

SUBMISSION ON PLAN CHANGE 50 TO THE SELWYN DISTRICT PLAN

UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

To: Selwyn District Council
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This submission relates to the whole of Plan Change 50 Fonterra Limited

i) The specific provisions of the proposed plan change that my submission relates to are:

I oppose Plan Change (PC) 50 in its entirety.

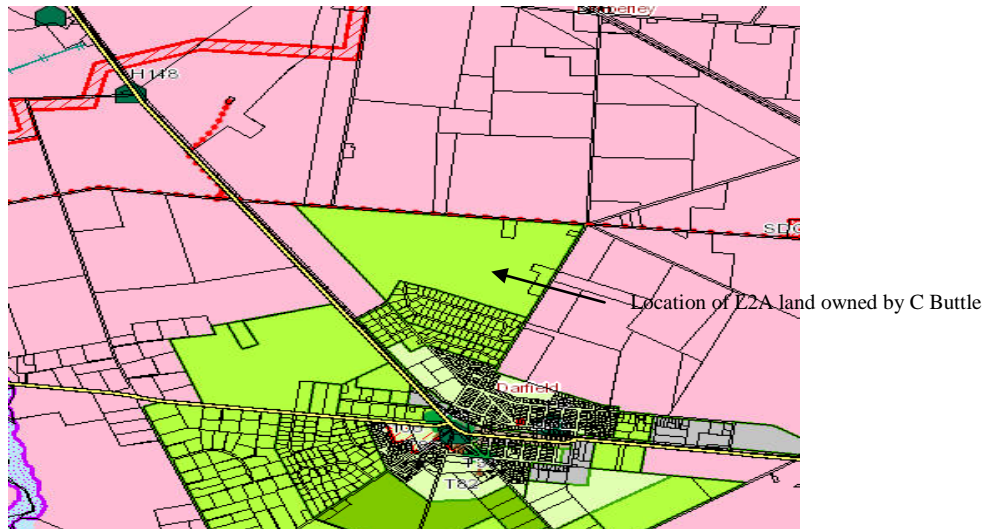
ii) My Submission in Opposition is:

i) Resource Management Act

I oppose PC 50 in its entirety because it is contrary to the Resource Management Act 1991 (RMA) including Part 2 and s32.

ii) Affected Property

I am particularly concerned regarding the effects of PC50 on my existing property in the vicinity of the PC50 site. I own the adjoining farm to the south legally described as Lot 2 DP 60325 and Lot 1 DP 434071. This is an existing 150ha block of land, presently used for dryland sheep farming. My existing farm dwelling is located on the southern boundary of Homebush Road. The northern portion of this farm block is located within the PC50 proposed Noise Control Boundary. Whilst there is currently only one dwelling located on the property, under the Rural Outer Plains zoning, a total of 7 dwellings could be



iii) Adequacy of PC50 AEE

Introduction

PC 50 effectively eliminates the need for land use consents for further development at the Fonterra dairy factory site. It is therefore of critical importance that the AEE and PC50 rules package appropriately identify and include adequate provisions to manage potential environmental effects associated with dairy expansion. The dairy factory is a large scale industrial activity located within an otherwise rural setting in relatively close proximity to Darfield township. It has the potential to adversely impact on the amenity and character of the surrounding environment which includes sensitive activities, principally existing and potential future rural and rural residential dwellings (the latter at the northern end of Darfield township).

The PC 50 Assessment of Environmental Effects (AEE) is inadequate, incomplete and in some respects incorrect. It is understood that the AEE is based on the anticipated maximum building scale and location permitted under the proposed ODP and associated rules, and the anticipated maximum overall scale of future operations including in terms of vehicle and rail movements, staff numbers etc. The AEE addresses visual and landscape, traffic, noise, cultural, lighting, signage and economic effects.

