

FONTERRA LIMITED

SUBMISSIONS ON PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN

To: The Chief Executive Officer
Rotorua Lakes Council
Private Bay 3029
ROTORUA 3046
Via email: anita.galland@rotorualc.nz

SUBMITTER: FONTERRA LIMITED

Address for Service: Fonterra Limited
C/- Ian Johnson
Mitchell Daysh Limited
PO Box 1307
HAMILTON 3240

M +64 27 281 4014
E ian.johnson@mitchelldaysh.co.nz

Fonterra Limited wishes to be heard in support of this submission.

1. Overview of Fonterra's submission

- 1.1. Fonterra Limited (Fonterra) generally supports Proposed Plan Change 4 (PC 4) to the Rotorua District Plan (District Plan). In particular, Fonterra supports the restructuring of the noise provisions and their consolidation and placement into a new standalone "noise" chapter. Fonterra also supports the inclusion of new and specific objectives and policies which provide direction around the expectations for different environments and zones, and seek to protect existing noise-generating activities from potential reverse sensitive effects.
- 1.2. Fonterra's submission is structured as follows:
 - an overview of Fonterra's activities and operations at its Reporoa Dairy Manufacturing Site (Reporoa site), and general comments in relation to noise generated from the site;
 - general comments on PC 4; and
 - specific submission points on PC 4.

2. Fonterra's Reporoa Dairy Manufacturing Site

- 2.1. Fonterra owns and operates the regionally significant Reporoa site near Parekarangi (see **Attachment B**). This site, which has access from State Highway 5 currently employs approximately 150 staff and services approximately 140 suppliers.
- 2.2. During peak season, the Reporoa site processes up to approximately 2.1 million litres of milk/day into milk protein, caseinate, lactalbumin and ethanol.
- 2.3. As part of the Rotorua District Plan review process, the Reporoa site's noise control boundary (NCB) was inserted into the District Plan. The NCB establishes a contour that requires Fonterra to manage its on-site activities to ensure compliance with the specified noise limit, while imposing a resource consenting requirement on any new sensitive activities seeking to establish within the NCB. The NCB recognises that the Reporoa Site operates on a 24 hour basis and generates noise effects that extend beyond the site. The significance of Fonterra's operation at Reporoa is acknowledged within the Waikato Regional Policy Statement and the Rotorua District Plan. Both documents set out clear policy support for the continued efficient operation of the activity on the Reporoa site.
- 2.4. Fonterra's submission seeks to give effect to the existing policy framework and ensure that the site's ability to operate and expand is protected in the long-term.

3. General comments on PC 4

- 3.1. Generally supports PC 4. In particular (and as noted above), Fonterra supports the restructuring of the Plan's noise provisions into a single chapter and the inclusion of specific objectives and policies on noise issues. Fonterra's submission supports many of the proposed provisions.
- 3.2. Despite this, Fonterra considers that further amendments are necessary to ensure that the revised noise provisions in PC 4 adequately protect and provide for rural industrial activities like the Reporoa site, which generate noise and are susceptible to reverse sensitivity effects. Fonterra has submitted on the Particular Issues, Objectives and Policies, seeking amendments to ensure that rural industrial activities are appropriately recognised. As the new Objectives and Policies will be a key consideration when applying the noise rules, Fonterra considers that it is critical that they are as clear and complete as possible.
- 3.3. Fonterra has also proposed an amendment to the activity status for noise sensitive activities seeking to establish within the Reporoa site's NCB. Fonterra considers that requiring resource consent as a non-

complying activity is the most appropriate way to achieve the objective of protecting existing rural and industrial activities from noise reverse sensitivity effects.

4. Specific submission points

4.1. Fonterra's specific submission points are provided in **Attachment A**.

4.2. In respect of those submission points provided in **Attachment A**, Fonterra seeks:

- where specific wording has been proposed, words or provisions to similar effect;
- all other necessary and consequential amendments to address Fonterra's concerns, including any amendments to the provision themselves or to other provisions linked to those provisions submitted on, including any necessary changes to the Rotorua District Plan Planning Maps, and including any cross references in any other chapter; and
- all further relief that is considered necessary to give effect to the concerns described above and in Attachment A to follow, and any changes required to give effect to the Waikato and Bay of Plenty Regional Policy Statements.

