
31 July 2014

submissions@selwyn.govt.nz

Submission by Mahaanui Kurataiao Ltd

On behalf of

Te Taumutu Rūnanga

To: Selwyn District Council

Re: Private Plan Change Synlait Milk Limited

1.0 Introduction

This submission is being made by Mahaanui Kurataiao Ltd on behalf of Te Taumutu Rūnanga.

Te Taumutu Rūnanga are one of the Papatipu Rūnanga that make up Te Rūnanga o Ngāi Tahu. The Rūnanga are the collective of the hapū and whānau of Ngāi Tahu who hold manawhenua in the takiwā that includes the Te Waihora catchment and also extends to the wider Selwyn District and south to the Hakatere/Ashburton River.

Status of Papatipu Rūnanga as Manawhenua

The Te Rūnanga o Ngāi Tahu Act 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries.

Notwithstanding its statutory status as the representative voice of Ngāi Tahu Whānui “for all purposes” (as set out below), Te Rūnanga o Ngāi Tahu accepts and respects the right of individuals and Papatipu Rūnanga to make their own submissions to the consent authority. In this case Te Rūnanga o Ngāi Tahu is not submitting on this matter as it is a matter of local significance for which the Papatipu Rūnanga hold concerns.

Te Rūnanga o Ngāi Tahu

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui. It is a body corporate established under section 16 of the TRoNT Act. Section 15(1) of the TRoNT Act states:

Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.

In paragraph 7 of section 6 of the Settlement Act (recording the Crown's apology) Ngāi Tahu is recognised "as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui." It has therefore been clearly affirmed in statute that Te Rūnanga o Ngāi Tahu is the sole representative of Ngāi Tahu Whānui, the iwi that is tāngata whenua within the Ngāi Tahu Takiwā.

Mahaanui Kurataiao Ltd

Mahaanui Kurataiao Ltd is owned by the six Rūnanga of Christchurch and is mandated by each Rūnanga to engage in resource management on their behalf. Mahaanui Kurataiao Ltd (MKT) is an agent for the Rūnanga and has no interests of its own in relation to the proposed activity. Selwyn District Council should consider this submission as if it were directly provided by the Rūnanga involved.

2.0 Te Taumutu Rūnanga Associations & Values

Taumutu Rūnanga hold manawhenua for the location of the proposed development and their takiwā extends to the wider Selwyn District. As such, Te Taumutu Rūnanga have ancestral and contemporary associations with the area that is the subject of this application. The natural resources – water (waterways, waipuna (springs), groundwater, wetlands, lakes); air, indigenous flora and fauna and land are taonga to the Rūnanga and they have general concerns for activities adversely affecting these taonga. The relationship of Taumutu Rūnanga to these taonga are integral to their cultural identity and they have a kaitiaki to protect them. There is potential for the proposed application to affect the relationship of Te Taumutu Rūnanga with their ancestral lands, waters, sites, wāhi tapu and wāhi taonga and other taonga of the location. The protection of this relationship enables taonga and their associated values such as mahinga kai to be passed onto future generations.

3.0 Proposal

Synlait Milk Ltd (Synlait) is making a request for a plan change to the SELWYN District Plan (Rural Volume)

The proposed plan change introduces provisions for a Dairy Processing Management Area (DPMA) covering an area of land containing, and immediately surrounding, the existing Synlait dairy plant at Heslerton Road, Dunsandel. The purpose of the DPMA is to recognise and provide for the continuing efficient use of the dairy plant and its future expansion.

The plan change request introduces new provisions which provide for activities associated with the processing of dairy products as well as rules which define the maximum buildable area within the DPMA. With the DPMA in place, it is anticipated that landuse consents to the Selwyn District Council will be minimised. Consents required from the Regional Council, which may potentially include the discharge of stormwater, would still be required and would be applied for at the time that future built development occurs.

The proposed Plan Change applies to an area of 113.4ha on the southern side of SH1 approximately 7km south west of Dunsandel. The site is generally located in the south east corner of SH1 and Heslerton Road and is also bordered by the Main Trunk Railway Line on its northern side.

