

Cultural Impact assessment:

For a private plan change to the Selwyn District Plan, to establish a Dairy Process Management Area (DPMA)

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Cover image:

Artwork provided by the late Aunty Catherine Brown (Taumutu) for the Te Taumutu Rūnanga Natural Resource Management Plan (2002).

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Report signed off by Te Taumutu Rūnanga on: March 18, 2014.

Use of the information in this report:

The information in this report is to be used only for the purposes of the Synlait Milk Ltd. private plan change application to the Selwyn District Council.

Summary of Findings

Synlait Milk Limited (Synlait) is initiating a private plan change to the Selwyn District Plan. The plan change introduces provisions for a specific *Dairy Processing Management Area* (DPMA) within the Rural (Outer Plains) Zone of the district plan. The DPMA will cover an area of land containing and immediately surrounding the existing Synlait dairy plant at Dunsandel, and put in place policies and rules which specifically provide for dairy processing related activities and buildings on this land.

Synlait has commissioned a Cultural Impact Assessment (CIA) report to identify and understand effects on tangata whenua values, interests and associations, and how the proposed plan change aligns with key policy messages in the Mahaanui Iwi Management Plan 2013.

The findings of the CIA indicate that Te Taumutu Rūnanga is supportive of the creation of a specific Dairy Processing Management Area (DPMA). The proposal provides certainty for all parties as to what future development can occur on-site, and under what conditions, and therefore offers a consistent approach to planning and decision-making.

The findings of the CIA also indicate that there are some reservations about the risk to cultural values and the ability to manage effects in an integrated and comprehensive manner. The assessment makes comment on some standards for permitted activities, notes concern about what the plan change may mean with regard to managing discharges to avoid adverse effects on land, water and air, and raises the issue of whether Synlait can do more to reduce the impact of the dairy processing plant on the environment and set an high standard for development on the landscape. Seven recommendations are provided to address these issues and provide opportunities to align the plan change with policies in the Mahaanui IMP.

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1 Introduction

Synlait Milk Limited (Synlait) is initiating a private plan change to the Selwyn District Plan. The plan change introduces provisions for a specific *Dairy Processing Management Area* (DPMA) within the Rural (Outer Plains) Zone of the district plan. The DPMA will cover an area of land containing and immediately surrounding the existing Synlait dairy plant at Dunsandel.

The purpose of the DPMA is to recognise the distinctive density and scale of a dairy processing plant, compared to other rural activities in the Rural Zone, by putting in place policies and rules which specifically provide for dairy processing related activities and buildings on an identified area of land. The new rules, alongside compliance with an Outline Development Plan (ODP) will enable integrated management of the DPMA. This will lessen consent requirements by enabling development to occur subject to certain conditions, and provide certainty for all parties as to what future development can occur on-site and under what conditions.¹

The proposal reflects the approach taken in other District Plans in New Zealand, which recognise the particular requirements of dairy factories (e.g. Edendale Dairy Plant Industrial Area in the Southland District Plan).

Synlait is seeking to engage with Te Taumutu Rūnanga to identify and understand any cultural effects as a result of the proposed private plan change. Te Taumutu Rūnanga is the representative body of the hapū Ngāi Te Ruahikihiki. The takiwā of Te Taumutu Rūnanga centres on Te Waihora and extends across Ngā Pākihi Whakatekateka o Waitaha (Canterbury Plains) to Kā Tiritiri o Te Moana (The Southern Alps).

Both parties have identified a Cultural Impact Assessment (CIA) as the appropriate basis for engagement. A CIA provides an assessment of effects on tangata whenua values, interests and associations, and gives effect to key issues and policy messages in the *Mahaanui Iwi Management Plan 2013*, the principal manawhenua planning document for the six Papatipu Rūnanga of Canterbury and Banks Peninsula.

