



# Federated Farmers of New Zealand

Submission to Clutha District Council on 2017 Zoning Review

11 December 2017

0800  
327  
646 | FED  
FARM  
.ORG.NZ

## Submission to Clutha District Council on the 2017 Zoning Review

To: Clutha District Council

Name of submitter: Federated Farmers of New Zealand

Contact person: David Cooper  
Senior Policy Advisor  
E: [dcooper@fedfarm.org.nz](mailto:dcooper@fedfarm.org.nz)  
M: 0274 755 615

Address for service: PO Box 5242  
Dunedin 9054

This is a submission to Clutha District Council on the 2017 Zoning Review.

## **Summary of Submissions**

### Introduction

Federated Farmers appreciates the opportunity to submit to supports Clutha's Zoning Review.

We have no position on where Council is proposing to rezone land to Urban, Transitional or Industrial Resource Areas, as we consider the impacts will provide both positive opportunities for many, including the broader District, while creating potential for some issues bordering the newly rezoned areas.

We support the submissions of individual farmers in relation to the areas proposed for rezoning.

### Specific submissions

Federated Farmers generally supports Clutha District Council's zone based approach to District Planning.

However, we underline the continuing significant importance of primary production to the District, both in direct and indirect terms, and in relation to economic and other benefits.

We recognise the marginal benefits of development of rural land for alternative purposes, *where this is justified by demand for these land uses.*

However, it is also important that the provisions associated with land use in the rural areas recognise the need for primary production to be relatively unencumbered.

In particular, we ask that Council consider the potential reverse sensitivity issues likely to arise from the zoning review, and how these may impact primary production activities.

## 1.1 Introduction

- 1.2 Federated Farmers of New Zealand (Inc.) is a voluntary, primary sector organisation representing farming members and their families. Federated Farmers has a long history of representing the needs and interests of New Zealand farming communities, primary producers and agricultural exporters.
- 1.3 The Federation aims to add value to its members' farming businesses by ensuring that New Zealand provides an economic and social environment within which our members may operate their business in a fair, flexible and sustainable manner. Our members strongly support a regional planning approach that recognises landowners play a principle role as managers and users of the region's natural and physical resources.
- 1.4 The 2017 Zoning Review aims to propose areas of land in and around towns in the Clutha District that could be rezoned to Urban, Transitional or Industrial Resource Areas.
- 1.5 Federated Farmers has no position on where Council is proposing to rezone land to Urban, Transitional or Industrial Resource Areas. The proposed rezoning will impact some farmers in a positive sense, and others may be adversely impacted. We support the submissions of individual farmers in respect to the areas proposed.
- 1.6 Our purpose in submitting to this process is threefold:
1. To support Council's overall zoning approach;
  2. Ensuring appropriate recognition of the benefits of the Rural area, both economic and non-economic;
  3. Ensuring farmer concerns in respect to reverse sensitivity are sufficiently considered in future amendments to the District Plan.

### **Summary:**

**Federated Farmers appreciates the opportunity to submit to supports Clutha's Zoning Review.**

**We have no position on where Council is proposing to rezone land to Urban, Transitional or Industrial Resource Areas, as we consider the impacts will provide both positive opportunities for many, including the broader District, while creating potential for some issues bordering the newly rezoned areas.**

**We support the submissions of individual farmers in relation to the areas proposed for rezoning.**

## 2.1 Specific submissions

- 2.2 Federated Farmers' views on zoning and development of rural land for alternative uses are informed by a broad range of factors. In many respects these factors require some balance.
- 2.3 The importance of primary production to the District - At the macro level, we are keen to ensure that the positive contribution of the rural areas of the District and primary production more generally are appropriately recognised through the District Plan. This includes recognition of

the issues that newly rezoned land may have on existing rural uses, particularly through potential reverse sensitivity. We are also keen to ensure that the positive contribution of primary production, beyond the direct economic impact of primary production activities, are also recognised.

- 2.4 As recognised in the 2015 Clutha District Economic Development Strategy, <sup>1</sup> Primary Production *directly accounts for 44.4 percent of the District's GDP*. Because Clutha District is a predominantly rural district, primary production will also indirectly account for a significant yet unquantified proportion of the Manufacturing, Construction, Wholesale & Distribution, Retail Trade & Services and Business Services across the District.
- 2.5 While this reliance is co-dependent (ie, profitable farming will rely to a large extent on the proximity and availability of these services), this relationship is nonetheless important, and very significant. This economic contribution is enabled through the availability of land for primary production, and by ensuring primary production activities can take place in a reasonable regulatory environment.
- 2.6 It is also important for the District Plan to recognise the contribution farming and primary production makes to the District's valued landscapes and natural areas, in addition to the overall economic contribution. However, this contribution is again underpinned by the economic viability of the District's farming operations. This economic viability is underpinned in turn by the ability for landowners to make reasonable land use decisions which enable sustainable economic use of the land.
- 2.7 The costs of zoning for individual farmers – It should be recognised that zone based rules imposes some costs on landowners in the rural area. This occurs because, by defining areas that are appropriate for residential, industrial or commercial development, Council effectively defines areas where such development is not appropriate. This in turn creates opportunity costs for specific landowners.
- 2.8 Zoning for land use is an appropriate approach for Clutha District - However, from a broad view the zoning approach represents the most appropriate approach for Clutha District, coupled with reasonable flexibility around land use decisions in rural areas.
- 2.9 Inappropriate or fragmented non-rural development can impose significant economic infrastructure development and maintenance costs to the Council and ultimately the ratepayer. These costs may include both 'negative externalities', where the marginal costs imposed on the infrastructure network or infrastructure users by those connecting to the network are not sufficiently met by the new connection. These costs can also include 'opportunity costs' where inefficient development or use of public infrastructure networks result from suboptimal planning.
- 2.10 A zoning approach also ensures that costs and adverse impacts on primary production through potential reverse sensitivity issues can also be sufficiently addressed.

