

APPENDIX 7A and 7B:

Cultural Impact Assessment

Tipa & Associates

and

Fonterra's response to the CIA

CULTURAL IMPACT ASSESSMENT FOR FONTERRA'S PROPOSED PRIVATE PLAN CHANGE TO CREATE A DAIRY PROCESSING MANAGEMENT AREA AT THE FONTERRA DARFIELD MILK FACTORY



**Prepared by Tipa & Associates on behalf of Te Ngāi Tūāhuriri
Rūnanga and Te Taumutu Rūnanga**

October 2015

Left side title photo source: Selwyn River at Coesford

Right side title photo source: Ngai Tahu website. Whakaora Te Waihora - Te Waihora at Kaituna section.

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EXECUTIVE SUMMARY

Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga have a responsibility as kaitiaki to assess how any activity in their takiwa will impact upon their cultural values. Therefore Fonterra are to acknowledge the kaitiaki responsibilities of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga in undertaking any activities within their takiwa.

Potential impacts

Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga has few concerns with the application by Fonterra for a private plan change to create a DPMA at their Darfield Milk Factory.

These concerns relate to how Fonterra will take into consideration all the recommendations which had were raised by Te Taumutu Rūnanga within the CIA (Jolly, 2014), prepared for a similar private plan change done by Synlait Milk Limited, and other concerns raised into this CIA. Although some of these concerns were addressed by Selwyn District Council within the Synlait Milk Limited plan change there are still some recommendations that were not addressed fully.

Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga support in principle this type of plan change by Fonterra at their Darfield Milk Factory but would like to consult with Fonterra directly, through a method decided by Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga. The purpose of the consultation to clarify their concerns and to get more information from Fonterra.

General issues

- The creation of a DPMA at the Fonterra Darfield Milk Factory could allow future expansion at the site to be streamlined which could limit the amount of future consultation required with Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga.
- Any future expansion i.e. stormwater or wastewater management within the DPMA could have an effect on the cultural values and the environment outside of the DPMA including on waterways and taonga species.
- The plan change, if based solely on Synlait Milk Limited plan change, may not address or intergrate Te Taumutu Rūnanga recommendations, based in Maahanui Iwi Management Plan, in relation to lighting and sustainable design as it has limited rules around these issues
- The sensitivity and importance of the Te Waihora Catchment mean Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga would like more information from Fonterra on future works or potential issues at the Darfield Milk Factory i.e. Report on potential impacts on groundwater from Earthworks
- Any future expansion at Fonterra Darfield Milk factory relating to storm water or wastewater management could be an issue for Taumutu as it may have a long term impact on the environment and its associated cultural values.

Overall assessment

From the interviews there were four issues that need to be resolved.

1. Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga would like to have a long term relationship with Fonterra to deliver cultural, environmental and economic outcomes
 - a. The two runanga would like to discuss with Fonterra how they would like to establish a long term relationship in relation to the operation of the Darfield Milk factory. This discussion would include
 - i. how this relationship would be facilitated i.e. regular meetings with runanga, establishment of a Cultural advisory group or both

- b. In the long term, the two runanga would like to work with Fonterra on expanding or advocating for restoration on their land, their shareholders land and the wider Te Waihora Catchment
 - i. In the two runanga would like Fonterra to expand, or continue, the restoration and native landscape planting at the Darfield Milk factory and surrounding Fonterra owned land.
 - ii. Part of this long term relationship could include working together, or continuing to, throughout the Te Waihora Catchment on a variety of restoration initiatives
 - c. As part of this relationship the two runanga would like Fonterra to advocate for the uptake of “best management practice” to their shareholders and in general within the Te Waihora Catchment. For the two runanga “best management practice” may need to be defined by working with the runanga.
- 2. Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga would like Fonterra to prepare or make available to the runanga a range of information relating to the operation of the Darfield Milk Factory. Once the two runanga receive this information they may make recommendations to Fonterra on how they would like Fonterra to address concerns raised within this information. This information includes:
 - a. Environmental monitoring or reports carried out by Fonterra within Te Waihora Catchment
 - b. Monitoring carried out at Darfield Milk Factory
 - c. Preparing or providing the following management plans
 - i. Stormwater management plan;
 - ii. Earthworks Management plan;
 - iii. Landscape planting plan;
 - iv. Wastewater management plan; and
 - v. Any others the runanga require or would like to provide input
 - d. All new information Fonterra have prepared for their private plan change not provided at the time of writing this CIA
- 3. Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga would like Fonterra to show how they will integrate the recommendations from the CIA prepared by Jolly 2014. Currently, Fonterra have provided some information in relation to how they will address these recommendations but not all areas. The areas covered in this CIA include:
 - a. Landscape planting
 - b. Earthworks
 - c. Lighting
 - d. Stormwater management
 - e. Low impact and sustainability design principles;and
 - f. Managing discharges in a integrated manner
- 4. A site visit by a group from Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga to the Fonterra Darfield Milk Factory is recommended in the short term so Fonterra so representatives from the two runanga can see what Fonterra have planned at the factory in relation to the plan change and what future expansion they have planned.

Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga support in principle the private plan change proposed by Fonterra at their Darfield Milk Factory although they would like to have direct consultation with Fonterra to discuss some of their concerns.

Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga see this initial consultation as a way to establish a long term relationship with Fonterra through regular Hui.

INTRODUCTION

Ngāi Tahu have a historical relationship and pattern of use with the catchments of the South Canterbury. The Crown formally recognised this significance recently with the enactment of the Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998. Te Taumutu Rūnanga along with Te Ngāi Tūāhuriri Rūnanga are the kaitiaki Rūnanga for this area. They are responsible for assessing how any activity in their takiwā impacts upon their cultural values, beliefs and practices.

Fonterra are expected to acknowledge the kaitiaki responsibilities of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga in undertaking this development. Fonterra commissioned this CIA to document the concerns of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga with respect to the request for a private plan change for a Dairy Processing Management Area for the Fonterra Darfield Dairy Factory.

