effects on the socio-economic effects for the township, should the expansion not occur on the site.

In addition, this approach would be in contrast to the framework enabled for managing

similar activities within the district.

- Option 2: *Await an update to the District Plan*

There is an opportunity that OCD could wait for the MPDC to undertake a review of the District Plan in whole, or part (as it relates to the site). It is anticipated that this could occur in association with a review of either the Industrial Zone provisions, a Council driven approach to providing DCPs for specific sites, or specifically with respect to the Waharoa Township.

Given the results of the specialist assessments that have informed this application, it is anticipated that the outcomes of this process could be similar to the outcomes of the preferred option to establish a DCP for the site (Option 4), as OCD would be able to seek a similar outcome through this process. However, the uncertainty with the timeframes associated with this option are considered of considerable risk to OCD.

It is noted that should an update to the District Plan for the Waharoa occur in the near future, the proposed approach in the DCP would be able to be incorporated seamlessly.

- Option 3: *Alternative site*

This option assumes that the operation of the activity has outgrown the scope enabled under the existing resource consent and that intensification of the site via option 1 is not feasible or able to be supported by Council.

In reality, given the capital costs invested in the site (of \$250 million), the long term establishment of the activity on the site, and the geographical advantages for their business, alternative sites are not considered as efficient a way of managing the activity as enabling a site specific DCP. Furthermore, any alternative site within the MPDC area would likely to be constrained by the same limitations to the generic framework for the MPDC District Plan for managing activities of a similar nature.

With respect to the operation of the activity, the staff for the factory are drawn from either Waharoa, or within the surrounding district. Farms that supply the factory are shown in Figure 6. Relocation to an appropriate site would have an impact on staff, and whilst suppliers are spread over a greater distance, there are strategic advantages (e.g. supplier location and transport) to the Waharoa location.

Having taken the above matters into consideration, there are not considered to be any benefits associated with this option.

