

Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

Barker Fruit Processors Limited c/- Marley Regenvanu

[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

Proposed Timaru District Plan

[State the name of proposed or existing plan and (where applicable) change or variation].

I could/**could not*** gain an advantage in trade competition through this submission.

[*Select one.]

*I am/am not† directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

[*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[†Select one.]

The specific provisions of the proposal that my submission relates to are: [Give details]

Refer to attached submission.

My submission is: [Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]

Refer to attached submission.

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I seek the following decision from the local authority: *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

[Refer to attached submission.](#)

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I wish (or do not wish) † to be heard in support of my submission.

*[*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*
[†Select one.]

***If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

*[*Delete if you would not consider presenting a joint case.]*

Signature of submitter (or person authorised to sign on behalf of submitter)

[A signature is not required if you make your submission by electronic means]

Date 15 December 2022

Electronic address for service of submitter: penny.g@do.nz marley.regenvanu@barkers.co.nz

Telephone: 0278403199 (Penny)

Postal address (or alternative method of service under s352 of the Act): Davis Ogilvie (Aoraki) Ltd,
PO Box 359, Timaru 7940

Contact person: *[name and designation, if applicable]* Penny Gallagher, Consultant Planner, Davis Ogilvie
(Aoraki) Ltd

Note to person making submission

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - It is frivolous or vexatious:
 - It discloses no reasonable or relevant case:
 - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - It contains offensive language:
 - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.

SUBMISSION ON THE PROPOSED TIMARU DISTRICT PLAN

(Clause 6 First Schedule Resource Management Act 1991)

This submission is made by Barker Fruit Processors Limited (Barkers).

STATEMENT OF INTEREST AND BACKGROUND

1. Barkers operate a fruit processing plant at 72 Shaw Road, Geraldine (the site). The site is 12.9ha and is legally described as Lot 3 DP 58403 which is held in Record of Title CB34C/288.
2. The site is located on part of the original Barker family farm, and the fruit processing operations have occurred on the site for more than 50 years. Today, Barker's employs approximately 200 staff at the site.
3. The site is zoned General Industrial in the Proposed Timaru District Plan ('PTDP'). The PTDP identifies that the site is subject to the following overlays:
 - Drinking Water Protection Area
 - Flood Assessment Area
 - Liquefaction Area
 - Light Sensitive Area
 - Wai Taoka and Wai Taoka Lines SASM20

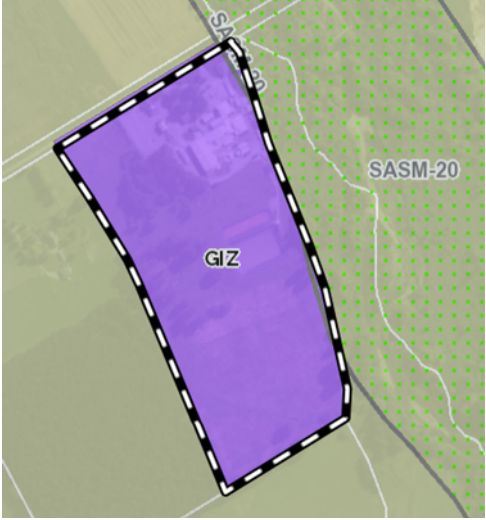
SUBMISSION

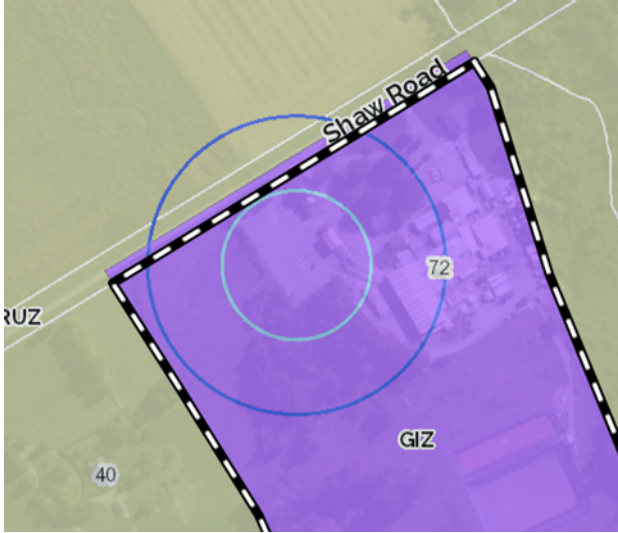

4. Barkers seeks to ensure that the PTDP appropriately provides for its future operations and site development.
5. Barkers is generally in support of the PTDP, as it relates to its site, subject to the relief set out in the attached submission table.