1.1. Project Objectives

The objectives of this report are:

- To provide information on the nature and extent of cultural interests, in the area with respect to their proposed private plan change to create an Dairy Processing Management Area at the Fonterra Darfield Milk Factory which is located within the Te Waihora catchment.
- To provide for the relationship of Ngāi Tahu with the Te Waihora catchment, as protected by the provisions of the Resource Management Act 1991, in particular sections 6(e), 7(a) and 8;
- To identify the impacts associated with the proposal that are of concern to Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga; and
- To identify mitigation for impacts identified by Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga.

1.2 Format of the report

This report has been divided into a number of chapters:

Chapter 1 - sets out the objectives and scope of the report.

Chapter 2 - describes the proposal.

Chapter 3 - provides the statutory, planning and policy frameworks within which the cultural impacts will be assessed.

Chapter 4 - provides a general discussion of the issues of concern to Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga that are specific to the proposal.

Chapter 5 - concludes the report, highlighting the key issues that need to be addressed from the perspective of the Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga.

1.3 The areas considered in this report

We have included, as Figure 1, the major catchments that we are considering in this assessment. However, we acknowledge that whānau value cultural landscapes at multiple levels including the entirety of the riverscape from the mountains to the sea.

Figure 1 – Fonterra Darfield Milk Factory and surrounding waterways



1.4 Understanding the Cultural Context

The discussion of the cultural values of Taumutu Rūnanga and Tūāhuriri Rūnanga that is included in **Appendix 1** of this report is a summary of the cultural values within Mid Canterbury. This summary seeks to provide a conceptual framework for the assessment of impacts in Chapter 4. This framework, we believe, is essential to understanding the depth and complexity of Tūāhuriri Rūnanga relationship with Mid Canterbury, and the impacts of the activity on this relationship.

1.5 Terminology used in this report

In this document, the use of the term ‘Ngāi Tahu’ should be considered to include the constituent indigenous iwi, being Ngāi Tahu, Ngāti Mamoe, Waitaha. The term ‘iwi’ (tribe) is used in the same context.

We have also used the term “Taumutu and Tūāhuriri” which is to be read as Tūāhuriri Rūnanga and Te Taumutu Rūnanga.

The terms “Canterbury Regional Council (CRC)” and “Environment Canterbury (ECAN)” are also used interchangeably throughout this report.

1.6 Limitation of this Report

This CIA represents best endeavours by Te Taumutu Rūnanga and Tūāhuriri Rūnanga to identify cultural effects of concern. They reserve the right, however, to oppose the proposal or pursue avoidance or mitigation of any subsequent impacts that are identified as a result of further site visits or further discussions with Tūāhuriri Rūnanga and Te Taumutu Rūnanga.

1.7 Consultation with Tūāhuriri Rūnanga and Te Taumutu Rūnanga

Te Rūnanga o Ngāi Tahu (TRONT) is the tribal representative body of Ngāi Tahu Whānui (the tribal collective), and is a body corporate duly established on 24 April 1996.¹ The Te Rūnanga o Ngāi Tahu Act 1996 (the Act) provides a detailed description of the takiwā (area) of Ngāi Tahu Whānui, which confirms that the proposal is within the rohe of Ngāi Tahu.²

The Act states:

- *Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.*
- *Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu.*
- *Te Rūnanga o Ngāi Tahu in carrying out consultation under subsection 2 of this section shall seek the views of such papatipu Rūnanga of Ngāi Tahu whānui and such hapu as in the opinion of Te Rūnanga o Ngāi Tahu may have views that they wish to express in relation to the matter ...*³

The Act therefore confirms TRONT's status as the legal representative of the tangata whenua, and the right of the Papatipu Rūnanga to express their own views on this development.

The First Schedule of the Act lists the eighteen Papatipu Rūnanga that represent the members of Te Taumutu Rūnanga and Tūāhuriri Rūnanga whom are identified as constituent Papatipu Rūnanga and are therefore recognised by TRONT as the kaitiaki Rūnanga for the area affected by the proposal. It is common practice today for the interests of Ngāi Tahu whānui to be represented by both TRONT and the kaitiaki Rūnanga of the area involved.

Whānau from the Taumutu Rūnanga were interviewed in preparing this assessment with Tūāhuriri Rūnanga being provided with a draft to provide their input to. This method was used as Taumutu Rūnanga has already provided input to a CIA prepared for a similar plan change by Synlait Milk Limited and which used the Maahanui Iwi Management plan (MIWP) which is the iwi management plan for both runanga.

The location of the marae that is at the centre of each of the Rūnanga is shown in Figure 2.

