

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:

Synlait Milk Ltd

.....
[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'):

The Timaru Proposed 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]

See attached Multiple Submission Point Table

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.]

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See attached Multiple Submission Point Table

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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]*

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See attached Multiple Submission Point Table
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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 ...6 December 2022.....

Electronic address for service of submitter: Yves.Denicourt@synlait.com

Telephone: 027 285 6220

Postal address (or alternative method of service under s352 of the Act): Synlait Milk Ltd, Private Bag 806, Ashburton 7740

Contact person: *[name and designation, if applicable]* Yves Denicourt, Policy & Planning Manager, Synlait Milk 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.

Proposed Timaru District Plan – Multiple Submission Point Table

Submitter Name: Synlait Milk Limited

Chapter/Sub-part	Specific provision/matter	Position	Reason for submission	Decision requested/relief sought
Part 2 - District-Wide Matters SD - Strategic Direction	SD-06 Business Areas and Activities	Oppose	The intent of SD-06 to enable business in appropriate locations is supported. As notified, SD-06 is subject to two sub-clauses which explain that enabling business will involve (i) providing sufficient land and (ii) providing opportunities for a range of business activities. The second sub-clause further clarifies that opportunities for commercial activities outside of commercial areas will be limited to avoid detracting from the City Centre and Town Centres. Synlait considers that there is a third matter which is important to enabling business and economic activities that should be included in SD-06. This is in relation to industrial activities, which are a significant and important part of business in Timaru District. For industrial activities to prosper in the District, there not only	Synlait is seeking amendment to SD-06 by adding a new sub-clause iii as follows (or wording to similar effect): "iii protecting the purpose and function of Industrial areas".

			needs to be sufficient land and opportunity for a wide range of industrial activities, industrial zoned land needs to be protected from reverse sensitivity effects ie the purpose and function of industrial areas need to be strategically recognised as important to enabling those business activities. Such an addition to the SD-06 would be consistent with the direction taken for protection of the City Centre and Town Centres which can be adversely impacted by a dispersal of commercial activity. In this case, industrial activities can be adversely impacted by the proximity of sensitive activities adjoining and within the zone.	
GIZ - General Industrial Zone	GIZ-01 The purpose of the General Industrial Zone	Oppose	GIZ-01 is concerned with the purpose of the General Industrial Zone - described as providing for a range of industrial activities. GIZ-02 is concerned with character and qualities of the Zone whilst GIZ-03 concerns enabling industrial activities subject to limitations on ancillary and residential activities. When read as a suite of complementary objectives underpinning the purpose of the GIZ, Synlait considers that the objectives fail to convey that a key purpose of the General Industrial Zone is to provide a location where the operational needs and efficiency of industrial activities are assured or can be	Amend GIZ-01 to read as follows (or wording to similar effect): " The <u>A</u> General Industrial Zone <u>where the operational needs and efficiency of</u> provides for a <u>wide</u> range of industrial activities <u>are enabled and other compatible activities that contribute to benefit</u> the economic wellbeing of the district." Or in the alternative:

			<p>optimised. In this context Synlait considers that GIZ-01 could be amended to provide greater clarity and certainty on the role of the Industrial Zone - providing for activities and protecting those locations in the District which are intended to provide an efficient operating environment. An alternative would be to retain GIZ-01 and reword GIZ-02 so that it refers to "Operational Needs and Character of the General Industrial Zone".</p>	<p>Amend the title and wording of GIZ-02 to read as follows (or wording to similar effect):</p> <p>"GIZ-02 <u>Operational needs and c</u>Character and qualities of the General Industrial Zone</p> <p>"The <u>operational environment and</u> character and qualities of the General Industrial Zone comprise:....</p>
GIZ-General Industrial Zone	GIZ-02 Character and qualities of the General Industrial Zone	Oppose	As above for GIZ-01.	<p>As an alternative to the relief sought to GIZ-01: Amend the title and wording of GIZ-02 to read as follows (or wording to similar effect):</p> <p>"GIZ-02 <u>Operational needs and c</u>Character and qualities of the General Industrial Zone</p> <p>The <u>operational environment and</u> character and qualities of the General Industrial Zone comprise:</p>