2 Purpose of this CIA

The purpose of this CIA is to:

- a) Identify any specific cultural impacts or cultural concerns with the proposed plan change, consistent with the *Mahaanui Iwi Management Plan 2013*.
- b) Provide recommendations for how actual or potential impacts can be avoided, remedied or mitigated.

¹ Noting that consents will still be required for regional matters such as discharges to land, water and air. The proposed plan change covers district planning matters only.

In meeting these objectives, the report will:

- a) Provide all parties with a level of confidence and understanding related to the proposed plan change.
- b) Provide a basis for further engagement between Synlait and Te Taumutu Rūnanga.
- c) Providing information to enable appropriate consideration of the relevant Resource Management Act (RMA) 1991 Part 2 matters.
- d) Provide information to assist with the preparation of an Assessment of Environmental Effects (AEE) in accordance with RMA s88 (2)(b) and Schedule 4.
- e) Provide information required by Selwyn District Council to take into account Iwi Management Plans. Section 74 (2A) of the RMA requires territorial authorities to take into account any relevant planning document recognised by an iwi authority and lodged with the council when preparing or changing a district plan.

3 Methods

The following methods were used to prepare this CIA report:

- a) Review of the *Mahaanui Iwi Management Plan 2013* to identify relevant policies. To avoid repetition, the review draws on a policy analysis prepared by Boffa Miskell in November 2013, on the advice of Te Taumutu Rūnanga, for a proposal to expand the existing factory to establish additional drier capacity.
- b) Review of draft plan change application (provided by Boffa Miskell), and the identification of where and how cultural issues are and can be addressed.
- c) Engagement with representatives of the Te Taumutu Rūnanga Kaitiakitanga Portfolio (Natural Resources) to identify potential cultural issues and how these may be addressed.
- d) Identification of other issues of importance to Te Rūnanga Rūnanga with regards to the continued operation and potential expansion of the Synlait plant at Dunsandel, and relationships with Synlait.
- e) Communications with Te Rūnanga o Ngāi Tahu (Toitū Te Whenua) and Mahaanui Kurataiao Ltd. with regard to the issues and recommendations in the report.
- f) Review and endorsement of the draft CIA by Te Taumutu Rūnanga.

4 Description of activity

The proposed plan change introduces provisions for a specific *Dairy Processing Management Area* (DPMA) within the Rural (Outer Plains) Zone of the Selwyn District Plan. The DPMA will cover an area of land containing and immediately surrounding the existing Synlait dairy plant at Dunsandel.

The plan change application includes:

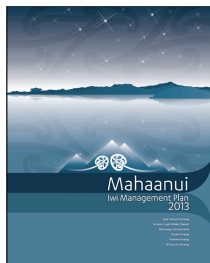
- Minor amendments to existing District Plan (Rural Zone) Issues and Policies along with accompanying explanations, to recognise the DPMA;
- A new policy added which specifically provides for the DPMA and identifies the standards that will apply to the development;
- A new set of rules specific to the DPMA, contained in an Appendix to the Rural Volume of the District Plan, setting out those activities that will be permitted activities and the standards for permitted activities, and the matters of control for those activities that do not comply with the standards for Permitted activities.
- A requirement for compliance with an Outline Development Plan (ODP), showing the extent of the DPMA, the position of existing and proposed access points, the extent of the built footprint area, including any minimum setback requirements, locations for higher build developments, and the proposed landscape treatment.

The plan change applies to district planning matters only:

- | | |
|---|-----------|
| • Layout, scale and finish of buildings | • Access |
| • Earthworks | • Parking |
| • Landscaping | • Noise |
| • Storage of hazardous substances | • Signage |
| • Lighting/Glare | |

All regional matters, such as discharges to land, water and air, will still require consent from regional council.

5 Iwi planning framework – Mahaanui IMP 2013



The *Mahaanui Iwi Management Plan 2013* is a collaborative manawhenua planning document prepared by Te Taumutu Runanga, along with 5 other Rūnanga, covering the region from the Hurunui to the Hakatere. The plan is a written expression of kaitiakitanga and rangatiratanga.