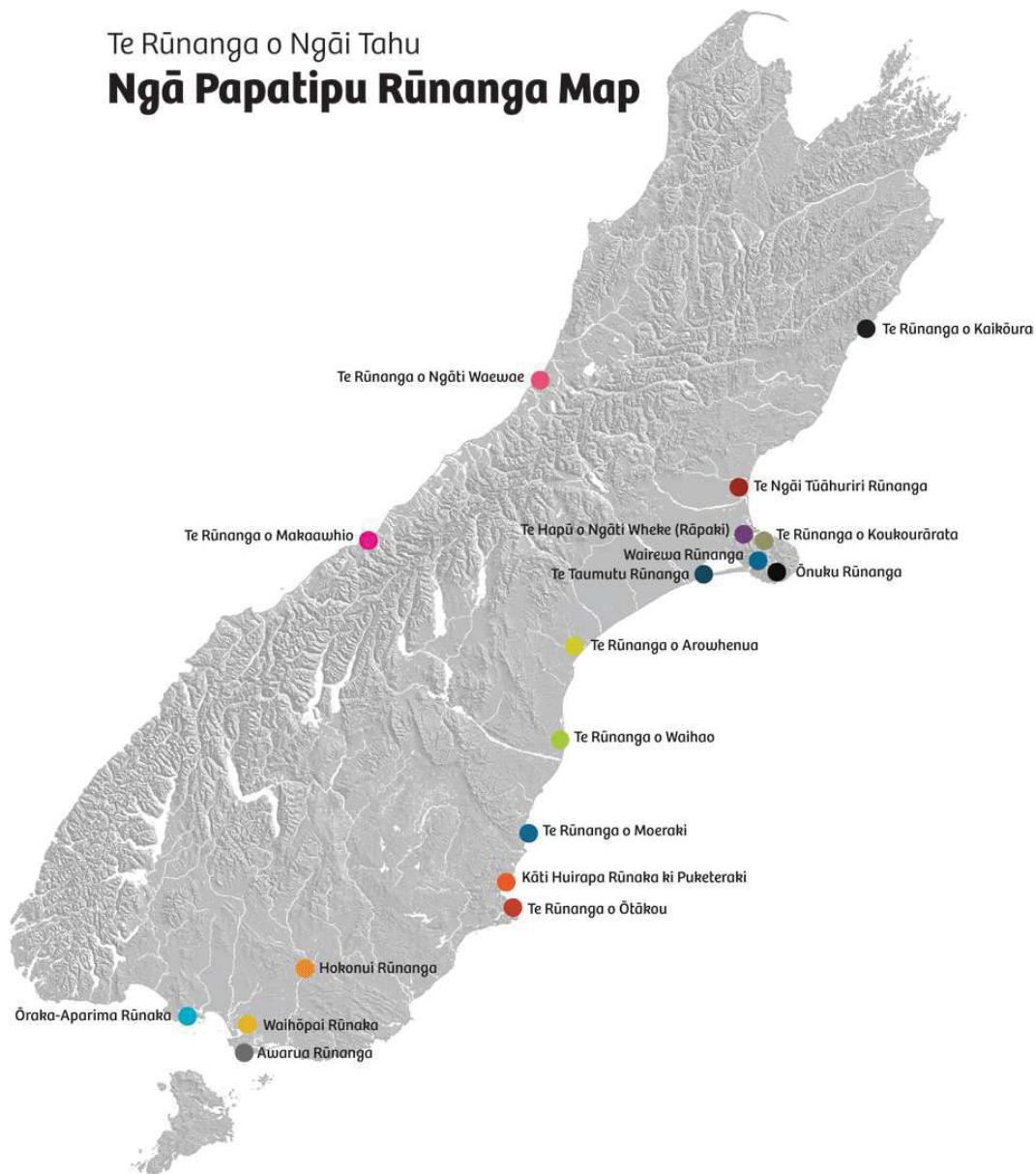
Te Taumutu Rūnanga and Tūāhuriri Rūnanga are the papatipu runanga of kaitaki runanga of area where the Fonterra Darfield Milk Factory is located. As the kaitaki runanga Te Taumutu Rūnanga and Tūāhuriri Rūnanga have a responsibility to assess the impacts of any activity within their takiwā and therefore were consulted for this CIA. This consultation included whānau from the Te Taumutu Rūnanga being interviewed and Tūāhuriri Rūnanga providing feedback to the draft CIA. Their comments and feedback informed the preparation of this assessment.

¹ Te Rūnanga o Ngai Tahu Act 1996, Section 6

² Te Rūnanga o Ngai Tahu Act 1996, Section 5

³ Te Rūnanga o Ngai Tahu Act 1996, Sections 15(1) – 15(3)

Figure 2 – Ngāi Tahu Papatipu Runanga



1.8 The relationship between this and previous CIAs prepared for the project area

Various organisations have commissioned TRONT or Papatipu Rūnanga to prepare Cultural Impact Assessments of development projects. CIAs previously prepared that were specific to Te Waihora Catchment have been accessed to ensure consistency in the information that is being supplied.

1.9 Release of this CIA

Te Taumutu Rūnanga and Tūāhuriri Rūnanga have received a draft of this CIA for comment but have yet to approve the release of this CIA.