---

<sup>1</sup> Key Clutha District Industry Sectors by GDP 2013, page 4. Available at <http://www.cluthadc.govt.nz/publications/strategies/Documents/Economic%20Development%20Strategy%20-%20PDF%20of%20A91908.pdf>.

- 2.11 We agree with the overall zoning approach and the focus on developing specific rules for each zone, with specific provisions used within each zone to define what is or is not appropriate development for that zone. As a rule, we broadly agree with the overall purpose and the majority of objectives proposed for each zone.
- 2.12 The NPS on Urban Development Capacity - Federated Farmers recognises there is a need to ensure there is sufficient land for residential development, now and for the future, as a result of the NPS on Urban Development Capacity. We consider the proposed zoning review meets these requirements.
- 2.13 We also consider the report commissioned for the zoning review, "Clutha District Council assessment of proposed rezoning", undertaken by Rationale Ltd, underlines the marginal benefits of development of rural land for alternative purposes, *where this is justified by demand for these land uses*.
- 2.14 It is important that primary production activities in the rural areas remain relatively unencumbered - However, it is also important that Council recognise there is finite supply of land for primary production. It is important that the provisions associated with land use in the rural areas recognise the need for this land use to be relatively unencumbered. We ask that Council review the potential implications of the proposed re-zoning, particularly with an eye to ensuring any potential reverse sensitivity issues are addressed for primary production activities.

**Summary:**

**Federated Farmers generally supports Clutha District Council's zone based approach to District Planning.**

**However, we underline the continuing significant importance of primary production to the District, both in direct and indirect terms, and in relation to economic and other benefits.**

**We recognise the marginal benefits of development of rural land for alternative purposes, *where this is justified by demand for these land uses*.**

**However, it is also important that the provisions associated with land use in the rural areas recognise the need for primary production to be relatively unencumbered.**

**In particular, we ask that Council consider the potential reverse sensitivity issues likely to arise from the zoning review, and how these may impact primary production activities.**



## FONTERRA LIMITED

### SUBMISSIONS ON PROPOSED PLAN CHANGE 40: STIRLING ZONING

---

**To:** Clutha District Council

**SUBMITTER:** FONTERRA LIMITED

**Contact:** Brigid Buckley

**Address for Service:** Fonterra Limited  
C/- Planz Consultants Limited  
PO Box 1845  
Christchurch 8140  
Attn: Carmen Taylor

**M** +64 21 312 781

**E** [carmen@planzconsultants.co.nz](mailto:carmen@planzconsultants.co.nz)

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

I confirm that I am authorised on behalf of Fonterra Limited to make this submission.

---

# 1. OVERVIEW OF COMMENTS

- 1.1. Fonterra Limited (**Fonterra**) supports Proposed Plan Change 40: Stirling Zoning (**PPC40**), subject to the amendments which are outlined in this submission. Fonterra's support of PPC40 was also outlined during consultation with Clutha District Council's (**Council**) District Plan Zoning Review process.
- 1.2. This submission includes:
  - an overview of Fonterra's activities and operations in the Clutha District (**Section 2**); and
  - specific comments on PPC40 (**Section 3** and **Attachment A**).

