

23 October 2015

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Dear Sir

APPLICATION BY YASHILI NEW ZEALAND DAIRY CO LTD FOR LAND USE CONSENT CHANGE CONDITIONS OF CONSENT TO PROVIDE FOR THE THREE EXISTING TANKS TO BE BLACK AND WHITE 'COW HIDE' COLOUR SCHEME AND AN AMENDMENT TO THE APPROVED LANDSCAPING PLAN TO ACCOMMODATE THE VISITOR FACILITY BUILDINGS AT I YASHILI DRIVE POKENO

You are advised that your application has now been determined and has been granted. Please find enclosed a copy of the Decision and the Consent.

A Lapsing of Consents

Your attention is drawn to section 125 of the Resource Management Act 1991. A summary of that section is that a resource consent lapses on the expiry of five years after the date of commencement of the consent, or after the expiry of such shorter or longer period as is expressly provided for in the consent, unless

- (a) The consent is given effect to, before the end of that period; or
- (b) An application which meets the criteria specified in section 125 is made to the Council.

B Compliance with Conditions

Please note that unless a specific time limit is stated in the conditions imposed by the Council when granting this consent, all conditions must be complied with before the use to which the consent relates is established.

C Changes to Conditions

Your attention is drawn to section 127 of the Resource Management Act 1991 which enables an application to be made at any time to Council to change or cancel any condition of this consent. Any such application should be accompanied by a deposit of \$1,300.00 for Land Use and Subdivision consents

D Review of Decision on non-notified application

Your attention is drawn to section 357 of the Resource Management Act 1991. This section provides that there is a right of objection to Council in respect of this decision. Section 357(5) requires:

Any such objection shall be made by notice in writing to the Council, setting out the reasons for the objection and should be accompanied by a deposit of \$1,300.00. This objection should be made within 15 working days after the decision or requirement being notified to that person, or within such further time as may in any case be allowed by the consent of the Council.

E Right of Appeal

Your attention is drawn to the Resource Management Act 1991 sections 120 and 121 and also the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153, Regulations 16 – 19. Some key provisions to note are as follows:

- (i) You may appeal against the decision of the Council by lodging a Notice of Appeal in the prescribed form with the Registrar of the Environment Court and with the Council within 15 working days of the receipt by you, or the person who filed the application on your behalf, of the Council's decision. The address of the Environment Court is as follows:

The Registrar	Specialist Court and Tribunal Centre
Environment Court	Level 2
P O Box 7147	41 Federal Street (Cnr Wyndham and Federal Streets)
Wellesley Street	AUCKLAND CITY
AUCKLAND	Telephone: 09 916 9091
	Fax: 09 916 9090

- (ii) The appeal must be in the form prescribed by the Resource Management (Forms, Fees, and Procedure) Regulations 2003/153 or to like effect. The regulations may be purchased from Bennetts Government Bookshop, or they (and the RMA itself) are accessible on-line at www.legislation.govt.nz. The form is identified as Form 34 in the regulations.
- (iii) A filing fee of \$511.11 GST inclusive must accompany every document by which appeal proceedings are commenced.
- (iv) Section 121 of the Resource Management Act 1991 sets out important information as to the persons upon whom the appeal must be served and the time when service must take place. It is essential that these provisions be adhered to. Failure to do so may result in your appeal being struck out.

If you are in any doubt as to the procedures to be followed it is strongly recommended that you consult a lawyer.

Yours faithfully



Beryl McCauley
CONSENTS ADMINISTRATION

Cc: Yashili New Zealand Dairy Co Ltd
PO Box 236
Pokeno 2440

Decision on Application to Change or Cancel Resource Consent Conditions

(Section 127, Resource Management Act 1991)

Pursuant to Sections 34(A)(1) and 127 of the Resource Management Act 1991, the Waikato District Council, under delegated authority, gives approval for changes to conditions of an approved resource consent as follows:

Application Number: LUC0145/13.03

Resource Consent Number: LUC0145/13

Applicant: Yashili New Zealand Limited

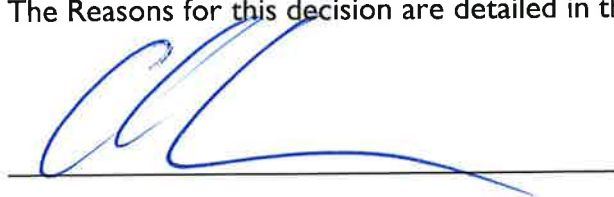
Subject: S127 to change Conditions 1, 2 and 9 to provide for the three existing tanks to be black and white 'cow hide' colour scheme and an amendment to the approved landscaping plan to accommodate the visitor facility buildings.