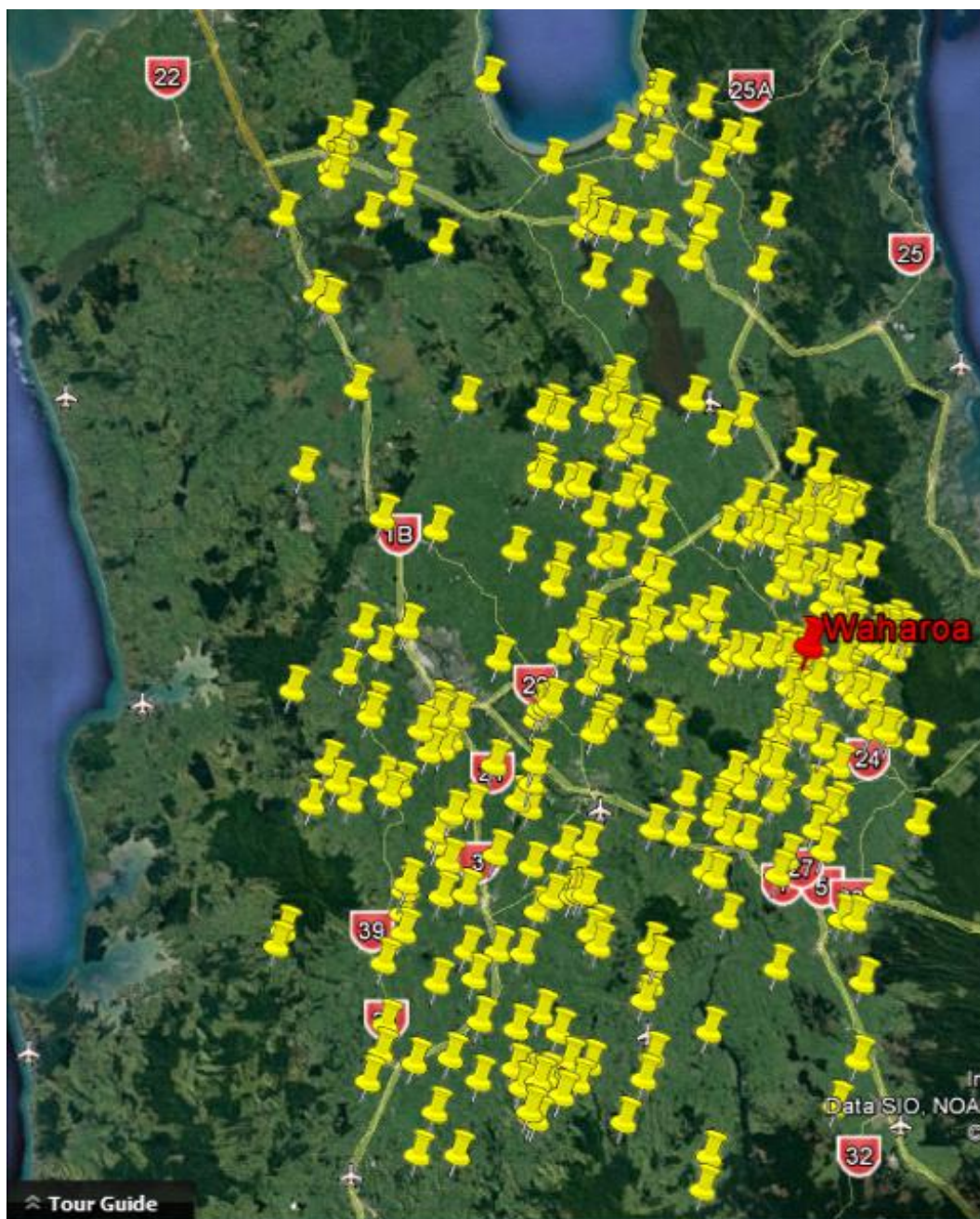


Figure 8: Suppliers Map (source OCD)

- Option 4: *DCP Application*

Given the nature of the activity on the site, establishing a DCP for the site is considered an effective way to recognise the existing consented activity, the underlying zoning, the surrounding environment, and sets a suitable planning framework that provides for the integrated resource management of the site that provides OCD with the relative degree of confidence that will enable the necessary long term planning required for major investments. This is the preferred option for OCD. This option also provides an appropriate mechanism within the Plan to demonstrate consistency with the RPS direction to provide for regionally significant Industries. OCD accept that financial costs rest with them in this option.

It is also noted that enabling the growth of the activity on site will continue to provide employment options for Waharoa and the surrounding area.

Summary of Options

Having taken in to consideration the above matters, the option of pursuing a change to the MPDC District Plan to establish a DCP for the site is considered to be the most efficient, practical and cost-effective option. Importantly, it provides a higher level of certainty for OCD, takes advantage of an existing industrial location, and enables the future development of the site in a timely and integrated manner.

Section 32(1) (c)

Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

This assessment is supported by a range of technical documents (attached as Appendices 2-7 respectively), and is considered to provide a level of detail that corresponds to the scale and significance of the proposal.

Section 32 (3)

If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—

- (a) the provisions and objectives of the amending proposal; and*
- (b) the objectives of the existing proposal to the extent that those objectives—*
 - i. are relevant to the objectives of the amending proposal; and*
 - ii. would remain if the amending proposal were to take effect.*

As noted above, there are no other aspects of the MPDC District Plan (proposed or existing) that this proposal seeks to amend or change.

Section 32 (4)

If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

In this case the proposal does not result in performance standards that seek to impose a greater prohibition or restriction on an activity to which a national environmental standard applies.

Section 32 (5)

The person who must have particular regard to the evaluation report must make the report available for public inspection—

(a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or

(b) at the same time as the proposal is publicly notified.

It is anticipated that this report and the technical documents supporting it will be available in accordance with s32 (5) (b).

PART D: CONCLUSION

16 CONCLUSION

The above assessment provides a comprehensive assessment of the plan change request to establish a DCP relating to the milk processing facility operated by OCD at their site at Factory Road Waharoa.

The proposal is considered to meet the relevant test set out in the Act and is consistent with the objectives and policies of the relevant statutory documents. Importantly, in terms of the integrated management of the site, it is considered that the proposal to establish a DCP for the site provides for the effective management and implementation of the MPDC District Plan in respect to the activity, the site, and in relation to the surrounding industrial land.

Overall, the proposed Plan Change request is considered to be acceptable in the context of the site and the surrounding environment, and can be managed appropriately to ensure that any adverse effects of the activities provided for are acceptable. Moreover the proposed DCP is consistent with the objectives, policies, and direction of the MPDC District Plan, the RPS, the WRP, and is also consistent Part 2 of the Act.

Overall I am satisfied that this proposal can be supported from a resource management perspective.



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DATE: 02 September 2016