The IMP identifies natural resource management issues of significance for Manawhenua, provides a values-based policy framework to resolve those issues.

A full report of policies relevant to this plan change application is not provided as part of this CIA. Rather, the assessment acknowledges the comprehensive review of relevant policies undertaken by Boffa Miskell in November 2013, on the advice of Te Taumutu Rūnanga, for Synlait's Stage 4 expansion application.² The Boffa Miskell report reviewed relevant policies pertaining to both district and regional planning matters.

What is provided is a summary of key policy messages that inform this CIA. These policy messages are primarily drawn from Section 6.11 (Te Waihora and its catchment) and Section 5.4 Papapātuanuku (Land), including the *Ngāi Tahu Subdivision and Development Guidelines* in Section 5.4, as these guidelines cover land use issues such as landscaping, earthworks, and building design.

Key policy messages from the IMP relevant to this cultural impact assessment are:

- Early and effective involvement of Papatipu Rūnanga in the preparation of Outline Development Plans is important. Outline Development Plans should give effect to the Mahaanui IMP and recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites (Policies P3.2 and P3.3).
- Land use activities in the catchment to be considered with regard to potential effects on Te Waihora, and the relationship of Ngāi Tahu to the lake, and for consistency with Ngāi Tahu objectives to restore the lake as mahinga kai.
- Land use should reflect the assimilative capacity of the catchment, the availability and limits of freshwater and soil resources, and the need to protect resources for future generations.
- District and regional planning issues should be considered together, consistent with the principle of Ki Uta Ki Tai and integrated management.

² Policy Review of Mahaanui Iwi Management Plan. Synlait Milk Limited – Stage 4 Expansion. 5 November 2013.

- Developments should have 'light footprints' with regard to building design, water, waste and energy. This includes incorporating low impact urban design principles and sustainability options.
- Developments should have on site solutions to stormwater management (i.e. zero discharge off site), based on a multi-tiered approach to stormwater management that utilises the natural ability of Papatūānuku to filter and cleanse, and avoids the discharge of contaminants to water.
- Earthworks must be managed to avoid damage or destruction to sites of significance, indigenous biodiversity, and to avoid or minimise erosion and sedimentation (and therefore impacts on water quality).
- Indigenous biodiversity objectives should be incorporated into development plans, consistent with the restoration and enhancement of indigenous biodiversity on the landscape.

6 Assessment of cultural effects

A cultural impact assessment identifies the sites, areas and values of significance to tangata whenua in a given area, and the potential and actual impacts on these.

What is important to Ngāi Tahu in this area?

There are no identified sites of significance in the proposed DPMA. However, Ngāi Tahu travelled, used and lived throughout the Selwyn District, and the history and identity of the iwi is tied to this landscape. Further, as kaitiaki, Ngāi Tahu have a responsibility to maintain and protect land, water and air for current and future generations. Healthy land, water and air are integral to the relationship of Ngāi Tahu to the environment, and cultural well-being. Of particular importance is the special nature of the Te Waihora and its catchment. The lake is a tribal taonga that, at the bottom of a catchment, is a receiving environment for pollutants from catchment land use.

6.1 Benefits / positive effects

Based on the information provided for this assessment, Te Taumutu Rūnanga is generally supportive of the creation of a specific Dairy Processing Management Area (DPMA) within the Rural (Outer Plains) Zone of the Selwyn District. There are a number of key benefits:

- Specific rules and a requirement for compliance with an ODP provides certainty for all parties as to what future development can occur on-site, and under what conditions.
- Early engagement for this plan change application is consistent with giving effect to Kaitiakitanga and continuing to build a strategic relationship between Synlait and Te Taumutu Rūnanga

- A plan change setting out a vision for future development offers a consistent approach to planning and decision making, and is therefore more consistent with the protection of cultural values than a piecemeal or ad hoc approach with consents applied for in isolation. For example, the proposed new landscaping rule will mean that the DPMA has a consistent landscaping theme, rather than having landscaping issues addressed on a consent-by-consent basis.