# 2. FONTERRA IN THE CLUTHA DISTRICT

- 2.1. Fonterra's key operational interest within Clutha District is the Stirling dairy manufacturing site (**Stirling site**) located at the southern end of the Stirling Township. The Stirling site has been operating for over 35 years and employs approximately 110 staff, including in driving, production, leadership, maintenance, administration, distribution and amenity roles.
- 2.2. The Stirling site processes over 1.75 million litres of milk every day, and over 200 tonnes of cheese is made at the site daily.
- 2.3. The main part of the Stirling site, which is located on the north side of Mount Wallace Road, contains a cheese plant, whey processing plant, wastewater treatment plant and associated infrastructure, parking and other facilities. On the corner of St John and Baker Streets, and to the southwest of the main site and to the south of the main south railway line, is a dairy tanker depot and a fuel station.
- 2.4. Fonterra's manufacturing sites operate 24 hours a day. Reverse sensitivity is therefore a significant issue for Fonterra's manufacturing sites. One aspect of reverse sensitivity that is of particular concern is the effects associated with noise emissions. Fonterra supports the Council's decision to address in part the potential reverse sensitivity effects on the Stirling site by introducing the noise control boundary (**NCB**).
- 2.5. Under the operative Clutha District Plan (**District Plan**) there are currently two different zones that apply to the Stirling site. The western part of the Stirling site, which contains the cheese and whey processing facilities, and the dairy tanker depot and fuel station land parcels, are zoned Industrial Resource Area. The eastern part of the site, which contains the wastewater treatment plant, is zoned Rural Resource Area. The area associated with the dairy tanker depot and fuel station is also identified as being Flood Prone Land on the district planning maps.
- 2.6. The environment surrounding the Stirling site contains both rural and urban activities:
  - The land to the east of the site is zoned Rural Resource Area, and is used for rural activities including associated low densities of residential dwellings on rural properties.
  - The land to the north and west of the site is primarily zoned Urban Resource Area, and has been developed for residential activities.
  - To the northwest of the site, along View Street, the properties have a split rural/urban zoning.
  - To the south of the railway, beyond the site's tanker depot, the land is largely zoned Rural Resource Area, with a small pocket of land zoned Urban Resource Area between Baker Street and Perkins Street.



### 3. SPECIFIC SUBMISSION POINTS

3.1. Fonterra's specific submission points are addressed in the table contained in **Attachment A**.

3.2. In respect of all of those submission points in **Attachment A**, Fonterra seeks:

- where specific wording has been proposed, words or provisions to similar effect;
- all necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, including any necessary changes to PPC40, and including any cross references to other chapters that may be necessary; and
- all further relief that is considered necessary to give effect to the concerns described above and in **Attachment A** below.

### 4. CONCLUSION

4.1. Fonterra generally supports PPC40, subject to amendments to address the concerns raised within submissions. 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, will not achieve the purpose of the Resource Management Act 1991 (**RMA**);
- are contrary to Part 2 and other provisions of the RMA;
- 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 Clutha 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 the District Plan, in terms of section 32 of the RMA.

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

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

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

Dated: 11 December 2017



Carmen Taylor  
**Consultant Planner**  
**Planz Consultants Limited**

# ATTACHMENT A: FONTERRA LIMITED'S SUBMISSIONS ON PROPOSED PLAN CHANGE 40: STIRLING ZONING

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
<b>Planning Maps</b>					
1	Planning Map U47 Rezoning of Lot 1 DP301857 and Lots 1 and 2 DP394882 from Rural Resource Area to Industrial Resource Area	-	Support	<p>Land parcel Lot 1 DP 301857 is owned by Fonterra, forms part of the Stirling site and currently contains the wastewater treatment plant for the Stirling site.</p> <p>The proposed rezoning from Rural Resource Area to Industrial Resource Area reflects the existing and consented nature of development of this parcel of land. The proposed rezoning will provide a consistent suite of land use controls across Fonterra's operations at the site and certainty as to the provisions that apply to the built parts of the site.</p>	Rezone land parcels from Rural Resource Area to Industrial Resource Area as notified.
2	Planning Map U47 Rezoning of Part Lot 1 DP2254 from Rural Resource Area to Urban Resource Area	-	Oppose	<p>Land parcel Part Lot 1 DP2254, located on the western edge of the NCB and on the eastern side of Baker Street, is owned by Fonterra. It is part of a large landholding held under one Certificate of Title (OT4C/1195).</p> <p>Fonterra considers that the zoning of this land parcel needs to be consistent with the Rural Resource Area zoning associated with the western and northern land areas held under this Certificate of Title, and that the existing Rural Resource Area zoning should be retained.</p>	Retain Rural Resource Area zoning on Part Lot 1 DP2254 in accordance with the operative District Plan planning maps.
3	Planning Map U47 Establishment of a Noise Control Boundary around Fonterra's Stirling site	-	Support, subject to amendments	<p>The proposed NCB (subject to the issues discussed below), and associated proposed policy framework and rules (as addressed in the following submission points), provides an appropriate regime for managing the site's noise emissions, by requiring Fonterra to comply with specified noise limits at the boundary (or seek a resource consent if limits are</p>	<p>Amend the Noise Control Boundary around Fonterra's Stirling site in accordance with the map provided in <b>Appendix 1</b>.</p> <p>In the alternative, amend the NCB to reflect the 50bBL<sub>Aeq</sub> (15 min) noise contour, plus any consequential amendments.</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
				<p>exceeded), while also protecting the site from potential reverse sensitivity effects from new sensitive activities. This planning tool has been utilised at a number of Fonterra's sites throughout the country. The use of a NCB will provide a greater degree of certainty for Fonterra, neighbouring landowners and the Council with respect to the extent of noise permitted from the site. Compliance with the NCB will also be much more straight-forward to assess compared to notional boundary rules.</p> <p>While the extent on Planning Map U47 reflects the boundary initially developed by Marshall Day Acoustics Limited (<b>Marshall Day</b>) and subsequently amended by Fonterra following consultation with the local community in 2016, based on further advice received from Marshall Day, Fonterra now seek to include part of 47 Mount Wallace Road (refer to <b>Appendix 1</b>). Fonterra have initiated discussions with the landowner of this property in relation to the implications of the NCB.</p> <p>If desirable for any reason Fonterra proposes the application of an alternative NCB. The alternative NCB would correlate to the 50bBL<sub>Aeq</sub> (15 min) and would therefore be smaller in size. A consequential amendment arising from this alternative proposal would be the amendment of Rule IND2(2) (refer to Ref. 13 below) requiring the noise limit to be complied with at the NCB to be 50bBL<sub>Aeq</sub> (15 min).</p>	
<b>SECTION 3.13 - NOISE</b>					
4	3.13.4 Rules Rule NSE.1 Measurement	3	Support	Fonterra supports amending the operative rule, which currently refers to outdated standards.	Amend Rule NSE.1 as notified.