Location Address: 1 Yashili Drive, Pokeno

Legal Description: Lot 1 DP 464145 as comprised in Computer Freehold Register 629614

The resource consent is now subject to the Amended Conditions detailed in the attached Schedule 1.

The Reasons for this decision are detailed in the attached Schedule 2.



CONSENTS TEAM LEADER

Dated:

23/10/15

Conditions of Consent

Resource Consent No: LUC0145/13.03

Changes shown in Italics

General Conditions

- 1 Subject to Condition 2, the design, construction, operation and maintenance of the Yashili Dairy plant shall be generally in accordance with the plans, documentation and information submitted to the Council for LUC0145/13, officially received by Council on 10 April 2013, further information received on 8 May 2013 and information submitted at the Hearing on 31 July 2013 and 1-2 August 2013. In addition, the proposal shall comply with information submitted in the S127 application received by Council on 25th June 2014 *and information submitted in the S127 application received by Council on the 14th of October 2015.* In the event of any conflict between the plans, documentation, and information and the conditions of this consent, then the conditions shall prevail.
- 2 The dimensions and design of the structures authorised by this resource consent and identified in Babbage Consultants Limited Site Layout Plan (Ref: RC01-H) must:
 - (a) Not exceed a maximum finished height of 41 metres and a footprint of 1,300 m² for the dryer tower, and a height of 41 metres for all stacks associated with the project;
 - (b) Be finished generally in accordance with the elevations shown in Babbage Consultants Limited Drawing RC02-E dated 18 June 2013; and
 - (c) Be finished generally in accordance with the building colour scheme and detailing used in the preparation of the simulations prepared for the hearing and shown in simulations 10b, 11b, 12b, 13b, 14b, 15b, 16b, 17b, 18b and 19a dated July 2013 as presented at the Hearing in the Graphic Attachments to the evidence of Mr Coombs *except as provided for in (e) below; and*
 - (d) Not exceed a maximum finished height of 23 metres for the RO storage tank and 16 metres for the potable water silo as shown in the Babbage Consultants Limited Drawings RC05 and RC06, dated 17 June 2014; *and*
 - (e) *The three tanks in proximity to the road frontage of McDonald Road and Gateway Park Drive shall be finished generally in accordance with the plans submitted within the s127 application received by Council on the 14th of October 2015.*

Archaeological

- 3 In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking works to give effect to the conditions of this consent, the works in the area of the discovery shall cease immediately, and Ngati Tamaoho, Ngati Naho, Ngati Te Ata and Huakina Development Trust and the Waikato District

Council shall be notified within 48 hours. Works may recommence with the written approval of the Waikato District Council. Such approval shall be given after the Waikato District Council has considered:

- Tangata Whenua interests and values,
- The consent holder's interests,
- Any archaeological or scientific evidence.

Construction Traffic

4 The Consent Holder shall prepare a Construction Traffic Management Plan. As a minimum, the Construction Traffic Management Plan shall include the following:

- (a) The site manager who would act as a point of contact for residents who have concerns with or queries regarding the construction activity.
- (b) The hours of construction activity, programming and timing of key construction phases and any special traffic issues (road closures, heavy vehicle routes, over-dimension loads, number of staff, etc.).
- (c) Details of the site office facilities, material storage areas and contractor staff parking areas.
- (d) Consultation/Communication for access - WDC roading staff, NZ Rail, NZ Police, NZ Fire Service, St John's, businesses, landowners and residents of Hitchens Road and McDonald Road.
- (e) Details of the monitoring proposed in relation to queues from the one-lane bridge towards the rail level crossing and any responses proposed where that monitoring shows that safety concerns on the rail crossing and at the Hitchen Road / McDonald Road intersection are occurring.
- (f) Coordination/programming to minimise impacts on market days and community activities.
- (g) Driver behaviour guidelines for contracted services/staff.
- (h) Procedures for dealing with complaints.
- (i) The measures that will be used to ensure that vehicles leaving the site do not deposit soil or other debris off-site, and if they do the remedial measures that are to be taken.
- (j) An approved temporary traffic management plan in accordance with the
- (k) NZTA Code of Practice for Temporary Traffic Management, including:
 - (i) Maintaining safe and accessible pedestrian routes around the site;
 - (ii) Minimising the level and duration of disruption to traffic;
 - (iii) The movement routes and volume of construction traffic on adjacent roads and the expected hours that this would occur;
 - (iv) Location of the contractor parking facilities; and
 - (v) Loading/laydown areas and any temporary vehicle crossings.
- (l) Contingency planning.

No less than 10 working days prior to construction the consent holder shall

present the detailed Construction Traffic Management Plan for approval by the Waikato District Council General Manager Service Delivery acting in a technical certification capacity.

- 5 The Consent Holder shall ensure that sufficient onsite parking areas are provided for all vehicles associated with the construction phase. The parking areas shall be constructed of an all-weather surface, to the satisfaction of Council's Monitoring Department.

Operational Traffic

- 6 The Consent Holder shall prepare detailed design plans of the vehicle entrances, access and internal circulation roads and car parking areas proposed. The design of the access, loading and parking arrangements shall as a minimum:
- (a) Include 75 car parking spaces and 4 loading/unloading spaces suitable for dairy tankers, with adequate queuing, manoeuvring and circulation space.
 - (b) Be prepared following consultation with Waikato District Council roading staff and in general accordance with:
 - (i) Franklin District Council "Code of Practice for Subdivision and Development", Edition 5, October 2010; and
 - (ii) Traffic Design Group Pokeno Dairy Factory Transportation Assessment Report dated April 2013; and
 - (iii) Babbage Consultants drawing RC01-H.

Not less than 20 working days prior to commencement of construction of those items referred to above the consent holder shall present the detailed design for approval by the Waikato District Council General Manager Service Delivery acting in a technical certification capacity.

- 7 The Consent Holder shall prepare an Operational Parking and Traffic Management Plan, which shall include the following:
- (a) The site manager who would act as a point of contact for residents who have concerns with or queries regarding the activity.
 - (b) Communication, coordination and programming procedures to minimise impacts on market days and community activities.
 - (c) Driver behaviour guidelines for contracted services/staff.
 - (d) Procedures for dealing with complaints.
 - (e) Arrangements to ensure that parking and loading is managed to ensure no off-site effects.

No less than 20 working days prior to commencing production the consent holder shall present the detailed design for approval by the Waikato District Council General Manager Service Delivery acting in a technical certification capacity.

- 8 No works (including temporary traffic management, construction, road markings, signage and occupancy) affecting Council's roads shall be carried out unless approved in writing by the Waikato District Council General Manager Service Delivery or delegate, acting in a technical certification capacity.

Landscaping

- 9 Prior to completion of construction of the Yashili Dairy Plant, the Consent Holder shall submit a Landscape Planting Plan to the Council's Consents Manager for technical approval. The objective of the amenity and landscape planting shall be to establish a "campus - parkland" effect on the eastern (front) side of the site, comprising a mix of grassed areas, gardens, shrubs and taller trees (capable of growing to a minimum of up to 20 metres tall and of which at least 60% are evergreen) generally in accordance with the Figure 6: Landscape Mitigation Plan in the Graphic Attachments to the evidence of Mr B Coombs and appended to this decision, *and revised as necessary to accommodate the visitor facility buildings approved under LUC0150/16 and in accordance with the s127 application received by Council on the 14th of October 2015.*

The Landscape Planting Plan shall include (but not be limited to):

- (c) A schedule of species to be planted including botanical name, average plant size at planting, planting density and average mature height and width of each; and
- (d) A management plan and implementation schedule which identifies the period over which the mitigation planting is to occur and how it is to be managed and maintained.