6.1 Cultural effects/risks to cultural values

While the concept of a DPMA is supported, there are some reservations, issues and questions with regard to potential risk to cultural values. These are listed below, and relate to the ability to manage effects in an integrated and comprehensive manner, and potential gaps between the draft plan change application and the key policy messages in the Mahaanui IMP.

Section 7 provides recommendations to address these cultural issues.

1. **Earthworks.** The Rūnanga is comfortable with earthworks as a permitted activity where the volume of earthworks is less than 5000m³ (as per existing provisions in the district plan). However, there is some reservation with proposed Rule 26.11, enabling earthworks that exceed 5000m³ to operate as a permitted activity when works are undertaken in accordance with an Earthworks Management Plan. The focus on Rūnanga policy is on managing earthworks to avoid or minimise erosion and sedimentation, effects on water quality, and damage or destruction of sites of significance (IMP Policies P11.1 to P11.9). For volumes exceeding 5000m³, these potential effects may be better managed via the consent process.
2. **Landscaping.** Rule 26.5 requires that landscape planting for the DPMA be in compliance with a Landscape Plan integrated into the Outline Development Plan (Rule 26.5). The purpose of the rule is to ensure the DPMA has a consistent landscaping theme.

A Landscape Plan was not available at the time of preparing this CIA and therefore the Rūnanga cannot provide comment on effects associated with a particular plan. However, the Rūnanga has clear policy positions on landscape planting that are consistent with recognising the long standing relationship of Ngāi Tahu and their culture and traditions with native species, and aspirations to restore indigenous biodiversity on the Canterbury landscape (Policies TM2.1 to TM2.11). These policies can provide direction to ensure that the Landscape Plan and OPD recognise and provide for cultural issues around appropriate landscape planting.

3. **Lighting.** Celestial darkness and views to and from culturally important landforms and landmarks are identified in the Mahaanui IMP as important cultural amenity values. Light pollution from the city, towns and industrial areas are progressively affecting the natural darkness at Taumutu. The hapū rely on natural darkness for customary activities such as tuna harvesting, and for teaching tamariki (children) about star knowledge associated with mahinga kai activities (IMP Issue R2). For example, Te Taumutu Rūnanga note that the lights of the Darfield Fonterra plant are clearly visible from the Port Hills.

While lighting is unavoidable, Rūnanga policy is to support the use of light suppression or limitation measures as a means to reduce light pollution and the impact of development on cultural amenity values and landscape in general (Policy R2.1). A specific concern is that if the plan change facilitated additional plants closer to Te Waihora, there would be a significant risk of adverse effects on cultural values as a consequence of light pollution.

4. **Stormwater.** The plan change will enable the intensification of built development to occur as a permitted activity as long as the layout, scale and finish of the buildings complies with the standards set out in the new rules. The construction of new buildings or the expansion of existing buildings may also include requirements for additional stormwater facilities, and these may not trigger the need for new consents.

Stormwater management is an issue of significance for Te Taumutu Rūnanga (IMP Issue P6). The discharge of stormwater in industrial environments can have adverse effects on water quality and associated cultural values. From a Rūnanga policy perspective, the plan change provides an opportunity for an integrated and comprehensive approach to stormwater management (in addition or as part of the ODP), including improving existing stormwater infrastructure.³