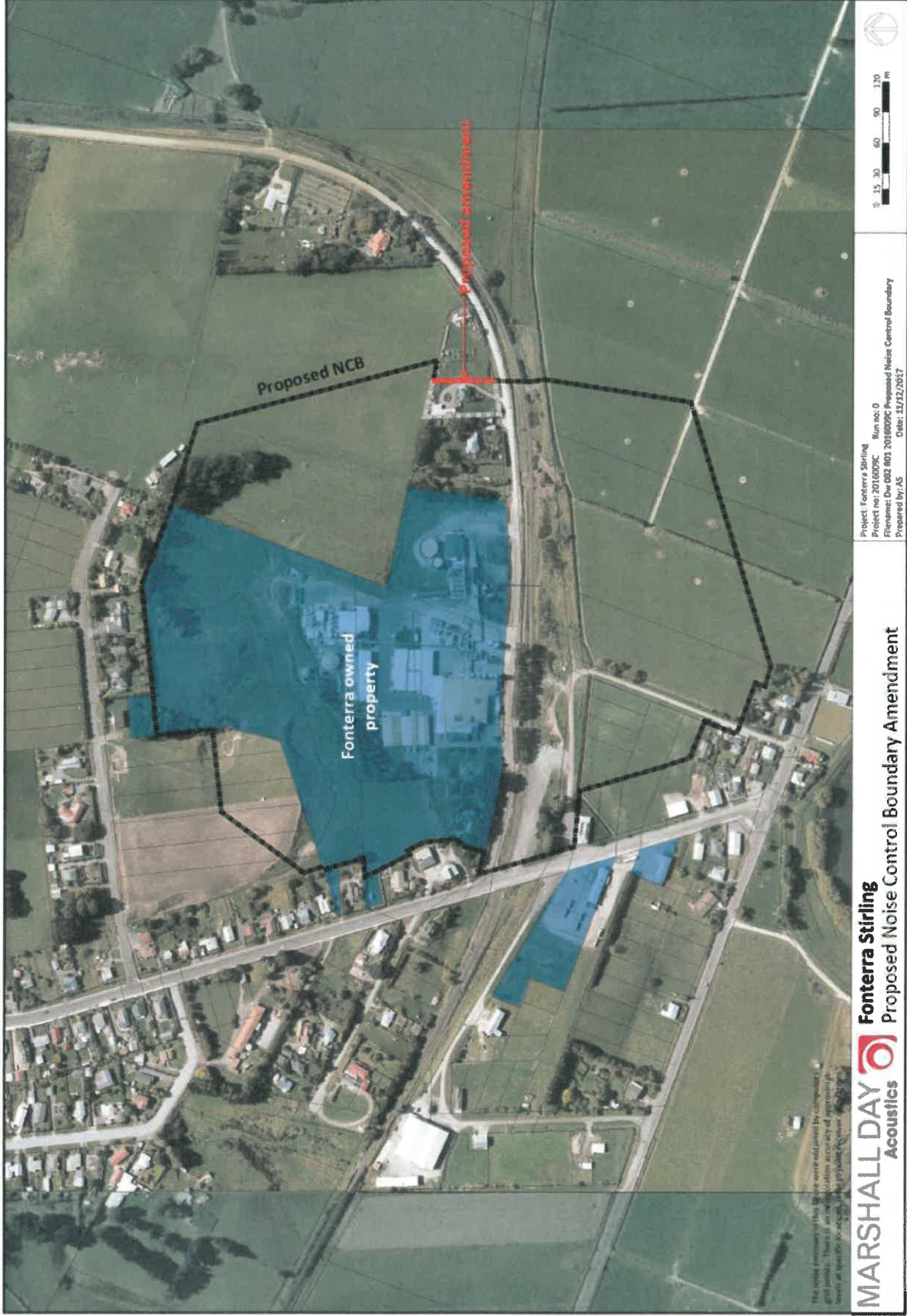
REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
<b>SECTION 4.1 – RURAL RESOURCE AREA</b>					
5	4.1.3 Objectives and Policies New Objective RRA.7	4	Support	Fonterra supports new Objective RRA.7, which recognises that an issue for activities located appropriately within, or adjacent to rural zones (i.e. the Rural Resource Area in Clutha District), is the potential for new sensitive activities (e.g. residential activities, accommodation facilities and education facilities) to locate within the zone. This then has the potential to result in reverse sensitivity issues whereby the continued operation of appropriately located existing rural and/or rural industrial activities is adversely affected.	Retain new Objective RRA.7 as notified.
6	4.1.3 Objectives and Policies New Policy RRA.13	4	Support, subject to amendments (refer to Ref. 7 below)	Fonterra supports the purpose of this policy. In particular, Fonterra supports the inclusion of a number of potential issues that may give rise to the reverse sensitivity effects (i.e., not just noise).	Retain Policy RRA.13 as notified, subject to inserting new Policy RRA.14 as outlined below (refer to Ref. 7 below).
7	4.1.3 Objectives and Policies New proposed policy	-	Refer to Ref. 6 above	PPC40 introduces the NCB and an associated resource management regime that controls noise emissions from the Stirling site and the establishment of sensitive activities within the Stirling NCB. A new policy that specifically relates to the NCB, its purpose and the nature of controls is therefore required.	Introduce new Policy RRA.14 as follows: <i>"To ensure that new sensitive activities or additions to existing sensitive activities in the rural environment do not result in reverse sensitivity effects on operations at the Stirling dairy factory site by requiring such activities within the noise control boundary to meet minimum standards for acoustic insulation."</i>
8	4.1.4 Rules Rule RRA.3(iv) Discretionary Activities	4	Oppose	PPC40 introduces a new rule whereby any residential activity located within a 'Noise Nuisance Area' must seek resource consent as a discretionary activity.  This rule is not necessary and should be deleted. Proposed new Rule RRA.10(iv) (Noise Standards), subject to amendments proposed as discussed below (refer to Ref. 10 below), regulates sensitive activities within the NCB, including residential	Delete the proposed amendment to Rule RRA.3(iv) as follows: <i>"... uses, produces or stores commercial quantities of hazardous substances <b>OR any residential activity which is to be located within a "Noise Nuisance Area" boundary as shown on the planning maps</b> is a discretionary activity."</i>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
9	4.1.4 Rules Rule RRA.3(iv) Discretionary Activities Noise Nuisance Area	4	Oppose	<p>activities. No additional controls are required beyond that provided for by Rule RRA.10(iv).</p> <p>Rule RRA.3(iv), as discussed above (refer to Ref. 8 above), introduces the term 'Noise Nuisance Area. This term is not consistent with the terminology introduced and used consistently in PPC40, namely 'Noise Control Boundary'.</p>	Replace any remaining references (if any) to 'Noise Nuisance Area' with 'Noise Control Boundary'.
10	4.1.4 Rules Rule RRA.10 Noise Standards New (iv)	5	Support, subject to amendments	<p>Under PPC40, activities that do not comply with the requirement of this new rule (Rule RRA.10(iv)) require a resource consent for a restricted discretionary activity.</p> <p>The internal design level is based on technical advice from Marshall Day and is recognised as being achievable through modern building standards. Compliance with this design standard is likely to reduce reverse sensitivity noise issues arising within the Stirling site NCB from new or expanded sensitivity activities.</p> <p>In terms of the activity status, Rule RRA.3(iv) (refer to Ref. 8 above), which Fonterra has requested be deleted, applied discretionary activity status to any residential activity locating within the NCB. Given that residential activities are a component of noise sensitive activities, and recognising that it is appropriate to consider such activities in the context of the planning framework as a whole, it is considered that discretionary, rather than restricted discretionary activity status is more appropriate for sensitive activities that do not comply with this standard.</p> <p>A further amendment is proposed to clarify that in relation to any non-compliance, the operator of the Stirling site is to be considered an affected party.</p>	<p>Amend Rule RRA.10(iv) as follows:</p> <p><i>"Any new sensitive activity, or additions that increase the flood area of an existing sensitive activity located within the Noise Control Boundary associated with the Stirling Dairy Manufacturing Site shall be constructed to achieve an internal design level of 35dB<sub>L<sub>Aeq</sub></sub>(1hr) in all habitable rooms with the windows closed.</i></p> <p><i>Any activity that fails to comply with this standard is a discretionary activity.</i></p> <p><del><i>application for non-compliance with this rule shall only require written approval from the</i></del></p> <p><del><i>The operator of the Stirling Dairy Manufacturing Site shall be considered an affected party in relation to any application arising from non-compliance with this standard."</i></del></p>
11	4.1.4 Rules	5	Support	<p>This proposed renumbering from (iv) to (v) is a consequential amendment arising from the</p>	Renumber Rule RRA.10(iv) to (v) as notified.