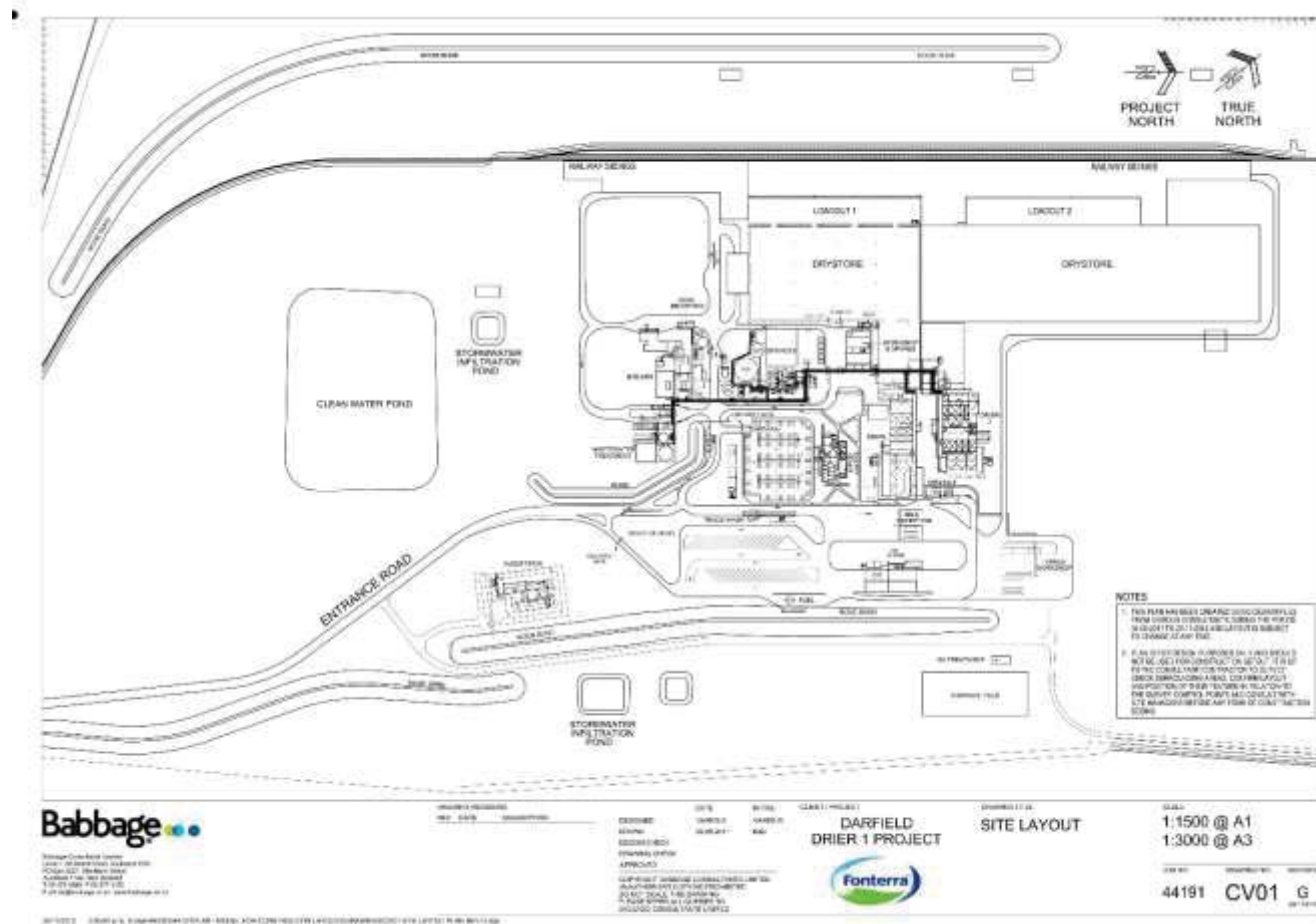
2. THE PROPOSAL⁴

The proposal will include:

An application by Fonterra to create a Dairy Processing Management Processing Area (DPMA) at the Fonterra Darfield Milk Factory via a private plan change.

- This DPMA and plan change is based on the Synlait Milk Limited plan change which modified district the plan to create a DPMA within the Rural (Outer plains) zone of district plan.
- An outline development plan (ODP) for the Fonterra Darfield Milk Factory summarises some of the key components of Fonterra's proposal (see Figure 6).

Figure 4 – Fonterra Darfield Dairy Factory site layout



⁴ This information was supplied by Fonterra, from Synlait Milk Limited application for a similar private plan change (see References) and from information produced by Selwyn District Council in response to Synlait Milk Limited application (see References). We have not interpreted or modified the majority of information supplied.

Figure 5 – Fonterra Darfield Dairy Factory and surrounding land owned by Fonterra



2.1 Reasons for this type of plan change

The purpose of this type of plan change is to recognise the current Fonterra Darfield dairy factory and to enable potential future expansion at this site as well as maintaining its efficient use.

Synlait Milk Limited listed the following reasons for this type of plan change. They included:

- Continuous and ad hoc consenting creates uncertainty for the community, Council and stakeholders as to the maximum development envelope of the site. The Plan Change seeks to address this uncertainty by providing an indication of the maximum development potential with a site.
- As an activity reliant on resource consents, the development and up-grading of a plant therefore requires considerable lead-in-time and finance to prepare applications, with the accompanying uncertainty as to whether or not the application will be successful.
- A resource consent led process for the on-going development of milk processing activities, with its inherent costs and uncertainties, undermines the potential efficiency of the rural production continuum. Given the scale and economic importance of the dairy industry within the Rural Outer Plains environment, a primary reason for this plan change is to reduce the time, cost and uncertainties associated with consenting for what is consolidation of an established dairy plant.
- The District Plan rules have been created with a focus on controlling building development on individual farms, where dwellings, milking and farm sheds are replicated

across the Plains. As a consequence many of the District Plan standards for building density, coverage and height are inappropriate when considering a dairy plant and unduly penalise what is a legitimate and important activity in the context of the district.

2.2 Proposal

Fonterra have proposed as part of their plan change to use an outline development plan for the Fonterra Darfield dairy factory. The use of an ODP is consistent with the Synlait Milk Limited plan change.

The ODP consists of the following components:

- DPMA = Area where future expansion at the Fonterra Darfield dairy factory would occur
- Maximum building height limits = Maximum building heights of future expansion at Fonterra Darfield dairy factory
- Entrances = Primary entrance and secondary entrances
- Noise control boundary = Line showing where noise control conditions apply

Figure 6 – Fonterra Darfield Factory Outline Development plan (ODP)



2.21 Proposed rule changes⁵

Fonterra have proposed a plan change similar to Synlait Milk Limited application to create a DPMA at their Darfield Dairy factory. This proposal by Synlait Milk Limited was put to the Selwyn District Council (SDC) whom passed it with amendments. Below is a summary of what Synlait Milk Limited proposed to SDC, the decision by SDC in relation to Synlait Milk Limited plan change and the Fonterra's proposal relating to aspects of this type plan change.

- SDC decision on **Dairy Processing Management Area** - Permitted activities (Land use)
 - 26.1 – The following activities shall be permitted activity if all of the standards in Rule 26.2 to 26.32 are met:
 - The processing, testing, storage, handling, packaging and distribution of milk and dairy products, dairy processing related by-products, and ancillary activities, including but not limited to:
 - i) Rail infrastructure, and rail activities limited to those required for the transportation of mil, dairy products and associated ingredient and package products
 - ii) Infrastructure for roading, rail, the management of wastewater, stormwater and the supply of water
 - iii) Laboratories and facilities for research and development related to the processing of milk and development of dairy products
 - iv) Offices and facilities required for the administration and management of Dairy Processing Management Area, and the marketing, sales and distribution of milk and dairy products
 - v) Activities which can comply as a permitted activity with rules of the Rural (Outer Plains) Zone, expect that any calculation of density or site coverage shall exclude the land within the Height Control Zone.
- Synlait Milk Limited had proposed compliance with the **Outline Development Plan**
 - SDC decision – Outline Development Plan (Permitted Activities)
 - 26.2 – The location of all building, activities and vehicle access points to the Dairy Processing Management Area, shall be in general accordance with the Outline Development Plan in Appendix 26A.
 - SDC decision - Outline Development Plan (Matters of control)
 - See Appendix 3 - Part (a) pg. 29
 - SDC decision – Location of buildings and activities (Permitted Activities)
 - 26.3 – All permitted activities shall be located within the Height Control Zone identified on the Outline Development Plan in Appendix 26A, with the exception of:

⁵ This information was supplied by the Fonterra (via email), Synlait Milk Limited (see references – Boffa Miskell, 2014) and Selwyn District Council (see Appendix 3 and 4).