The Landscape Planting Plan shall have regard to:

- (d) Appendix 54.15B of the Waikato District Plan (Franklin Section) Subdivision Design Assessment Criteria For Residential 2 Zone (excluding the Town Centre Overlay Area), Light Industrial Zone and Industrial 2 Zone within the Pokeno Structure Plan Area";
- (e) The riparian planting and development proposed for the Pokeno Stormwater Catchment Management Plan; and
- (f) Amenity planting and development proposed for the Pokeno Gateway Business Park.

- 10 The Landscape Planting Plan submitted shall be implemented by the Consent Holder at the Consent Holder's expense within the first planting season (May to September) following the Yashili Dairy Plant commencing operation and shall be maintained by the Consent Holder on an ongoing basis for the lifetime of the activity.

- 11 Prior to 31 December 2013, the Consent Holder shall offer to undertake screen planting on the properties at 25 Hitchen Road and 184 Hitchen Road, Pokeno in order that the views of the dryer tower from the existing dwellings on those properties are reduced. The details of the planting to be undertaken and their locations shall be contained on a plan to be prepared by the consent holder following consultation with the respective property owners. The Consent Holder shall implement any agreed planting within the first planting season (May-September) following agreement being reached with the property owner. The Consent Holder shall lodge a copy of the plans agreed with the respective property owners with the Council.

The consent holder's obligations at each property shall be limited to: providing not more than 25 healthy large shrubs/trees, at a grade of PB40 (minimum height 1.5 metres). including the necessary planting mix and fertiliser; planting the shrubs/trees

trees at locations selected following consultation with the property owner; and maintaining the shrubs/trees for a period of twelve months.

The consent holder shall replace any shrubs/trees planted pursuant to this condition that die within twelve months of being planted.

- 12 The planting required by Condition 11 shall only be required if the property owner provides their written approval for the planting to be undertaken within 30 days of them receiving a copy of the plan required by Condition 11. If such approval is not provided within 30 days of being provided with the plan the consent holder shall have no further obligation pursuant to Condition 11.

Noise

- 13 Construction noise shall not exceed the recommended limits in, and shall be measured in accordance with the provisions of NZS6803:1999 Acoustics Construction Noise.
- 14 The site shall be designed and the activity operated to ensure that the following noise levels are not exceeded at or within the boundary of any other site:
- (a) In the Light Industrial Zone:
 - (i) 65 dBA (Leq).
 - (b) In the Residential, Residential 2, Rural-Residential, Village or the notional boundary of any existing dwelling house in the Rural Zone (Note: the notional boundary is defined as 20 metres from any side of a dwelling house):
 - (i) High background noise area:
 - I. 55 dBA (Leq) (7.00 am -10.00pm).
 - II. 45 dBA (Leq) (10.00 pm -7.00am).
 - III. 75 dBA (Lmax) (10.00 pm -7.00am).
 - (ii) All other areas:
 - I. 50 dBA (Leq) (7.00 am -10.00pm).
 - II. 40 dBA (Leq) (10.00 pm - 7.00am).
 - III. 70 dBA (Lmax) (10.00 pm - 7.00am).
 - (c) In the Business Zone:
 - (i) 60 dBA (Leq) (7.00 am -10.00pm).
 - (ii) 50 dBA (Leq) (10.00 pm - 7.00am).
 - (iii) 75 dBA (Lmax) (10.00 pm -7.00am).
 - (d) In the Industrial 2 Zone
 - (i) 70 dBA (Leq)

Noise levels shall be measured and assessed in accordance with the requirements of NZS6801: 2008 Measurement of Environmental Sound and NZS6802: 2008 Environmental Noise respectively.

15 An acoustic design report shall be completed by a suitably qualified person to demonstrate that the operational dairy plant will achieve compliance with condition 14 and is to be submitted at the time of building consent application, to the satisfaction of the Council's Environmental Health Manager.

16 Within six months of the commissioning of the Yashili Dairy Plant, noise monitoring shall be undertaken by a suitably qualified person, to show that the specified noise limits are being met and a report be submitted to the satisfaction of Council's Environmental Health Manager. The report shall include sufficient monitoring and reporting of environmental and operational conditions to demonstrate that the operation of the Yashili Dairy Plant complies with the noise limits required.