REF	PROVISION	PAGE	SUPPORT / OPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
	Rule RRA.10 Noise Standards Renumber (iv) to (v)			introduction of the new Rule RRA. 10(iv) (as discussed above).	
12	4.1.4 Rules Rule RRA.10 Noise Standards Renumber (iv) to (v)	-	Support, subject to amendments	A consequential amendment arising from Fonterra's requested change to new Rule RRA.10(iv) (refer to Ref. 10 above), is the need to clarify that renumbered (v) (previously (iv)) does not apply to the NCB noise standard.	Amend Rule RRA.10(v) as follows: "Any activity that fails to comply with these standards (i) to (iii) above, is a restricted discretionary activity. ..."
<b>SECTION 4.4 – INDUSTRIAL RESOURCE AREA</b>					
13	4.4.4 Rules Rule IND.2 Permitted Activities New Rule IND.2(2)	4	Support, subject to amendments	The NCB noise limit that is to apply to the site through this rule is based on technical advice from Marshall Day. The technical advice considered that these noise limits are appropriate for an industrial site such as the Stirling site, while ensuring that significant noise effects do not occur for parties within the NCB. On the basis of the advice received from Marshall Day, and which Fonterra provided to Council, Fonterra considers that this performance standard is appropriate and will ensure that adverse noise effects are avoided or mitigated.  While Fonterra supports this rule, it is not clear what the activity status of an activity would be if this standard is not complied with. Accordingly, an amendment to the rule is proposed to clarify that a restricted discretionary activity status applies.	Amend Rule IND.2(2) as follows: "On the Stirling ... 10pm – 7am 45bBL <sub>Aeq</sub> (15 min) and 75 LAF <sub>max</sub> . Non-compliance with this requirement shall be considered as a restricted discretionary activity. Council shall restrict the exercise of its discretion to the operational requirements of the site, and the effect of noise on adjoining sensitive activities within the Noise Control Boundary."  And, any consequential amendments arising from the alternative amendment sought in relation to Ref. 3 above in relation to the noise limit at the NCB.
<b>SECTION 5 – DEFINITIONS</b>					
13	Sensitive Activity	-	Support	The provisions of PPC40 utilise the term 'sensitive activity' throughout the proposed objectives, policies, rules and standards. No new definition of sensitive activity is proposed. Rather PPC40	Retain the use of the operative definition.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
				<p>proposes to rely on the existing definition in the operative District Plan.</p> <p>While Fonterra, in its initial discussions with Council as part of the District Plan Zoning Review, proposed an alternative definition (i.e., including vet clinics), it is considered that this definition appropriately identifies activities that have the potential to give rise to potential reverse sensitivity issues.</p>	