- a) 26.3 – All permitted activities shall be located within the Height Control Zone identified on the Outline Development Plan in Appendix 26A, with the exception of:
 - b) An directional signage under 1.2m height;
 - c) Signage providing information at the Primary Access points;
 - d) Infrastructure for roading, rail, the management of wastewater, storm water and supply of water associated with a permitted activity; and
 - e) Permitted activities provided for in Rule 26.1(a) v.
- SDC decision - Location of buildings and activities (Matters of control)
 - See Appendix 3 – Part (b) pg. 29
- Fonterra proposal -
 - *Shown in Figure 6 with the characteristics described in this chapter*
- Synlait Milk Limited had proposed a **setback requirement**
- Synlait Milk Limited had proposed conformity with **landscape strategy** specified within the ODP
 - SDC decision – Landscape planting (Permitted Activities)
 - 26.5 – When new buildings are to be erected that will increase the capacity for milk processing or storage within the Dairy Processing Management Area landscape planting as shown on the Outline Development Plan in Appendix 26A shall be located in general accordance with the landscape provisions of the Outline Development Plan and is to be completed in accordance with the provisions for Staging and Removal of Exotic Planting specified in Appendix 26A.
 - 26.6 – Landscape planting required by Rule 26.5 is a controlled activity for which consent is required in accordance with Rule XX and XY.
 - SDC decision – Landscape planting required by Rule 26.6 (Controlled activities)
 - XX – An application for controlled activity consent under rule 26.6 shall contain information showing the location of proposed planting, the proposed plant species, the proposed timing of planting, the height and spacing of plant at the time of planting and the proposed maintenance regime of the landscape planting including soil and moisture retention, irrigation, access and the replacement of any dead, diseased or dying plants and the methodology for removal of exotic planting.
 - XY – Under Rule XX the Council shall restrict its control to the following matters:
 - e) The effect of not removing exotic species which have achieved a uniform height of 10m cultural values
 - See Appendix 3 – Landscape Planting required by Rule 26.6, pg27 for full detail
- Fonterra proposal –

- Prepare draft visual/landscape assessment based on expansion potential and discuss landscape Rules 26.5 and 26.6 of the Synlait decision (Note: all landscaping is required and stated as a controlled activity despite its listing under the permitted performance standards heading. This is an error that SDC have asked us to correct. In short, if an expansion occurs, a landscape plan consent will be sought as a controlled activity although little if any additional landscaping is likely to be required going forward)
- Synlait Milk Limited had proposed **building height** conditions
 - SDC decision – Building heights (Permitted Activities)
 - Buildings within the Height Control Zone shall comply with the height limits shown in the Outline Development Plan in Appendix 26A. Up to 2 Boiler stacks and 4 exhaust vents per dryer shall be exempt from height limits.
 - SDC decision – Building heights (Matters of control)
 - See Appendix 3 – Part (d) pg. 30
 - Fonterra proposal – See Figure 6 – Fonterra Darfield Milk Factory ODP
- Synlait Milk Limited proposed **colour and signage** conditions
 - SDC decision – See Appendix 3 – Colour, pg. 23 and Signage pg. 25 and 26 and Appendix 4
 - SDC decision – See Appendix 3 – Part (e) pg. 30 for Colour and Part (k) pg. 32 for Signage and Appendix 4
- Synlait Milk Limited had proposed **Lighting** conditions
 - SDC decision – Lighting (Permitted Activities)
 - 26.22 – Any lighting within the Dairy Processing Management Area shall be permitted activity provided that:
 - Light spill from any activity does not exceed 3 lux on any adjoining property or any road reserve; and
 - All exterior lighting is directed away from adjacent properties and roads
 - SDC decision – Lighting (Matters of Control)
 - See Appendix 3 – Part (j) pg. 30
- Synlait Milk Limited had proposed **Earthworks conditions**–
 - Synlait Milk Limited proposed –
 - Are carried out if comply with standards of maximum height/depth, height of temporary stockpiles and total volume of 5000m³. If exceeded an Earthworks Management plan is prepared which includes waterways, revegetation and accidental discovery.
 - SDC decision – Earthworks (Permitted activities)
 - 26.9 -A maximum volume of 5000m³ of earthworks for each stage of development
 - 26.10 -The maximum cut/excavation depth of the earthworks from existing ground level shall be 5 metres and no closer than 1 metre to groundwater, whichever is the lesser.

- 26.11 – The maximum height of temporary stockpiles or final landforms shall be no greater than 4m above ground level
 - 26.12- All cut material shall be reused within the Dairy Processing Management Area
- SDC decision – Earthworks (Controlled activities)
 - 26.34 – Any earthworks exceeding 5000m³ (for any stage of development), or a cut/excavation depth from existing ground level of more than 5 metres, or a maximum height of temporary stockpiles of final landforms of 4m above ground level, shall be controlled activity. An application for earthworks shall not require the written approval of third parties and shall be non-notified.
 - 26.45 – Under Rule 26.34 Council shall restrict its control to the following matters:
 - a) Management of excavations in the proximity of surface waterways to avoid sedimentation, discharges and run-off entering waterbodies
 - b) Management of dust emissions
 - c) The location, size and dimensions of any temporarily stock-piled material and final landform features created by fill
 - d) Re-vegetation of final surfaces
 - e) The Accidental Discovery Protocol as specified in the Mahaanui Iwi Management Plan
- SDC decision – Earthworks (Matters of Control)
 - See Appendix 3 – Part (f) pg. 30
- Synlait Milk Limited proposed **access** conditions–
 - Synlait Milk Limited proposal –
 - If new large buildings including increasing milk capacity or storage are proposed then applicant to have proactively discussed safety and efficient of traffic flows.
 - SDC decision – Access (Permitted Activities)
 - 26.13 – Prior to the issues of a building consent for a new building which will increase capacity for milk procession or storage within the Dairy Processing Management Area:
 - The design of any access from the State highway or the design of any State highway/local road intersection, as shown on the Outline Development plan in Appendix 26A, shall be approved in writing by the relevant Road and Rail (where applicable) controlling activities. A Copy of this approval shall be forwarded to the Council Planning Manager for Councils records.
 - All access from a local road shall comply with the design requirements of Appendix 10.
 - 26.14 – See Appendix 3 – pg. 23
 - SDC decision – Access (Matters of Control)