5. Overall conclusion

5.1. In relation to the provisions that Fonterra has raised concerns about, those provisions require amendment because without amendment, those provisions:

- will not promote sustainable management of resources and will not achieve the purpose of the RMA;
- are contrary to the RMA's statutory requirements, including to give effect to higher-order planning documents;
- will not enable the social and economic well-being of the community;
- will not meet the reasonably foreseeable needs of future generations;
- will not achieve integrated management of the effects of use, development or protection of land and associated resources of the Rotorua District;
- will not enable the efficient use and development of Fonterra's assets and operations, and of those resources; and
- do not represent the most appropriate way to achieve the objectives of PC 4.

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

5.3. Fonterra does wish to be heard in support of this submission.

5.4. If others are making a similar submission, Fonterra will consider presenting a joint case with them at the hearing.

Dated: 18 July 2017

BBuckley

Brigid Buckley

National Policy Manager – Global Sustainability & Resources
FONTERRA LIMITED

Attachment A: Fonterra's Submissions on Plan Change 4

| REF | PROVISION | PAGE | SUPPORT / OPPOSE | REASONS | RELIEF REQUESTED |
|------------------------------------|----------------------------|------|------------------|---|---|
| CHANGE 1: NEW NOISE CHAPTER | | | | | |
| | A11.2 Particular issues | 2 | Support in Part | <p>Fonterra supports the identification of key noise issues in the plan change.</p> <p>However, the list provided neglects to recognise the potential reverse sensitive issues associated with noise arising from new sensitive activities locating within proximity of established rural industrial activities (such as Fonterra's Reporoa Dairy Manufacturing Site) which are located in the rural environment.</p> <p>An amendment is proposed to signal this as a particular noise issue for the district to ensure that it is appropriately managed.</p> | <p>Include new particular issue (7) as follows:</p> <p><u>7. Large-scale rural industrial activities which generate noise have established in the District's rural environments.</u></p> |
| | A11.3.1 Objective | 2 | Support in part | <p>The Reporoa site is zoned Industrial 2 (ID2) in the District Plan. This zone specifically provides for activities that will generate high levels of noise.</p> <p>The Reporoa site's Noise Control Boundary recognises that the site generates noise effects beyond its boundaries and affects land within the Rural Zone.</p> <p>These effects form part of the existing environment and need to be recognised in the wording of the Objective.</p> | <p>Amend Objective A11.3.1 as follows:</p> <p>A noise environment consistent with the character and amenity expected for the zone <u>taking into account existing activities.</u></p> |
| | Policy 11.3.1.1 | 2 | Support in part | <p>The Policy requires amendment to is more effectively expressed by removing reference to the specific methods as the means of control is proposed to be much broader than compliance</p> | <p>Amend to read:</p> <p>Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards</p> |

| REF | PROVISION | PAGE | SUPPORT / OPPOSE | REASONS | RELIEF REQUESTED |
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| | | | | with performance standards. | that reflect the function of the zones and permitted activities within them. |
| | Policy 11.3.1.4 | 3 | Support | Fonterra supports the exemption of noise associated with temporary activities and construction. | Retain |
| | Objective A11.3.2 | 3 | Support in part | Fonterra supports the need for a specific objective regarding reverse sensitivity but considers that amendment is needed to provide a clearer focus to address the issues raised in 11.2. | Amend to read: Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity <u>The operation and expansion of noise generating activities in the central city, rural and industrial zones is protected from noise sensitive activities.</u> |
| | Policy 11.3.2.1 | 3 | Support in part | To achieve the Objective Fonterra considers that the policy direction needs to be strengthened through amendments to the policy wording. In particular, the Policy should be amended to restrict noise sensitive activities, rather than simply enabling activities in appropriate zones. | Amend to read: Encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones <u>Direct noise sensitive activities away from noise generating activities.</u> |
| | Policy 11.3.2.2. | 3 | Support | The Policy identifies some, but not all, practicable measures for the management of noise. Additional reference needs to be made to the use of noise control boundaries. Furthermore, the Policy would be more clearly expressed as avoiding, remedying and mitigating effects, as not all of the management measures proposed relate to mitigation. | Amend to read: <u>Avoid, remedy and Mitigate</u> adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers, and building location <u>or noise control boundaries</u> to maintain the amenity of adjacent residential zones or marae and habitable buildings. |