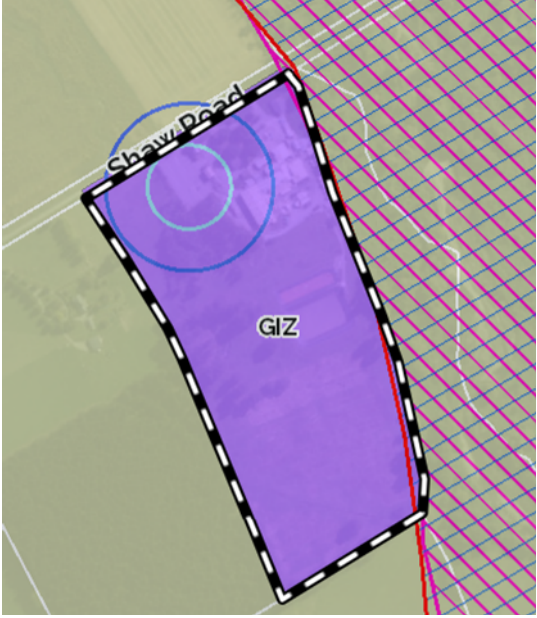
RELIEF SOUGHT

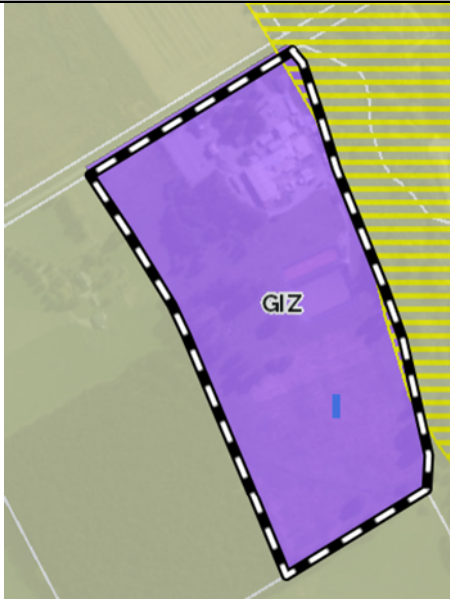
6. The relief sought is set out in the attached submission table.
7. Consequential amendments to the PTDP may be necessary if Council accepts the relief sought.

SUBMISSION TABLE – BARKER FRUIT PROCESSORS, SHAW ROAD, GERALDINE

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
STRATEGIC DIRECTION			
Objective SD-06	Support	Objective SD-06 is considered appropriate.	Retain as notified.
PLANNING MAPS			
Wai Taoka and Wai Taoka Lines (SASM20)	Oppose in part	<p>The Wai Taoka and Wai Taoka Lines are located immediately adjacent to part of the eastern boundary of the site. It is understood that these overlays follow the Hae Hae Te Moana River. It is considered practicable for plan implementation that the overlays to follow the site boundary.</p> 	Amend the location of the Wai Taoka and Wai Taoka Lines to reflect the site boundary.
Drinking Water Protection Area - Private Drinking Water Supply Point	Support in part	<p>There are two bores which supply the site water for industrial and domestic use. One is shown on the Planning Maps as a private drinking water supply and the other is not shown.</p> <p>While Barkers is able to rely on its high standard of on-site water treatment, it is considered that the additional bore should be shown to trigger consideration for nearby land uses.</p>	<p>Amend to show the Drinking Water Protection Area for the additional Barkers bore shown on the aerial below.</p> <p>Amend the Drinking Water Protection Areas to Community Drinking Water Supplies, if this is deemed necessary.</p>

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
		<p>The bore classifications may need to be updated to Community Drinking Water Supply, if considered necessary.</p> 	
Natural Hazard Overlays	Oppose in part	<p>The Liquefaction and Flood Assessment Area overlays are located immediately adjacent to part of the eastern boundary of the site. It is considered practicable for plan implementation for the Natural Hazard Overlays to follow the site boundary.</p>	<p>Amend the location of the Liquefaction and Flood Assessment Area overlays to reflect the site boundary.</p>

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
			
Light Sensitive Area Overlay	Oppose in part	The Light Sensitive Area overlay aligns with the SASM20 overlays. It is considered practicable for plan implementation for the overlays to follow the site boundary.	Amend the location of the Light Sensitive Overlay to reflect the site boundary.