Odour

The AEE and PC50 provisions fail to consider potential odour effects resulting from the expanded operations permitted under PC50. Whilst regional council air discharge consents may be required for additional facilities, land use activities are required to be managed through the District Plan to avoid adverse reverse sensitivity effects, including odour effects. This approach is consistent with the function of territorial authorities under s31 of the RMA to control and achieve the integrated management of the effects of the use, development and protection of land; and is reflected in the relevant regional plan policy framework including Natural Resources Regional Plan Chapter 3 Policy AQL5 Odour Nuisance and Proposed Canterbury Air Quality Plan Policies 6.6 – 6.8 (as set out below under 'v. Objectives and Policies');

Landscape and Visual Effects

The AEE is inadequate with respect to the assessment of landscape and visual effects, including in relation to the following:-

- a. The AEE is based on a development scenario which includes two additional dryers (four total) and two additional boilers (four total) and notes that the permitted building heights under PC50 are no greater than the existing building heights. However, it does not specify the location or height of existing buildings in comparison with what is provided for under PC50. Visual simulations showing anticipated future development superimposed on existing development would assist.
- b. The Landscape Assessment states that the existing dairy plant is screened or on the verge of being screened by existing planting required under previous consent conditions. However, this is not at all apparent from a number of the visual graphics including in the Landscape Assessment (e.g see Photographs 7, 9 10, 13 and 16).
- c. The Landscape Assessment states that the dairy plant does not affect views of the Southern Alps from SH73. However, views of the Southern Alps from existing and potential future neighbouring dwellings are not considered, with the Assessment simply noting the closest existing dwellings are surrounded by existing vegetation. It is an established planning principle that mitigation of environmental effects should not rely on 'off site' mitigation outside the control of the applicant, as this can be removed at any time. It is a reasonable expectation that the views towards the Southern Alps of existing and potential dwellings in the locality should not be unduly compromised by the dairy factory expansion.
- d. The Landscape Assessment relies on the conditions of existing consented development for landscape mitigation. However, the nature of the required landscaping is not clearly specified in the Landscape Assessment (there is a reference to a double row of pines and some bunding) and is not specified as part of PC 50 (for example on the ODP) even though the Landscape Assessment recommends this. The height of landscaping at time of planting and at maturity is not stated and time taken to reach maturity (other than in relation to planting adjoining SH73). It is thus not possible to determine to what extent the landscaping will screen anticipated buildings to be as high as 55m. In any case, extensive site perimeter shelter belts will change the existing rural character and amenity, reducing the expansive open rural character of this part of the Outer Plains environment.

Noise

The AEE Noise Assessment proposes a Noise Control Boundary. The southern portion is within the adjoining Buttle farm property. Maximum night time noise levels with the NCB are anticipated as 50 dBA. Dwellings within the NCB are to be insulated to meet acoustic standards which protect against sleep disturbance effects.

The Noise Assessment does not assess noise effects for outdoor living areas. This is necessary to properly assess the human health and amenity effects of PC50.

Traffic and Vibration

PC50 anticipates a doubling of tanker (heavy vehicle) and rail movements to and from the Fonterra site. The Traffic Assessment only considers the effects of PC50 on the operation of the SH73/Fonterra site intersection. There is no assessment of the effects of the anticipated increase in traffic movements

(both rail and car) on the amenity of neighbouring properties, including the Buttle properties, or of any associated vibration effects.

(iv) Environmental Effects

PC50 will enable development which has the potential to generate significant adverse environmental effects which will not be adequately avoided, mitigated or remedied by the PC50 provisions. Such effects will include but not necessarily be limited to adverse reverse sensitivity, traffic and vibration, noise, landscape and visual and odour effects and will include adverse effects on the Buttle properties.

With respect to odour effects, the Buttle properties are 'downwind' of the Fonterra dairy factory site during north west conditions when odour effects are generally more pronounced. The existing dairy factory boilers emit a burnt sulphur odour which is noxious. The existing driers create a sickly tangy milk odour which is objectionable. Both odours are discernible at considerable distances, including the existing Landsborough rural residential subdivision at the northern end of Darfield township

With respect to noise effects, the effect of the Noise Control Boundary is to transfer development costs associated with future dairy factory expansion from Fonterra to the adjoining landowner within the NCB ie Mr Buttle, and any owners of future dwellings within this area. Dwelling owners will be responsible for the costs of acoustic insulation and ventilation necessary to meet internal sound levels. This is not reasonable and is contrary to Part 2 of the RMA, in particular the sustainable management of the use and development of land in a manner which enables people to provide for their social and economic well being.