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| | Policy 11.3.2.4 | 3 | Support in part | The Policy requires minor amendment to provide clearer expression. | Amend to read: Limit Restrict the location of new residential activities sensitive to disturbance from lawfully established rural industries, recreation, infrastructure and network utilities to avoid reverse sensitivity effects. |
| | A11.4 Environmental Outcomes | 3 | Support in part | Additional outcomes need to be identified to ensure that there is some means of reviewing the performance of the plan provisions in respect of the management of reverse sensitivity. | Amend A11.4 to include the following: <u>6. No reverse sensitivity effects within Noise Control Boundaries.</u> <u>7. The continued operation of large scale industry.</u> |
| | Table AA11.5.3 | 5 | Oppose | In the context of Objectives and Policies within the Regional Policy Statement and the District Plan which seek to ensure the continued efficient operation of large scale industry, Fonterra considers that the most appropriate activity status for new noise sensitive activities proposing to establish within the Reporoa site's Noise Control Boundary should be as a Non-Complying Activity. Such an activity status will clearly signal that the proposed activities are not anticipated in that area and will ensure appropriate assessment of the effects of such activities and their consistency with the objectives and policies of the relevant plans. | Amend to identify noise sensitive activities within the Noise Control Boundary surrounding the Reporoa Dairy Manufacturing Site as a Non-Complying Activity |
| | Performance Standards A11.6.1.6.1 Reporoa Dairy Manufacturing Site | 7 | Support | Fonterra supports the retention of the performance standards for the Reporoa site, with the minor amendment to provide an interval (15 min) for the noise limit. | Retain. |
| | A11.6.4 Construction noise | 12 | Support | Fonterra supports the provision requiring that all construction noise comply with the relevant New Zealand Standards. | Retain |

| REF | PROVISION | PAGE | SUPPORT / OPPOSE | REASONS | RELIEF REQUESTED |
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| CHANGE 2: LOCATION OF NOISE MEASUREMENT | | | | | |
| | A11.6.1 Noise generated and received within the same zone | 16 | Support | Fonterra supports use of “notional boundary” when measuring noise | Retain |
| CHANGES 3 AND 4: REFERENCE TO NEW ZEALAND STANDARDS AND NEW DEFINITION FOR NOISE AND STATEMENT OF EXEMPTIONS | | | | | |
| | Noise level Definition | 16-17 | Support | Fonterra supports the listed exemptions and the reference to s326 of the RMA regarding the exemption of noise from trains from any determination of “excessive noise”. | Retain |
| CHANGE 10: AMALGAMATION OF DEFINITIONS FOR “ACTIVITIES SENSITIVE TO AIRCRAFT NOISE” AND “NOISE SENSITIVE ACTIVITIES” | | | | | |
| | Noise sensitive activities Definition | 23 | Support | Fonterra supports the consolidation of the list of activities. | Retain |
| CHANGE 13: INSERTION OF PERFORMANCE STANDARD FOR CONSTRUCTION NOISE | | | | | |
| | A.11.6.4 Construction Noise | 25 | Support | Fonterra supports the reference to the appropriate NZ standard within the Performance Standard | Retain |
| PLANNING MAPS | | | | | |
| | | | Support | Fonterra supports the continued inclusion of the Reporoa site’s NCB on the Planning Map 395 and 546. | Retain |

Attachment B : Fonterra Dairy Manufacturing Site, Reporoa

REPOROA DAIRY FACTORY