- See Appendix 3 – pg30
- Fonterra proposal –
 - Preparing draft transport assessment based on Synlait Limited decision to consult with NZTA
 - On ODP (Figure 6-) two entrances are shown
- Synlait Milk Limited proposed **parking** conditions –
 - Synlait Limited proposal –
 - Parking and maneuvering to comply with ODP and District plan requirements in terms of design and layout. Parking and maneuvering associated with buildings which increase storage and processing capacity must be constructed and sealed prior to use of the buildings.
 - SDC decision – Parking (Permitted Activities)
 - Parking and maneuvering to comply with ODP and District plan requirements in terms of design and layout. Parking and maneuvering associated with buildings which increase storage and processing capacity must be constructed and sealed prior to use of the buildings.
 - SDC decision – Parking (Permitted Activities)
 - 26.15 – All vehicle parking and maneuvering areas shall be located as shown on the Outline Development Plan in Appendix 26A and comply with Appendix 10 as to layout and design.
 - 26.16 – See Appendix 3 – pg24
 - SDC decision – Parking (Matters of Control)
 - See Appendix 3 – Part (h) pg. 30
- Synlait Milk Limited proposed the **Noise** conditions –
 - Synlait Milk Limited proposal –
 - Noise is required to meet specified noise limits. These are lower than the limits that otherwise apply in the Rural Outer Plains Zone and have been derived from the limits applied through earlier resource consents.
 - To give further assurance of on-going compliance with the noise standards, the rules require that prior to the construction of any new building which will increase processing or storage capacity, a report from an acoustic engineer is submitted to Council confirming that all activities will cumulatively meet the noise standard. Additionally, a Noise Management Plan (NMP) is to be submitted to Council each year outlining the management practices that will be applied to noise from new activities and include provision for noise monitoring. This provision captures activities which may generate noise but do not involve buildings.
 - SDC decision – Noise (Permitted activities)
 - 26.17 – Noise arising as a result of any activity within a Dairy Processing Management Area shall not exceed the following limits at the Noise Control

Boundary shown on the Outline Development Plan in Appendix 26A. (see Appendix ?? – pg24 for full details)

- SDC decision – Noise (Matters of Control)
 - See Appendix 3 – Part (i) pg. 30.
- Fonterra proposal –
 - General contour line based on logical land features has been provided to make compliance monitoring straightforward. This contour is slightly larger than the 45 dBA LAeq contour and is shown on the draft ODP. (see Figure 6 – Noise Control boundary)
 - Prepare noise assessment based on agreed parameters and Synlait wording. Note the decision excludes rail movements but the Darfield movements will need to be assessed to make sure this stacks up. Also, any NMP requirements have been removed in the decision so no need to promote these.
 - Noise assessment to be prepared including brief discussion around what type of additional noise insulation may be required if a dwelling were to construct within the NCB and what sort of cost this may add noting Rule 3.13.1.6 which outlines the requirements for any dwelling within the NCB i.e. Buttle's land.
- Synlait Milk Limited proposed **Hazardous substances** conditions –
 - Synlait Milk Limited proposal –
 - The proposed rules require a Hazardous Substances Management Plan to be prepared for the DPMA confirming compliance with relevant legislation, maintenance of a schedule of substances stored and used, emergency and accidental spill responses and annual reporting. The Management Plan is to be up-dated prior to any increase in the volume or type of substances stored.
 - SDC decision – Hazardous substances conditions
 - These were removed within plan change by SDC
 - Fonterra proposal -
 - Fonterra have stated that a Hazardous substances plan was proposed by Synlait Limited but removed in final plan change by SDC.
- Synlait Milk Limited proposed the following **construction activities** –
 - Synlait Milk Limited proposal –
 - This rule requires that prior to the commencement of any construction works that increase the capacity of milk processing or storage, a Construction Management Plan is prepared. This Plan is to detail the management of traffic, dust, sediment, noise and vibration, as well as the implementation of an Accidental Discovery Protocol.
 - SDC decision – Construction activities (Controlled Activities)
 - 26.36 – Construction activities for a new building which will increase capacity for milk procession or storage within the Dairy Processing Management Area shall be a controlled activity. Any application for construction activities shall not require the written approval of third parties and shall be non-notified.

- 26.37 – Under Rule 26.36 Council shall restrict its control to the following matters:
 - A) Ensuring that the effects of construction traffic minimizes disruption, delay or inconvenience on the adjoining road network
 - B) Best practicable measures to avoid or mitigate the dispersal and deposition of dust and sediment
 - C) Best practicable measures to avoid the accidental discharge of any fuel or other hazardous substances, including measures for dealing with accidental spills
 - D) Compliance with NZS6803:1999 Acoustics – Construction noise
 - E) Compliance with NZS2631:1985-1989 Part 1-3 or equivalent standard
 - F) An Accidental Discovery Protocol as specified in the Mahaanui Iwi Management Plan.
- Fonterra will be preparing **air discharge** models as well
 - Fonterra proposal
 - Prepared some air discharge models based on the parameters which have been shown to ECAN to demonstrate that air discharge can be managed. These won't be advanced in the Plan Change but will be kept aside in case they are needed.
- Fonterra have not included details on options for **storm water or wastewater discharge**
 - Fonterra proposal
 - There are a number of options available for discharge of wastewater and storm water so no specific approach to these will be discussed in detail within the Plan Change. Note: Synlait provided a storm water disposal feasibility study in their PC but did not look at wastewater or air discharges.
- Fonterra have also noted in the information they provided the following statement in relation to parameters and timing.
 - 2 additional dryers, 2 additional boilers based on DD2

3. THE STATUTORY CONTEXT: RECOGNISING AND PROVIDING FOR CULTURAL VALUES

3.1 Te Tiriti O Waitangi

In 1840, Te Tiriti o Waitangi (Treaty of Waitangi) was signed between the Chiefs of Aotearoa and Her Majesty the Queen of England formalising an agreement to allow British subjects to settle in areas such as Te Wai Pounamu, under formal British colonial rule, and which guaranteed to Maori the protection of their taonga (possessions) for so long as they wished. Such taonga included their waters⁶, lands, fisheries and mahinga kai.

Te Tiriti o Waitangi reaffirmed these rights thus:-

Maori Text:

“Ko te Kuini o Ingarani ka whakarite ka whakaae ki nga Rangatira, ki nga Hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o ratou whenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Whakaminenga me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi whenua e pai ai te tangata nona te whenua, ki te ritenga o te utu e whakarite ai e ratou ko te kai hoko e meatia nei i te Kuini hei kai hoko mona”.