**APPENDIX 1: PROPOSED AMENDED STIRLING DAIRY MANUFACTURING SITE NOISE CONTROL BOUNDARY**







11 December 2017

Clutha District Council  
PO Box 25  
**BALCLUTHA 9240**

**By email to:** [planning@cluthadc.govt.nz](mailto:planning@cluthadc.govt.nz)

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN, CHANGE OR  
VARIATION (FORM 5)**

**Plan Change 39: Balclutha; Plan Change 40: Stirling; Plan Change 41: Milton**

**NAME OF SUBMITTER:**

KiwiRail Holdings Limited (KiwiRail)

**ADDRESS FOR SERVICE:**

Level 1  
Wellington Railway Station  
Bunny Street  
PO Box 593  
**WELLINGTON 6140**

Attention: Rebecca Beals

Ph: 04 498 3389

Email: [Rebecca.Beals@kiwirail.co.nz](mailto:Rebecca.Beals@kiwirail.co.nz)

**KiwiRail Submissions on Proposed District Plan Changes**

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for land designated "Railway Purposes" (or similar) in District Plans throughout New Zealand.

The designated corridors of the Main South Line (MSL) and the Finegand Branch pass through the district and are all a key part of the KiwiRail network. The MSL is near the Plan Change areas that are the subject of this submission. KiwiRail seeks to protect its ability to operate, maintain and upgrade this line into the future.

To achieve this, KiwiRail encourages land uses near the railway corridor that do not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should be imposed to ensure their long term amenity. Associated with

that is the risk of objections and complaints leading to restraints on the operation, maintenance and enhancement of the rail corridor. Safety is a key concern for KiwiRail so ensuring sightlines and level crossings are protected is also paramount.

KiwiRail's submissions on the Proposed Plan Change are set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck-out~~ text. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location. The submissions relate to all aspects of the Proposed Plan Changes.

KiwiRail wishes to speak to our submission and will consider presenting a joint case at the hearing with other parties who have a similar submission. KiwiRail could not gain an advantage in trade competition through this submission.

KiwiRail are happy to discuss these submission points should Council have any queries.