Where the monitoring results indicate that compliance with the noise condition is not being achieved, any necessary remedial works shall be identified and undertaken to the satisfaction of the Council's Environmental Health Manager within a timeframe approved by the Council. When such works are finished, an Acoustic Engineer approved by the Council shall certify that the operation of the plant complies with the noise limit specified.

Hazardous Substances

17 Prior to the processing of any milk on site, the Consent Holder shall provide to the Council copies of the location and stationary containment test certificates for the site required under the Hazardous Substances and New Organisms Act 1996.

18 All hazardous substance bulk storage tanks shall be bunded. The bunding for each tank shall be a minimum of 10% greater than the volume of the tank.

19 Prior to beginning construction on site, the Consent Holder shall provide to the satisfaction of Council's Environmental Health Manager, detailed plans of the hazardous substances storage facilities. The plans shall include, but not be limited to:

- (a) The volume of the bulk storage tanks
- (b) The capacity of bunding for each bulk storage tank
- (c) Drainage details from the bunded areas.

20 Prior to the processing of any milk on the site, the Consent Holder shall submit a Hazardous Substances Management Plan for the approval of Council's Environmental Health Manager acting in a technical certification capacity. The Plan shall identify the:

- (a) Type/s, quantities, location/s on site and/or position within the building/s of hazardous substances to be used on the site; and
- (b) Emergency response plans or procedures which are to be put in place in respect of these substance/so

The report shall include such drawings as may be appropriate to describe the activities being undertaken and their locations.

Lighting

- 21 All exterior lighting shall be designed, located and at all times directed, screened, adjusted and maintained to ensure that the direct luminance from the lighting shall not exceed:
- (a) 10 lux (lumens per square metre) at or within the boundary of any residential site between the hours of 10.00 pm and 7:00am; and
 - (b) 20 lux at or within the boundary of any residential site at all other times when lighting is required.
- 22 Prior to the processing of any milk on site, the Consent Holder shall submit a Lighting Installation Plan for the approval of Council's Environmental Health Manager acting in a technical certification capacity. The Plan shall identify the location, type and specification of exterior lighting on the site.
- 23 Within three months of commissioning of the Yashili Dairy Plant, the Consent Holder shall submit a report from a suitably qualified Professional Illumination Engineer to confirm that the lighting installation within any part of the site has been designed, installed, and directed in a manner that will ensure compliance with the lighting levels required by the above condition 21, to the satisfaction of the Council's Environmental Health Manager.
- If the levels do not comply, the Consent Holder shall carry out rectification works and then carry out further monitoring to confirm compliance with the standards required. If an amended Lighting Installation Plan of the compliant lighting is required, this shall be completed and provided to the Council within six months of the commissioning of the Yashili Dairy Plant.

Earthworks

- 24 The site shall be stabilised against erosion and sedimentation run-off as soon as is practicable and in a progressive manner as earthworks are finished over various areas across the site in general accordance with the 'Proposed Erosion and Silt Control Plan', completed by Babbage Consultants Limited, Drawing No. MS05, dated 28/3/2013, to the satisfaction of Council's Monitoring Department.

Monitoring

- 25 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 26 The consent holder shall notify the Council's Monitoring Department in writing two weeks prior to the commencement of activities associated with this consent. Such notification shall include the following details:
- (a) Name and telephone number of the Developer's Representative/s;
 - (b) Site address to which the consent relates;
 - (c) Activities to which the consent relates; and
 - (d) Expected duration of works.

Community Liaison Group

- 27 Prior to the commencement of construction of the plant, the Consent Holder shall invite, as a minimum, the Pokeno Residents and Ratepayers Association, the Ministry of Education and the Pokeno School Board of Trustees to establish, in association with the Consent Holder, a Community Liaison Group ("CLG"). If established, the consent holder shall provide reasonable organisational and administrative support to facilitate the development and ongoing role of the CLG. The purpose of the CLG is to act as a conduit between the Pokeno community and the consent holder for the dissemination of relevant information and to act as a forum to receive and resolve any issues and concerns raised by the Pokeno community about construction of the plant and the plants' environmental effects, including traffic effects. The Consent Holder shall invite the CLG to meet:
- (a) Monthly during the project construction phase; and
 - (b) Post construction, on an as needed basis, but at least once per year, unless the CLG members unanimously agree otherwise.