English Text:

“Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession....”.

The words “their lands and estates, forests, fisheries...” in the Treaty of Waitangi encapsulates the right to mahinga kai, to places where the resources are harvested, the activity and business of gathering kai and includes the type of resources that were caught or gathered. It was upheld by the Waitangi Tribunal that Maori fishing rights have endured to the present day.

⁶ The Waitangi Tribunal has defined taonga value as including the value of the water itself, the resources living in the water and the resources sustained by the water.

3.2 Cultural and Traditional Principles for Sustainable Management⁷

Traditional management was founded on a set of cultural values that arose from the Ngāi Tahu worldview. These cultural values include a set of principles upon which the relationship between people and the environment must be based in order to sustain the balance between the needs and demands of humans and the health of the natural world that sustains them. The following principles are significant elements of the Ngāi Tahu worldview which, when understood together, approximate the non-Maori concept of “sustainable management”.

Te Ao Maori: The principle of holism: Sustainable management must consider the environment and its component parts as a whole and assess effects from actions across all dimensions, spiritual, mental, biophysical, and social [te taha wairua, te taha hinekaro, the taha tinana, te taha whanau].

Whanaungatanga: The principle of kinship, connectedness, and inter-dependence between all things within the natural world including people: sustainable management must be based on ethics of Whanaungatanga reflecting and giving life to the inter-relationship between all things. Sustainable management should seek to sustain the health, wealth and well-being of the natural environment while sustaining the communities of people dependent upon them.

Whakapapa: The principle of cause and effect, descent and transmission: Sustainable management must be predicated on an understanding that all actions cause effects which in turn cause other effects. Eventually the cycle of effects returns in kind to the original actor. Sustainable management decisions must consider all immediate and downstream effects in the present and, as far as possible, into the future.

Taonga Tuku Iho: The principle of generational continuity and responsibility: Present generations are one with those who have gone before us and those yet to be born. This applies to people and to generations or successive cycles of other species or natural phenomenon. Present generations have an overriding obligation to control the effects of their actions so as to ensure that resources are passed on to future generations in at least as healthy and productive a condition as they were inherited from the ancestors.

In the Ngāi Tahu worldview, all elements within the world are linked by mutual descent from the atua (dieties) and the primeval parents, Rakinui and Papatuanuku. Thus all parts of the environment are related to one another and exist within a mutually inter-dependent whole.⁸

The paragraphs that follow summarise (via a series of dot points) key cultural values as understood and approved by Ngāi Tahu.

⁷ This section draws on the work of Hana Crengle (2002) in Tipa et al (2002). Crengle has written extensively about cultural values, Treaty values and the Resource Management Act 1991. She has previously worked for Ngai Tahu Maori Trust Board and Te Runanga o Ngai Tahu as the Natural Resource Manager.

⁸ “Maori developed a system of resource management in which people were no more than another living part of the whole ecosystem, capable of a care-taking role alongside other creatures...People lived within and as a part of a whole to which they were intimately and genealogically related.” Love (1992)

Whakapapa incorporating:

Traditional knowledge and scientific classification of relationships between parts of the ecology (e.g. the relationship between water and fisheries, or between individual ecological functions);

- Ancestral descent rights that define authority as between individuals and groups of people to control, manage and act as kaitiaki guardians, for the benefit of present and future generations;⁹ and
- Approval from the Gods and non-human kaitiaki guardians conferred on certain individuals, whanau, and hapu who are designated by mana Atua expressed through whakapapa ancestral right and obligation, to be the rightful people entitled to benefit from the resources and to carry the associated mandate to protect the environment and to speak on its behalf.

Whanaungatanga incorporating:

Inter-relationship between all parts of the ecology;

Inter-relationship between the ecology and the well-being of mana whenua; and

Obligations on decision-makers to ensure that all parts of the ecosystem including people and their communities are cared for.

Mauri incorporating:

The life force¹⁰; and

The “Environmental Benchmark” by which Ngā Rūnanga measure the present health of the environment, the inter-linked well-being of mana whenua, and the actual and likely effects, positive or adverse, of the proposed mine development

Mana (Rangatiratanga) incorporating:

Tribal areas of land and waters which are the exclusive territories of Ngāi Tahu, the holders of exclusive rights of authority over those areas as against other tribes.

Chiefly authority conferring and defining rights to control and manage and the activities of people affecting the environment; and

The Article II guarantee of the Treaty of Waitangi.

Mana Whenua incorporating:

Spiritual power and authority that creates rights and obligations flowing from the lands that sustain and are cared for by an iwi, hapu, or whanau;

The people holding traditional rights of exclusive authority as Tangata whenua of their tribal territories; and

The concept of allocation of use and management rights to the “right” people on the basis of ancestry i.e. whakapapa descent.

⁹ “In addition to the interconnection between all things, whakapapa defines ancestral rights as between people. Rights flowing from whakapapa include rank and status in society, mana to belong to a specific group or a number of hapu or whanau kinship groups, and authority to exercise rakatirataka or chieftainship.” Lifeforms Focus Group, Ministry of Commerce Maori and the Patenting of Lifeform Inventions (1999)

¹⁰ “Mauri is the life-force which generates, regenerates, and upholds creation. It is the bonding element that knits all the diverse elements within the Universal Process giving creation its unity in diversity. It is the bonding element that holds the fabric of the universe together”. Rev Maori Marsden The Holistic World View of the Maori (1992)

Taonga incorporating:

All things prized, tangible and intangible, animate and inanimate;
The concept of a resource, its utility, and notions of sustainability, the wise use of resources, and the obligation to maintain the mauri;
Respect for the past and the obligation to preserve resources and cultural wealth and well-being for future generations;
Intrinsic values; and
Cultural use, heritage, and amenity values.