GIZ-General Industrial Zone	GIZ-03 Use and development in the General Industrial Zone	Oppose	<p>GIZ-03 is concerned with use and development <u>in the General Industrial Zone</u>. The objective clarifies that <u>within</u> the Zone activities must be serviced by infrastructure, should not provide for activities which challenge Commercial and Mixed Use Zones and do not adversely affect amenity values in adjacent zones.</p> <p>As the objective is focused on the internal environment of the zone ie within the zone, there is a consequential policy gap in the Proposed District Plan concerning the establishment of sensitive activities adjoining the General Industrial Zone which may compromise its purpose and function eg a sensitive activity in an adjoining Rural Zone. This could be addressed by amending sub-clause 2. so that it refers to sensitive activities within and adjoining the General Industrial Zone.</p>	<p>Amend GIZ-03 2. to read as follows (or words to similar effect):</p> <p>"2. is not compromised by the establishment of, <u>or inadequate separation from,</u> sensitive activities <u>within and adjoining the General Industrial Zone.</u>"</p>
GIZ-General Industrial Zone	GIZ-P6 Other activities	Oppose	<p>GIZ-P6 enables other activities to locate in the General Industrial Zone provided they meet a number of policy criteria. These are: 1. a functional need to be located within the zone, 2. the activity is not provided for in another zone, 3. the activity doesn't compromise the purpose, viability or function of any Commercial or Mixed Use Zone and 4. wont result in reverse sensitivity effects that may</p>	<p>Amend GIZ-P6 sub-clause to read as follows (or wording to similar effect):</p> <p>"4. The activity <u>avoids would not result in any</u> reverse sensitivity effects <u>on industrial activities having regard to all elements of the operational environment</u></p>

		<p>constrain industrial activities. The wording of subclause 4. is perceived as much weaker than that applied in subclause 3. to activities which may "undermine the purpose, viability and function of Commercial and Mixed Use Zones." Subclause 4. as notified refers to reverse sensitivity effects on industrial activities. It is unclear if this is all industrial activities or only those on an adjacent site, which may vary considerably in nature and scale eg a storage yard compared with a 24 hour processing facility. Synlait considers that GIZ-P6 could be strengthened to provide clearer policy direction in respect of reverse sensitivity, clarifying that other activities, have the potential to undermine the purpose, efficiency or function of the General Industrial Zone. In addition, Synlait notes that whilst the Noise Chapter makes reference to reverse sensitivity effects there are no other provisions in the PDP for management of reverse sensitivity effects in relation to other aspects of the Industrial environment eg heavy vehicles, high traffic volumes, lighting, air discharges or visual effects. Additional wording is sought to GIZ-P6 to clarify that industrial activities are to be protected from reverse sensitivity effects in relation to all aspects of the operating</p>	<p><u>and does not undermine the purpose, efficiency or function of the General Industrial Zone that may constrain industrial activities."</u></p>
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			environment within the General Industrial Zone.	
LIGHT	LIGHT-01 Artificial Outdoor Lighting and LIGHT-02 Benefits of Outdoor Lighting	Oppose	<p>LIGHT-01 and LIGHT-02 are confusing. LIGHT-01 concerns the appropriate design and location of lighting to minimise its adverse effects on the environment and sensitive areas. LIGHT-02 refers to the benefits of lighting and ensuring the health and safety of people and communities is not compromised. The 'mitigation' parts of these Objectives are over-lapping. Objective 2 is also confusing as one of the primary benefits of artificial lighting is the health and safety of people working within a site. The objective implies that the health and safety of people is something that is compromised external to and as a consequence of lighting within a site. Synlait's preference is to clarify the objectives so that one objective is clearly dealing with the benefits of providing lighting which includes the health and safety of people within a site. The second objective to deal specifically with the design and management of lighting and its external effects on the character and qualities of the environment, road safety and the wellbeing of people external to the site. This would avoid confusion as to whose health and safety is being considered.</p>	<p>Amend LIGHT-01 to read as follows (or wording to similar effect):</p> <p>Artificial outdoor lighting is designed and located to minimise its adverse effects, is compatible with on the character and qualities of the surrounding environment, area and protects the values and characteristics of light sensitive areas, <u>and the health and safety of people external to the site, including road safety.</u></p> <p>Amend LIGHT-02 to read as follows (or wording to similar effect):</p> <p>"The bArtificial outdoor lighting benefits and enables a range of outdoor night-time activities, of artificial lighting are recognised while any adverse effects generated do not compromise including the</p>

				health and safety of people <u>involved in those activities and communities, including road safety.</u>
NOISE	NOISE-02 Reverse Sensitivity	Oppose	Synlait supports the overall intent of NOISE-02. Its concern is that the objective is not limited to existing industrial activities, but also the potential future development capacity of land within industrial zones. The word "constrained" should also be further qualified with reference to the possible loss of development rights, which is a more significant outcome than a hampering or restraint on activities and development which is implied in 'constraint'.	Amend NOISE-02 to read as follows (or wording to similar effect): "The Airport, Raceway, State Highway, railway lines, and the Port and activities <u>and development potential located</u> within commercial, mixed use and industrial zones are not constrained <u>or lost as a consequence of</u> by reverse sensitivity effects arising from noise sensitive activities."
NOISE	NOISE-P5 Reverse Sensitivity	Support	Synlait supports the requirements of NOISE-P5 for any noise sensitive activities which do get approval to locate in the General Industrial Zone to provide acoustic mitigation.	