

Before an Independent Commissioner  
appointed by the Selwyn District Council

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Under the Resource Management Act 1991

In the Matter of of Proposed Private Plan Change 50 to the Selwyn District Plan

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**Addendum to Summary of Evidence of Elizabeth Stewart on behalf of Charlie and  
Sue Buttle**

27 March 2017

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- 1 In addition to my summary of evidence, I would like to take this opportunity to further comment on matters raised by the Applicant's experts in respect of odour. In particular, Fonterra appear to place reliance on Rule 7.3 of the Proposed Canterbury Air Regional Plan, which states:

The discharge does not cause or is likely to cause an adverse effect beyond the boundary of the property of origin.

- 2 In my opinion if reliance is placed on Rule 7.3 to address odour effects of any future expansion, and an application assumes that there would be no offensive or objectionable odours beyond the site boundary, then the issue of adverse effects may only arise in the context of complaints 'after the event' (ie after approval has been granted). The ability to effectively address odour effects is more limited retrospectively than if the matter had been addressed in a comprehensive way at the time of approval.

- 3 In addition to this, I would like to draw the Commissioner's attention to Policy 6.6 of the Canterbury Air Regional Plan, which reads as:

Discharges into air from new activities are appropriately located and adequately separated from sensitive activities taking into account land use anticipated by a proposed or operative district plan and the sensitivity of the receiving environment.

- 4 I note that the Proposed Canterbury Air Regional Plan does not include explanations, reasons or methods for achieving objectives and policies. However, it is clear that ensuring the appropriate location of odorous activities in relation to the receiving environment and in particular sensitive receptors is required taking into account land use anticipated by a proposed or operative district plan and the sensitivity of the receiving environment.

- 5 Land use planning will therefore ensure that an expanded Fonterra factory is appropriately located in relation to the existing and potential permitted receiving environment. This is the role of the District Council not Environment Canterbury.

- 6 Further to this, while the relevant chapter of the NRRP is to be replaced by the Proposed Canterbury Air Regional Plan, and therefore little weight is afforded to it, I note that in the NRRP the methods in respect of Policy AQL5 - Odorous Activities, clarified that territorial authorities role with respect to implementation of equivalent objectives and policies, in particular method AQL5g(1) reads as:

Territorial authorities in preparation, variation, change or review of their district plans and through the exercise of their functions shall undertake land use planning that:

(1) Provides appropriate locations for odorous activities.

- 7 This now leads me to further address the benefits of considering odour at the land use stage:

- (a) Assessment of amenity effects (including odour) is relevant to the determination of what levels of development should be enabled by the Plan Change and the appropriate activity status/consenting framework for the development. Amenity effects (including

odour) are one of a number of relevant effects to be considered when reaching that decision.

- (b) When considering an application for air discharge, the Regional Council will consider whether discharges are appropriately located and adequately separated from sensitive acidities, taking into account land use anticipated by the District Plan. If dairy factory expansion is enabled by the District Plan, this may have a presumptive effect in terms of acceptable effects. Therefore it is appropriate that the effects of dairy factory expansion, including odour are considered when setting the District Plan provisions.
- (c) In terms of land use controls that might be imposed in the Plan Change, I am not suggesting a consenting requirement that is specific to odour or that duplicates Regional Council consenting requirements. A landuse requirement would relate to expansion generally and odour would be considered as part of an integrated assessment of effects for the expansion proposal.
- (d) Consents for Darfield and Waimate Fonterra Plants demonstrate how effects may be avoided, remedied or mitigate by consent conditions. For example, conditions for commissioning and monitoring to ensure anticipated effects and compliance with the other conditions of consent, management plans and operational procedures, community liaison group and review conditions to address adverse effects from exercise of consent.
- (e) Landuse planning will ensure that an expanded Fonterra factory is appropriately located in relation to the existing and potential 'permitted' receiving environment.

#### **Waimate District Council – Landuse (RMA 150031)**

Please refer to the following conditions:

##### Vehicle Noise

- 37      *Vehicles owned or operated by the consent holder that operate in external (outdoor) areas that require audible reversing devices shall be fitted with a broadband or other device that minimise or avoid audible noise beyond the boundary of the site.*

##### Provision of Further Noise Insulation

- 38      *In the event that following the commencement of this consent a residential dwelling is constructed or established in accordance with permitted activity rules:*
- (a) *on land not owned or controlled by the consent holder; and (b) within the dairy factory noise contour as shown in the plan titled Dairy Factory Noise Contour attached to, and which forms part of this consent as RMA150031A; then, should the indoor noise level at the residential dwelling exceed an internal nighttime (1900-0700 hours) noise level of 35 dB LAeq(15min), the consent holder shall offer to the dwelling owner further noise insulation or ventilation (at the consent holder's cost) that will ensure that a night-time (1900-0700 hours) internal noise level of 35 dB LAeq(15min) is not exceeded.*

***Advice note: The obligation on the consent holder under this condition is to offer to fund further noise insulation or ventilation (if required) to meet an internal noise level not exceeding 35 dB LAeq(15min). Nothing in this consent authorises the consent holder to undertake those works or requires the dwelling owner to provide approval.***

**Elizabeth Stewart**

24 March 2017