Regards



Rebecca Beals  
**RMA Team Leader**  
**KiwiRail**

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
<b>Plan Change 39: Balclutha Zoning Planning Maps</b>				
1.		Support	<p>There are three areas shown on the map accompanying the Plan Change where the sites either adjoin or are in close proximity to the rail corridor.</p> <p>One of these is proposed to change to Industrial Resource Area and a second is proposed to change to Transitional Resource Area. These specific areas are on Planning Map 29 (Kakapuaka), Planning Map 5 (Balclutha East).</p> <p>The third site is identified in the Section 32 Report as having the designation extent amended to be only over Lot 3 DP 377704. KiwiRail support correction of the mapping, noting that this is adjacent to the designated rail corridor, not a secondary designation on top of the existing rail designation.</p> <p>The change in zoning to Industrial Resource Area is not proposed to change the provisions within the Zone Rules themselves under this Plan Change. The zoning change does not give rise to any rights in relation to crossing the rail corridor, nor does it seek to generate what are likely to be noise sensitive activities from locating adjacent to the corridor.</p>	Retain as notified.
<b>Plan Change 40: Stirling Zoning Planning Maps</b>				
2.		Support	KiwiRail have no opposition to the rezoning of the site in proximity to the rail network as Industrial Resource Area, as mapped on U47.	Retain as notified.
3.		Support	The creation of the Proposed Noise Control Boundary associated with the Stirling Dairy Manufacturing Site passes over the rail corridor in Stirling. Managing reverse sensitivity is supported by KiwiRail as this is also an issue that the rail network is subject to and seeks to protect itself from.	Retain as notified.
<b>Section 3.13 – Noise</b>				
4.	Rule NSE.1 Noise Measurement (i)	Support	KiwiRail support the updating of the reference to the latest NZ Standards documents in relation to the measurement and assessment of acoustics.	Retain as notified.
<b>Section 4.1 – Rural Resource Area</b>				
5.	Objective RRA.7 and Policy RRA.13	Support	KiwiRail support the specific recognition through the objective and policy of the issue of reverse sensitivity, and the Council's clear direction to ensure that noise sensitive activities are located and/or designed so to not be affected by existing activities.	Retain as notified.
<b>Section 4.3.3 – Industrial Resource Area</b>				
<b>Plan Change 41: Milton Zoning Planning Maps</b>				
6.		Support	As with Plan Change 39 and 40, there are areas of land adjacent to the rail corridor that are proposed to be rezoned as Industrial Resource Area, as mapped on maps H45B and H45D. These zone changes are not opposed.	Retain as notified.
7.	Objective IND.3	Support	KiwiRail support that the objective proposed seeks to ensure that development of this area is co-ordinated and adequately serviced, however in particular the requirement to integrate with adjoining infrastructure and to	Retain as notified.

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
8.	Policy IND.5	Support	<p>not compromise existing drainage systems are important to KiwiRail.</p> <p>The site adjoins the rail and therefore KiwiRail seek to ensure that the opportunity for a siding to connect the industrial area with the rail corridor for the movement of freight is enabled. Further, ensuring drainage is adequately managed ensures that development of the site does not have the potential to result in the rail track being undermined or overtopped as a result of drainage issues, both leading to potentially unsafe situations.</p> <p>KiwiRail support that the development of this area is managed through a Structure Plan approach.</p> <p>The requirement at (d) of the Policy to include safe and efficient connections with adjoining infrastructure, and the specific mention of the Main South Line is supported by KiwiRail. KiwiRail support recognising the potential for a siding between the rail corridor and this Industrial Resource Area in the structure plan in the event that this is required once development of the site proceeds, seeking to ensure the effective and efficient movement of freight in and out of the area is facilitated.</p>	Retain as notified.
9.	Rule IND.5.2	Support	<p>KiwiRail support the Rule proposed and the specific requirement for any Structure Plan for the development of the site to include the provision of rail sidings and the need to manage rail crossings if considered necessary. Further, KiwiRail support the specific comment that consultation with and approval of KiwiRail will be required.</p> <p>For clarity, KiwiRail wish to note that while the requirement includes the need to manage rail crossings, no new at-grade level crossings are likely to be approved by KiwiRail, in the event the development seeks any be formed.</p>	Retain as notified.

## **Comments on Clutha District Plan - Proposed Zoning Review: Balclutha, Milton and Stirling**

**To:** Clutha District Council  
**Comments on:** Clutha District Plan – Proposed Zoning Review: Balclutha, Milton and Stirling  
**On behalf of:** New Zealand Fire Service Commission (the NZFS Commission)

The New Zealand Fire Service Commission (the NZFS Commission) is the governing body that controls the New Zealand Fire Service (NZFS) and the National Rural Fire Authority (NRFA). The Fire Service Act 1975 and the Forest and Rural Fires Act 1977 establish the governance, management and operational arrangements for these organisations. It is a matter of prime importance for the NZFS Commission to take an active and co-ordinating role in the promotion of fire safety in New Zealand, through reducing the incidence of fire and the attendant risk to life and property; and through seeking unity and completeness of fire safety law and practice (as set out in the Fire Service Act 1975, section 20). The role of the Fire Service has widened, and now plays a crucial role in providing responses to many types of non-fire emergencies, such as hazardous substances emergencies, motor vehicle accidents, medical emergencies, civil emergencies and response to incidents in extreme weather.

The NZFS Commission provides the following comments on the Clutha District Plan – Proposed Zoning Review: Balclutha, Milton and Stirling ('Zoning Review') document in the context of its responsibilities as set out above.

### **1.1 Zoning Review of Balclutha, Milton and Stirling**

The NZFS Commission understands that the Zoning Review identifies Balclutha, Milton and Stirling as having opportunities for growth, specifically for future residential and industrial activities.