5. **Managing discharges to air, land and water.** Any increase in built environment will likely result in an increase in discharges such as process wastewater, human sewage, emissions from coal fired boilers, and sludge. It is the effects of these discharges on the environment that are of primary concern for the Rūnanga, as dairy processing waste is high volume, largely discharged off site, and is high in nitrogen and phosphorus. While discharges to land, water and air will still require consent from regional council, there is concern that:
 - The DPMA designation and new rules for permitted activities, alongside the existing investment in infrastructure, may be assessed as outweighing the cultural and environmental effects of any additional discharges to air or discharges of wastewater and sludge.
 - In some cases, an activity may not trigger the need for a new consent, yet there is still potential for cultural and cumulative effects.
 - From a cultural perspective, it is difficult to assess views on a reasonable and optimal future development of the site and an assessment of cultural effects of that development, without considering both district and regional planning matters. How can we ensure an integrated and comprehensive approach to the managing district and regional matters?
6. **Establishment of additional DPMA in the catchment.** The information provided for this impact assessment indicates that the proposed plan change will apply to the existing Synlait plant at Dunsandel, and potentially the Fonterra plant in Darfield. The plan change is not intended to facilitate the establishment of additional dairy processing plants in the district. The Rūnanga supports a designated DPMA for the existing Synlait plant, and would

³ The Mahaanui IMP Policy Analysis prepared by Boffa Miskell (November 2013) noted that existing stormwater infrastructure could be improved to align with IMP policy.

encourage the same zoning and rules to be applied to the Fonterra plant. However, there is significant risk to cultural values if dairy processing plants were established in additional locations, particularly closer to Te Waihora.

7. **Opportunities to incorporate low impact design and sustainability options into the ODP and rules.** A gap between the rules in the proposed plan change application and the policies in the Mahaanui IMP is that the ODP and new rules do little to promote sustainability and low impact design principles. As part of mapping out the future development vision for the DPMA, there is an opportunity to incorporate low impact building design and sustainability measures that reduce the impact of the plant on the environment. This is a key message in the Ngāi Tahu Subdivision and Development Guidelines (IMP Policy P4.3), and is consistent with Synlait's "Lead with Pride" vision and brand.

7 Recommendations

The results of the assessment of cultural effects indicate that Te Taumutu Runanga is supportive of the creation of a specific DPMA within the Rural (Outer Plains) Zone to recognise the distinctive land use requirements of the Synlait Dairy Processing Plant. The proposal provides certainty for all parties as to what future development can occur on-site, and under what conditions, and therefore offers a consistent approach to planning and decision-making.

However, there are reservations about some standards for permitted activities and what the plan change may mean with regard to managing discharges to avoid adverse effects on land, water and air, and some questions as to whether Synlait can do more to reduce the impact of the dairy processing plant on the environment and set an high standard for development on the landscape.

The 8 recommendations below address these issues, and highlight opportunities to align the plan change with the policies in the Mahaanui IMP.

Standards for permitted activities

1. **Landscape planting.** The ODP and new rules for the DPMA provide an opportunity to enhance the landscape through planting. This CIA provides an opportunity for the Rūnanga to contribute to this plan. Consistent with IMP policy, the Landscape Plan for the DPMA should reflect:
 - a) A commitment to re-instate indigenous biodiversity values on the landscape as part of the development, including purpose screening and also to improve amenity values on site (e.g. planting around roads, buildings, car parks).
 - b) The use of native species that were originally found in this part of the Canterbury Plains.
 - c) Planting as part of stormwater management (see below).

2. **Earthworks** – Recommend that volumes exceeding 5000m³ are classified as a controlled activity (preferred), or that Rule 26.11 includes explicit provisions stipulating that the Earthworks Management Plan is to include:
 - a) Clear and effective measures to avoid sedimentation, and other discharges (e.g. fuel from machinery) to drains or other waterbodies.
 - b) Clear and effective measures to manage stormwater and run off during earthworks activities to prevent run off, including minimising the extent of land cleared at any time.
 - c) Requirement to use the ADP provided in the Mahaanui IMP (Appendix 3).
3. **Lighting** - Ensure that Rule 26.21 is written to identify and enable light suppression techniques to minimise impact on landscape and views.
4. **Low impact and sustainability based design principles.** Investigate opportunities to incorporate low impact design and sustainability options into the new rules setting out standards for permitted activities, to reduce the impact of the development on the environment, and demonstrate Synlait’s commitment to the best practice in the district. A key policy message in the Mahaanui IMP is that developments should have ‘light footprints’ with regard to building design, water, waste and energy, and that this is consistent with achieving the values-based outcomes set out in the IMP. Options include:
 - a) Low energy and water use appliances, and low flush toilets
 - b) Rainwater collection and greywater recycling
 - c) Recycling and composting opportunities (supporting zero waste)
 - d) Position of buildings to maximise passive solar gain
 - e) Insulation and double glazing
 - f) Use of solar energy for hot water heating