The proposed Management Area includes all of Lot 1 DP 414579 (48.5117ha) and a portion of Lot 2 DP 414579 being 64.5ha. The area of land concerned represents a sufficient area to encompass future development potential of the Plant, an open space buffer and incorporates existing on-farm dairy facilities which are considered by the applicants complementary to the activities of the Plant.

Lot 1 DP 414579 is in the ownership of the applicant, Synlait Milk. Lot 2 DP 414579 is owned by Synlait Farms. Synlait Milk is in the process of securing an agreement with Synlait Farms in respect of the proposed plan change which addresses matters related to access, landscape planting and future subdivision/building developments.

4.0 Submission Points

This submission seeks to reiterate the recommendations sought in the Cultural Impact Assessment report prepared by Dyanna Jolly. It is also acknowledged that discussion is ongoing in relation to the matters raised, however the issues have not been resolved or finalised at this time.

In addition issues of Kaitiakitanga, Rangatiratanga and the development of an ongoing collaborative relationship between Taumutu rūnanga and Synlait Milk Ltd exist. Some of the issues raised in the CIA may be considered outside 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.

Landscape Planting

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. planning 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.

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.

Lighting

Ensure that Rule 26.21 is written to identify and enable light suppression techniques to minimise impact on landscape and views. Ensure that an assessment of the current lighting environment is measured and assessed as a way of monitoring future impact of increased lighting and the success or otherwise of light suppression methods employed.

Low impact & sustainability based design principles

Investigate opportunities to incorporate low impact design & sustainability options into new rules setting out standards for permitted activities, to reduce the impact of development on the environment and demonstrate Synlait's commitment to 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 & energy, and that this is consistent with achieving the values-based outcomes set out in the IMP. Options include:

- (a) Low energy & water use appliances and low flush toilets
- (b) Rainwater collection & greywater recycling
- (c) Recycling & composting opportunities (supporting zero waste)
- (d) Position of buildings to maximise passive solar gain
- (e) Insulation & double glazing
- (f) Use of solar energy for hot water heating.

Outline Development Plan

A stormwater management plan should be included as part of, or sit alongside the ODP, showing 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 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. Key features to consider including in the plan are:

- (a) Measures to reduce the volume of stormwater needing treatment e.g. rainwater collection tanks, permeable paving, rainwater gardens, vegetated swales around buildings & roadways.
- (b) Ensuring that the scale & design of stormwater basins is appropriate to manage the volume received.

Planting of existing and any new stormwater basins to improve function and provide amenity values.

Managing discharges in an integrated manner

While the Rūnanga supports plan change as a means to manage district planning issues in integrated manner, there are concerns over how discharges associated with the DPMA can also be managed in an integrated & comprehensive manner. Given that the footprint of the development is larger than the physical boundaries of the DPMA (i.e. waste is discharged offsite), is there a need for long term consideration & analysis of any potential

future development of the plant and how discharges to land and air (and potentially water) will be managed?

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

Consistent approaches to zoning and rules

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.

The plan change should not facilitate the establishment of new processing plants without a rigorous impact assessment process.

Other matters

The use of Titania (Light reflectivity value of 67) as a permitted colour, although already in use it is not considered appropriate to continue to use this highly reflective colour in a rural environment. This colour is not consistent with the rural environment and fails to mitigate the significant visual impact of any new buildings.

This is particularly the case given the significant height increase which will be permitted under this proposed plan change.

It is also considered that any breach of the height limits for the site should not be a restricted discretionary activity but simply discretionary. The increase to the height limits above what is already in existence is significant, any implications of a breach of that limit should be considered in the context of the whole proposal.

4.0 Decision Sought

Te Taumutu Rūnanga request that the application for the plan change is declined as the effect of the activities are considered to be more than minor. Unless appropriate assessment, and mitigations for potential adverse impacts on cultural and environmental values are identified with consultation with Te Taumutu Rūnanga prior to a hearing date being set and a decision taken on the application.

6.0 Closing Points

Te Taumutu Rūnanga appreciates the opportunity for public participation provided through the Resource Management Act (1991).

Te Taumutu Rūnanga does wish to be heard at any hearing for the resource consent.

Correspondence on this submission to be made to, Mahaanui Kurataiao Ltd, PO Box 3246, Christchurch 8140 or Bryan.McGillan@ngaitahu.iwi.nz

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