The Consent Holder shall provide the CLG with a copy of the management plans required by this consent as soon as reasonably practicable after they have been submitted to the Council for technical certification.

The Consent Holder shall provide confirmation of the dates and attendance of the CLG to the Council's Monitoring Department as soon as is practicable after the meetings have taken place.

Review

- 28 Pursuant to section 128 to 131 of the Resource Management Act 1991, the Waikato District Council may review any or all of the conditions of this consent after six months from the commencement of this consent and at one yearly intervals thereafter, serve notice on the consent holder of its intention to review any or all of the conditions of this consent for any of the following purposes:
- (a) To review the effectiveness of the conditions of this consent in avoiding, remedying, or mitigating any adverse effect on the environment that may arise from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to traffic, visual effects, landscape and amenity effects), and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;
 - (b) To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints;
 - (c) To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent; and
 - (d) To require the consent holder, if necessary and appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment.

The Council will undertake the review following consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review.

ADVICE NOTES

- A Development contributions for the project will be payable at the time of Building Consent. These contributions will likely be based on the intended land use and gross floor area of new buildings, as well as service connections to Council infrastructure. As the site is located in the Pokeno Structure Plan Area, charges will be based upon area specific criteria. The following table lists indicative contribution amounts, which are subject to change pending the completion of a development agreement between the Applicant and the Council.

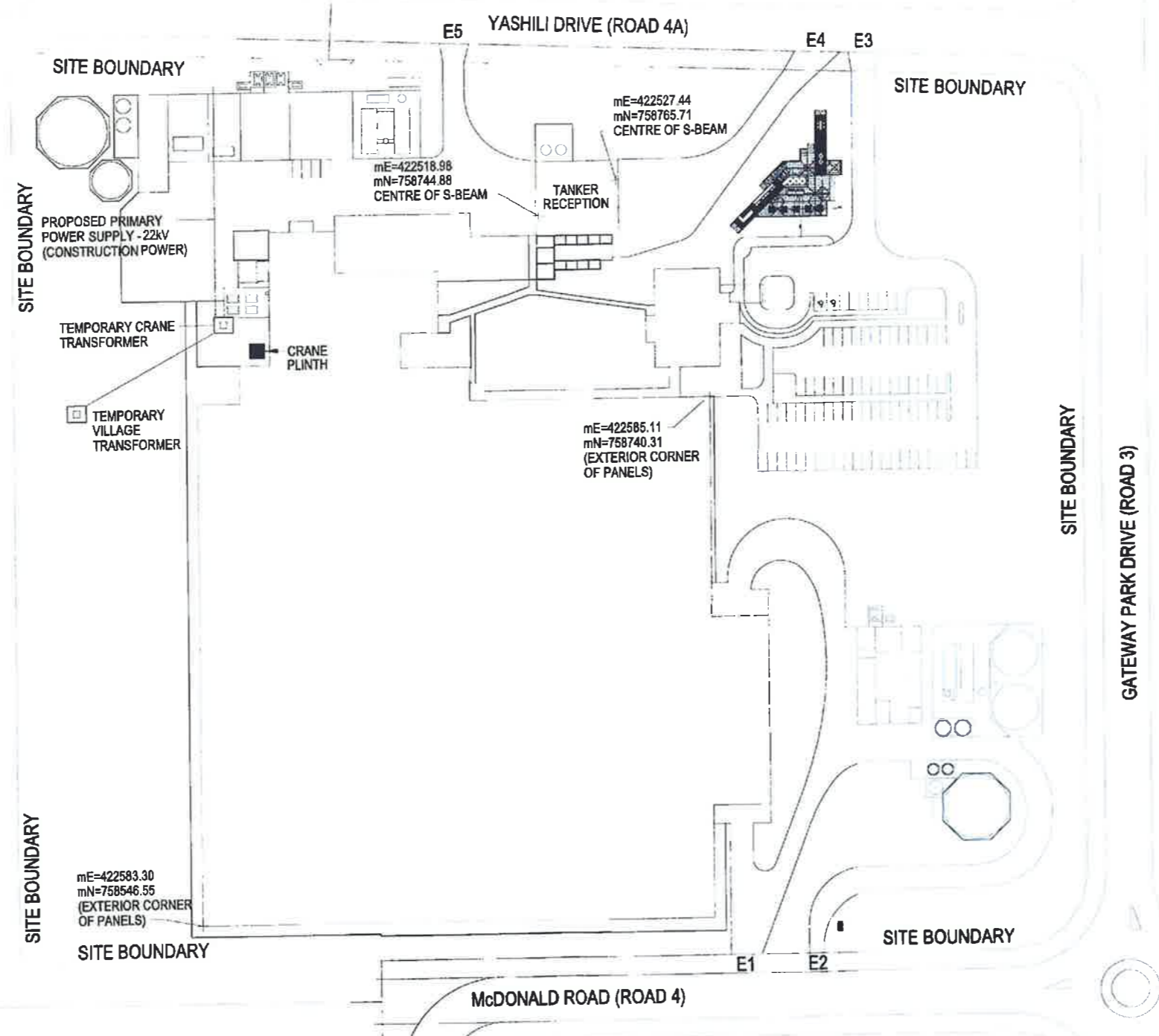
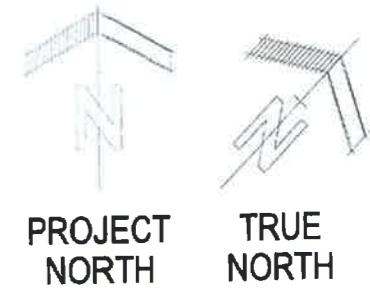
Development	Indicative Amount
District Wide Roding	\$54,288.00
Roads and Transport	\$597,480.00
Stormwater	\$506,079.00