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
			
GENERAL INDUSTRIAL ZONE			
Objective GIZ-O1	Support	Objective GIZ-O1 is considered appropriate.	Retain as notified.
Objective GIZ-O2	Support in part	Objective GIZ-O2(7) seeks that buildings and activities 'do not compromise' the amenity of adjoining Residential and Open Space and Recreation Zones. This is considered an onerous threshold for the GIZ. It is suggested that the term 'maintain', is more appropriate. This would align with Objective GIZ-O4(3).	Amend as follows: <i>buildings and activities that do not compromise <u>maintain</u> the amenity of adjoining Residential and Open Space and Recreation Zones; and</i>
Objective GIZ-O3	Support	Objective GIZ-O3 is considered appropriate.	Retain as notified.
Policy GIZ-P1	Support	Policy GIZ-P1 is considered appropriate.	Retain as notified.
Policy GIZ-P3	Support	Policy GIZ-P3 is considered appropriate.	Retain as notified.
Policy GIZ-P6	Support	Policy GIZ-P6 is considered appropriate.	Retain as notified.

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
Rule GIZ-R1	Support in part	<p>Rule GIZ-R1 permits industrial activity but excludes ancillary activities. The definition of “Industrial Activity” in the PDTP is defined to include “any ancillary activity”.</p> <p>Given this, Rule GIZ-R1 is considered to be at odds with the definition of “Industrial Activity” and this creates confusion for plan users.</p> <p>In order to remove the conflict, an amendment is proposed to the rule to remove the exclusion of ancillary activities. It is also proposed to combine Rule GIZ-R1 with Rule GIZ-R2, to streamline the rule framework.</p> <p>PER-2 is blunt and is worded in a way that captures all activities which require a trade waste connection, even if the site has an existing available connection. It is suggested that PER-2 should target those activities that require a trade waste connection on a site not currently serviced, or not able to be serviced by the trade waste network.</p>	<p>Amend as follows:</p> <p><i>Rule GIZ-R1 - Industrial activity, Trade supplier, Laboratories, Service stations, Motor garage, Emergency services facilities, Veterinary clinics, excluding any industrial-ancillary activity and offensive trades</i></p> <p><i>PER-1 -The activity and its buildings and structures (excluding fences) are located more than 50 metres from any Residential Zones or Rural Lifestyle Zone; and</i></p> <p><i>PER-2 – If the activity does not require a new industrial and trade waste connection, <u>and a trade waste connection is available</u>; and</i></p> <p><i>PER-3 -The activity and its buildings and structures, complies with all the Standards of this chapter; and</i></p> <p><i>PER-4 – <u>Any ancillary activity does not include a residential activity; and</u></i></p> <p><i>PER-5 -Any ancillary activity(s):</i></p> <ol style="list-style-type: none"> 1. <u>are located on the same site of the primary industrial activity; and</u> 2. <u>has a maximum combined gross floor area of 15% of the primary industrial buildings on the site.</u>
Rule GIZ-R2	Oppose	As above.	Delete Rule GIZ-R2 and amend Rule GIZ-R1 as above.
Standard GIZ-S1	Support	Standard GIZ-S1 is considered appropriate.	Retain as notified.
Standard GIZ-S2	Support	Standard GIZ-S2 is considered appropriate.	Retain as notified.
Standard GIZ-S3	Support in part	<p>Standard GIZ-S3 requires any building or structure be setback 5m from a road boundary whereas GIZ-S6 requires a 3-metre-wide landscaping strip along the road boundary.</p> <p>A 3-metre setback (comprising the required landscaping) is considered an appropriate width to establish the species set out in GIZ-S6 and provide the screening and amenity anticipated.</p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> 1. <i>Any building or structure must be setback a minimum of 53m from any road boundary; and</i> 2. <i>Any building or structures must be setback a minimum of 3m from any boundary with a Residential Zone, Rural Zone or Open Space and Recreation Zone.</i>