The NZFS Commission wishes to ensure that any industrial and residential development is adequately serviced in terms of water supply for firefighting and provision of access for fire appliances to a property (such as roading, gradient and access design). To effectively discharge its responsibilities under the Fire Service Act 1975, the NZFS is required to efficiently and effectively respond to fire and other emergencies. In order to achieve this, it requires access to a water supply which can provide the volumes and pressure necessary to sufficiently attend to a range of emergency situations. The most reliable form of firefighting water supply is provided via a fully reticulated water supply system. However, where this is not available there are alternative ways of supplying firefighting water that are still capable of meeting the operational firefighting requirements

of the NZFS. The design requirements for both water supply and access to this supply are contained within the New Zealand Standard *New Zealand Fire Service Firefighting Water Supplies Code of Practice* NZS PAS 4509:2008 (attached as Appendix A).

The NZFS seeks that any rezoning proposed through this Zoning Review, and the actions it directs, ensures that adequate firefighting water supply (and access to it), and access for fire appliances is provided.

#### Location of NZFS Facilities

Fire stations must be strategically located within and throughout communities to maximise their coverage and response times so that they can efficiently and effectively respond to emergency call outs in a timely way<sup>1</sup>. There are currently fire stations situated throughout the Clutha District and therefore should rezoning occur additional fire stations may be required to ensure adequate coverage is maintained throughout the district. The NZFS seeks that this Rezoning Review, and the actions it directs, make provision for such an emergency service facility.

#### Summary

The NZFS Commission wishes to ensure that new developments provide for the access and manoeuvring of fire appliances; meets with the New Zealand Fire Service Firefighting Water Supplies Code of Practice and enables the development of new emergency service facilities. The NZFS is happy to assist and/or advise in any way possible as planning for the identified rezoning areas progress.

Address for service: c/- Beca Limited  
PO Box 13960  
Christchurch 8141

Attention: Alice Burnett

Phone: +64 3 550 0038

Email: [alice.burnett@beca.com](mailto:alice.burnett@beca.com)



*(Signature of person authorised to sign on behalf of New Zealand Fire Service Commission)*

Date: 24 February 2017

---

<sup>1</sup> Enabling the Commission to achieve its responsibilities under the FSA 1975



Our Reference: A1072103

11 December 2017

Clutha District Council  
PO Box 25  
Balclutha 9240

Attention: David Campbell, Planning and Environment Manager

Dear David

**Otago Regional Council (ORC) submission on Clutha District Council (CDC) Plan Changes 39-41 Balclutha, Stirling and Milton rezoning**

ORC has reviewed the proposed plan change, and the accompanying section 32 reports which provide context for the proposed changes.

ORC has no comments to make in relation to the proposed rezoning at Stirling.

In making this submission, ORC makes the following requests in respect to the proposed changes:

**Milton Rezoning:**

**Amendment to Proposed Objective IND.3**

Add the following underlined text: "That development within the Industrial Resource Area (Toko Plains) is efficient, co-ordinated and supported by adequate services; integrates with adjoining infrastructure; and does not compromised the existing drainage systems, including overland flowpaths."

This is to make it clear that both the functions of manmade and natural drainage systems are to be protected.

**Amendment to Proposed Policy IND.5 (e):**

Add the following underlined text: "to protect existing drainage systems and overland flow paths within the Structure Plan area;"

Again, this is to clarify that provision is to be made not only for manmade drainage systems, but also the wider overland flow paths of the Tokomariro Plain.

**Proposed amendment Rule IND.1 General Section:**

'2. Toko Plains Structure Plan':

Bullet point 6: Add the following underlined text: "The management of stormwater and overland flow paths with in the Structure Plan area to ensure there is no increase in flood hazards"; and

This is to clarify that the purpose of the policy is to avoid increases in flood hazards and subsequent adverse effects.

**Proposed amendment to Rule IND.2 Permitted activities:**

Amend "Reasoning by adding to bullet point 3 "and overland flow paths" after "drainage system"

Again, this is to clarify that provision is to be made not only for manmade drainage systems, but also the wider overland flow paths of the Tokomariro Plain.

It would be of benefit to the community if the structure plan can reference that some activities within the structure plan may be controlled by:

- The ORC's Flood Protection Management Bylaw 2012, and
- ORC's Water, Waste and Air Plans

**Balclutha Rezoning:**

CDC must ensure that the proposed rezoning changes, particularly around the lower lying areas of Balclutha, continue to prevent the exacerbation of flood hazards.

ORC has a number of flood protection assets within or nearby to the proposed 'Industrial Resource Areas' off:

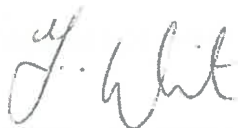
- Banego Road
- Owaka Highway

Activities that may affect these assets are controlled by the ORC's Flood Protection Management Bylaw 2012. Again, it would be of benefit to the community if CDC has the means to ensure users of the district plan are aware of this if looking to undertake activities in these areas.

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

ORC would not like to be heard in support of this submission.

Yours sincerely



Tanya Winter  
Director Policy, Planning, and Resource Management