- B The consent holder is advised that the granting of this consent does not guarantee the issue of any building consents that are required to authorise any structures or work that may be required under the Building Act.

Reasons for Decision

Resource Consent No: LUC0145/13.03

- 1 The actual and potential effects created by the proposed variation are acceptable because there are no colour restrictions within the Light Industrial Zone and it is considered that the 'cow hide' pattern is consistent with the purpose of the Dairy Plant site.
- 2 The proposed "Yashily" sign, to be located adjacent the eastern corner of the site, will also provide some degree of screening of the tanks. Overall, the colour scheme is considered to be appropriate in its industrial context and is expected to result in visual amenity effects well below the minor threshold.
- 3 The removal of one tree to accommodate the visitor facility will result in negligible effects with respect to landscaping, as the existing landscaping is considered to enhance the overall amenity of the Dairy Plant site.
- 4 The application has been processed on a non-notified basis, despite the original application being publicly notified. In this instance, there are no persons deemed to be adversely affected by the changes due to the scale of the minor changes in the context of the overall activity and the effects will be less than minor.
- 5 The proposal is consistent with the objectives and policies of the operative District Planning documents.
- 6 Overall the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.

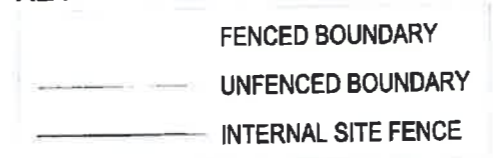


APPROVED
 LUCO145/13.03
 KLD 22/10/15

NOTES

1. COORDINATE DATUM: NEW ZEALAND GEODETIC DATUM 2000, MT EDEN CIRCUIT.
2. ALL PROPERTY BOUNDARIES HAVE BEEN DERIVED FROM LINZ DATA.
3. SITE LAYOUT SHOWN IS INDICATIVE ONLY AND IS SUBJECT TO CONFIRMATION BY DESIGN CONSULTANTS AT DETAILED DESIGN STAGE.

KEY



Resource Consent

No. Luco14s/13.03

Approved By Klon

Date 21/10/15

Not for Construction