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
Standard GIZ-S6	Support	Standard GIZ-S6 is considered generally appropriate, however Clause 4 should allow planting to occur in the following planting season.	Amend Condition 4 as follows: <i>4. The landscaping strip must be permanently maintained and if any plants die or become diseased, they must be replaced <u>in the next planting season immediately</u>.</i>
GENERAL RURAL ZONE			
Rule GRUZ-S4	Oppose in part	Rule GRUZ-S4 seeks to manage adverse reverse sensitivity effects associated with sensitive activities locating in the GRUZ. The GIZ at the site is surrounded by GRUZ. A setback for sensitive activities, or buildings for sensitive activities, is considered an appropriate tool to manage reverse sensitivity effects which may arise from the site.	Amend as follows: <ol style="list-style-type: none"> 1. <i>No new sensitive activity may be established within 500m from:</i> <ol style="list-style-type: none"> a. <i>the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems, used for an intensive primary production activity; and</i> b. <i>an existing farm effluent disposal area; and</i> c. <i>a lawfully established quarry or mine.</i> 2. <i>No new building for a sensitive activity may be erected within 20m from any other site boundary in a different ownership where a primary production activity is being conducted, unless the site existed prior to 22 September 2022, in which case a 10m setback applies;</i> 3. <i>No new building for a sensitive activity may be erected within 20m of an existing shelter belt.</i> 4. <i><u>No new sensitive activity shall be established, and no new building for a sensitive activity shall be erected within 100m from the boundary of the General Industrial Zone at 72 Shaw Road (Lot 3 DP58430).</u></i>
LIGHT SENSITIVE AREA			
Rule LIGHT-R1	Oppose in part	The Barkers site adjoins the Light Sensitive Area which follows the alignment of the Hae Hae Te Moana River. The buildings and vehicle access and loading areas are located immediately adjacent to this boundary.	Amend title of the rule as follows: 1. All zones other than Port Zone, and the General Industrial Zone at 72 Shaw Road, Geraldine (Lot 3 DP58403), outside Light Sensitive Areas

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
		For health and safety, and site security reasons, it is considered particularly restrictive for the site operations to meet the Light Sensitive Area standards at the boundary of the Light Sensitive Area.	Or Amend rules to exclude the Barkers site from compliance with the Light Sensitive Area requirements.
Rule LIGHT-R2	Oppose in part	As above.	Amend title of the rule as follows: <u>2. Port Zone and the General Industrial Zone at 72 Shaw Road, Geraldine (Lot 3 DP58403)</u> Or Amend rules to exclude the Barkers site from compliance with the Light Sensitive Area requirements.
Standard LIGHT-S1		As above.	Amend title of the rule as follows: <u>All zones (excluding Port Zone and the General Industrial Zone at 72 Shaw Road, Geraldine (Lot 3 DP58403))</u> Or Amend rules to exclude the Barkers site from compliance with the Light Sensitive Area requirements.
RELOCATED BUILDINGS AND SHIPPING CONTAINERS			
Policy RELO-P1	Support	Policy RELO-P1 is considered appropriate.	Retain as notified.
Rule RELO-R1	Support	Rule RELO-R1 is considered appropriate.	Retain as notified.
Rule RELO-R2	Support	Rule RELO-R2 is considered appropriate.	Retain as notified.
NOISE			
Table 24 – Noise Performance Standards	Oppose in part	Table 24 sets out the noise performance standards within zones. This includes an 'in-zone' noise limit for the GIZ. It is considered that the GIZ is the zone where the noisiest activities are anticipated to occur. Noise limit controls are considered appropriate along the zone boundary with sensitive	Delete the reference to the General Industrial Zone in Table 24 – Noise Performance Standards.

PROVISION	POSITION	SUBMISSION	RELIEF SOUGHT
		zones or at the notional boundary of noise sensitive activities in other zones. However the principle of an in-zone noise limit in the GIZ is opposed.	