(v) Objectives and Policies

Plan Change 50 is contrary to the relevant objectives and policies of the Selwyn District Plan, in particular but not limited to:

Quality of the Environment

Objective B3.4.1

The District's Rural area is a pleasant place to live and work in.

Objective B3.4.2

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Rural Character

Policy B3.4.1

Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

Policy B3.4.3

Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.

Policy B3.4.4

Ensure that any adverse effects arising from "rural based" industrial activities in the Rural (Inner Plains) Zone of a size and scale beyond what is permitted by the District Plan and "other" types of industrial activities in all Rural zones

are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.

Policy B3.4.5

Enable the continued and enhanced operation, innovation and development of established dairy plant sites for the purposes of administration, processing, testing, storage, handling, packaging and distribution of milk and dairy products, related by-products and ancillary activities within specifically identified Dairy Processing Management Areas within the Rural (Outer Plains) Zone, whilst ensuring the integrated management of effects on the environment at the boundary of the Management Areas through ODPs. The establishment of non-dairy processing related industrial activities shall be avoided.

Reverse Sensitivity effects

Policy B3.4.19

Ensure new or upgraded road infrastructure and new or expanding activities, which may have adverse effects on surrounding properties, are located and managed to mitigate these potential effects.

Quality of the Environment

Objective B3.4.1

The District's townships are pleasant places to live and work in.

Objective B3.4.3

"Reverse sensitivity" effects between activities are avoided.

The Plan Change is contrary to the Canterbury Regional Policy Statement and relevant regional plans relating to air quality, in particular:

Regional Policy Statement:

Objective 5.2.1 - Location, design and function of development

Development is located and designed so that it functions in a way that:

(2) enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:

(i) avoids conflicts between incompatible activities...

Natural Resources Regional Plan:

Policy AQL5 Odour nuisance

(a) The discharge to air of odour from new activities shall not be offensive or objectionable to the extent that it has or is likely to cause an adverse effect on the environment beyond the boundary of the site where the discharge originates.

(b) Where appropriate existing activities that discharge contaminants into air shall adopt the best practicable option to avoid remedy or mitigate offensive or objectionable effects of odour beyond the boundary of any site from which they originate.

(c) Avoid encroachment of sensitive activities on existing activities discharging odorous contaminants into air, unless adverse effects of the odour can be avoided or mitigated by the encroaching activity.

For the purposes of this policy: new activities are those activities which are established after 1 June 2002 or not lawfully established on or before 1 June 2002; and existing activities are those activities which are lawfully established on or before 1 June 2002.

Proposed Canterbury Air Regional Plan

6.6 Discharges of contaminants into air, and the effects of those discharges, occur in appropriate locations, taking into account the distribution of land use as provided for by the relevant district plan.

6.7 Where, as a result of authorised land use change, land use activities within the neighbourhood of a discharge into air are significantly adversely affected by that discharge, it is anticipated that within a defined time frame the activity giving rise to the discharge will reduce effects or relocate.

6.8 Where activities that discharge into air locate appropriately to avoid the potential for reverse sensitivity effects, then longer consent duration may be available to provide ongoing operational certainty.

(vi) Section 32

The PC50 s32 Assessment is inadequate and incomplete, including for the following reasons:-

- a) It does not assess the cost and benefits of the PC 50 proposal on existing neighbouring properties, including the Buttle properties. The assessment should include potential future permitted activities (including further dwellings) on these properties.
- b) PC50 does not meet the requirements of s32. In particular, the provisions are not the most appropriate way to achieve the objectives of the plan change (*“to recognise the existing dairy plant established by Fonterra at Darfield and specifically provide for its efficient use and future expansion”*) in a manner which is consistent with the purpose of the RMA. The assessment of reasonably practical alternative options for achieving the purpose of the PC has not considered alternative methods to address the actual and potential effects of existing and potential future dairy plant operations, including an amended ODP and/or other methods which will ensure that all adverse effects are internalised and contained within land owned and/or controlled by Fonterra.

i) I seek the following decision from Selwyn District Council

Decline PC 50 in its entirety.

I wish to be heard in support of my submission.

Signature of person making the response or person authorized to sign on behalf of person making the response:

A handwritten signature in black ink, appearing to be 'T. D. A. A. S.', written over a dotted line.

Signed Date: 27th September 2016