Outline Development Plan

5. **A stormwater management plan** should be included as part of, or sit alongside the ODP, showing the design concept for stormwater collection, treatment and disposal, and reflecting the need to manage stormwater in an integrated and comprehensive manner as the plant develops and expands. This would also enable the existing system to be upgraded, and align stormwater management more closely with IMP policies, which set out a five-step approach to stormwater management.⁴ Key features to consider including in the plan are:
 - a) Measures to reduce the volume of stormwater requiring treatment e.g. rainwater collection tanks, permeable paving, rainwater gardens, vegetated swales around buildings and roadways.

⁴ Policies P6.1 to P6.6 and the Ngāi Tahu Subdivision and Development Guidelines.

- b) Ensuring that the scale and design of stormwater basins is appropriate to manage the volume of stormwater received.
- c) Planting of existing and any new stormwater basins to improve function and provide amenity values.

Integration between district and regional planning matters

6. **Managing discharges in an integrated manner.** While the Rūnanga supports the plan change as a means to manage district-planning issues in an integrated manner, there are concerns about how discharges associated with the DPMA can also be managed in an integrated and comprehensive manner. Given that the footprint of the development is larger than the physical boundaries of the DPMA (i.e. waste is discharged off site), is there a need for a long-term consideration and analysis of any potential future development of the plant and how discharges to land and air (and potentially water) will be managed?

This is particularly important given the proposed nitrogen limit set for the Selwyn Waihora catchment.⁵ A long-term plan to manage and minimise the plant's nitrogen footprint is consistent with avoiding adverse effects on, or limiting future growth of, the plant or farm suppliers within the catchment.

Consistent approaches to zoning and rules

- 7. Te Taumutu Rūnanga encourages a consistent approach to managing the continuing development and any potential expansion of the Fonterra plant at Darfield. It would be beneficial to have both dairy processing plants managed under the same zoning and rules.
- 8. The plan change should not facilitate the establishment of new processing plants without a rigorous impact assessment process.

⁵ Variation 1 of the Land and Water Regional Plan.

8 Where to from here?

Te Taumutu Rūnanga is actively working to improve land use and water management in the Te Waihora catchment, as part of a larger effort to restore the lake a mahinga kai. Strategic relationships with key organisations, industry and councils in the takiwā, and contributing to planning processes that determine how and where specific activities can occur, are critical to achieving this goal.

This CIA report provides information to assist Synlait to identify and understand Rūnanga views on the proposed plan change. The report will enable Synlait to ensure the plan change application recognises and provides for Ngāi Tahu values. Some of the issues raised in the CIA may be considered outside of the scope of the plan change application. However, these issues are included in the interest of continuing to progress the relationship between Te Taumutu Rūnanga and Synlait.

Importantly, this CIA report provides the information required by Selwyn District Council to meet requirements under Section 74 (2A) of the RMA 1991 to take into account the Mahaanui IMP when considering a change to the district plan. It standard Rūnanga policy to require that CIA reports are included in full with the plan change application, in addition to any summaries that may be included in the Assessment of Environmental Effects (AEE).

References

Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga and Te Taumutu Rūnanga. 2013. *Mahaanui Iwi Management Plan*.

Boffa Miskell. 2014. *Draft Plan Change Application – Proposed Dairy Processing Management Area*.

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