Kaitiaki incorporating:

Guardian spirits who communicate with the living world to warn of danger and herald the times and limits of harvest seasons, sometimes manifested through guardian animals, birds, fish, insects or taniwha;¹¹
Intergenerational responsibilities as resource caretakers (i.e. responsibilities to protect the interests of future generations including the ecology, species, and people);
The obligation to guard, foster, and protect resources and people, including the obligation to consent to or refuse access to resources to protect sustainability;
The power to assess effects and to allocate responsibility or liability for actions that harm the environment;
Tohunga and whanau kaitiaki people with the matauraka (training and knowledge) to interpret signs in the environment (such as environmental indicator species or natural events) that were utilized to understand the changing ecology, who act as monitors of resource health and well-being

Wahi Tapu and Wahi Taonga incorporating¹²:

Sites that are or have been made tapu in nature to protect their intrinsic values and/or because of their association with the Gods, the tupuna, or important historic and cultural events and activities; and
Other sites particularly valued for their utilitarian significance as places from which resources are customarily sourced, that are ecologically significant (for e.g. as breeding or migratory habitats) or that were particularly significant species or taonga resources are located.

Mahinga kai incorporating:

The bounty given by Papatuanuku to its people;
Places and resources (e.g. species) important for sustaining the cultural, social, and economic well-being of mana whenua; and

¹¹ “Kaitiaki or guardian spirits are left behind by deceased ancestors to watch over their descendants and to protect sacred places. Kaitiaki are also messengers and a means of communication between the spirit realm and the human world. There are many representations of guardian spirits, but the most common are animals, birds, insects, and fish.” Cleve Barlow Tikaka Whakaaro: Key Concepts in Maori Culture

¹² “All the lands of Papatuanuku are sacred. Any time you want to disturb the surface of that land and do something with it, certain protocols and procedures need to be carried out in order to make it noa (non-sacred). This would usually involve a tapu lifting ceremony and karakia to appease the essence of the earth.”

Huirangi Waikerepuru of Taranaki, quoted in Solomon and Schofield The Resource Management Act and the Treaty of Waitangi: A Starting Point and Framework (1992)

The activities associated with gathering and use of the resources, including cultural harvest, whanau experience and knowledge, and transmission of cultural values and tikanga practices between generations.

Tikanga incorporating:

Rules and regulations controlling the actions of people and the practices associated with these rules and regulations;

Sustainable management kawa (protocols, use controls, and culturally-sound techniques) designed to ensure the results of human action are consistent with the cultural values and desired environmental, social, and economic outcomes sought by Ngā Rūnanga;

Environmental standards for measuring the effects of people's behaviour on the environment; and

Traditional biophysical and cultural indicators that are used to monitor ecological states and effects from human activity.

The descriptions in this section inform the structure of the impact assessment in Chapter 4.

3.3 Resource Management Act 1991 (RMA)

The Resource Management Act 1991 is the principal legislation under which the natural and physical resources of New Zealand are to be sustainably managed.

Section 5. Purpose –

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while -*
 - (a) *Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The duties and the obligations that Part 2 of the RMA imposes for all people who exercise functions or powers under the Act in relation to the use of natural resources are detailed below.

Section 6 sets out the matters that are of national importance

Matters of national importance – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

....

- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga.*

Section 7 sets out other matters that regard is to be had to

Other matters - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

(a) Kaitiakitanga

Section 8 states that the principles of the Treaty of Waitangi need to be taken into account.

Treaty of Waitangi - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Court of Appeal in *Court of Appeal v Attorney General 1987 CA 54/87* has defined the principles of the Treaty as including:

- (i) The principle of partnership.*
- (ii) The principle of active protection of Maori people in the use of their lands and waters to the fullest extent practicable.*
- (iii) The principle of utmost good faith in dealings with the other Treaty partner.*

The Environment Court has noted that active protection of Maori interests requires positive action, which will at times oblige both the decision making authority and the applicant to consult. Consultation must be conducted in a spirit of good will and open mindedness, and over a reasonable span of time, and to a degree sufficient for the local authority to be informed on the matters in issue.

3.4 Iwi Plans

Te Taumutu Rūnanga and Tūāhuriri Rūnanga who are the kaitiaki rūnanga for this area. There are iwi management plans which apply to the area, respectively:

- Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, Te Taumutu Rūnanga. (2013). *Mahaanui Iwi Management Plan*.
- Department of Conservation, Te Runanga o Ngai Tahu. (2005). *Te Waihora Management Joint Plan*.

3.5 The Ngāi Tahu Claims Settlement Act 1998

The Ngāi Tahu Claims Settlement Act includes a number of provisions that are relevance to the management of the freshwater resources of Waimakariri and Te Waihora catchments, including

- Inclusion of Statutory Acknowledgements where the Crown recognises the significance of certain areas to Ngāi Tahu
- Recognition as Statutory adviser to Minister of Fisheries;
- Development of protocols and a closer working relationship with Department of Conservation;
- Identification of taonga species (in schedule 97 of the Act)
- Provision for nohoanga (campsites).

4. CULTURAL IMPACT ASSESSMENT

4.0 COMPARISON BETWEEN RECOMMENDATIONS RAISED IN SYNLAIT LIMITED PLAN CHANGE CIA, SDC PLAN CHANGE AND FONTERRA PROPOSAL

The table below summarises and compares the recommendations put forward within the:

- CIA prepared for Synlait Milk Limited by Jolly (2014) - See **Appendix 2**
- Final plan change agreed upon by Selwyn District Council (SDC) - See **Appendix 3**
- Fonterra proposal general information

Table 1 – Recommendations from Jolly (2014) compared to the final decision by SDC on Synlait Milk Limited plan change to create an Dairy Processing Management Area (DPMA)

Recommendations from Jolly (2014)	SDC decision on Synlait Milk Limited plan change (see chapter 2, Appendix 3 and 4)	The extent to which the recommendations in Jolly (2014) have been integrated into SDC decision on Synlait Milk Limited plan change
<p>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 Runanga to contribute to this plan. Consistent with IMP policy, the Landscape Plan for the DPMA should reflect:</p> <p>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).</p> <p>b) The use of native species that were originally found in this part of the Canterbury Plains.</p> <p>c) Planting as part of storm water management (see below).</p>	<p>Landscape planting (Permitted Activities)</p> <p>26.5 - When new buildings are to be erected that will increase the capacity for milk processing or storage within the Dairy Processing Management Area landscape planting as shown on the Outline Development Plan in Appendix 26A shall be located in general accordance with the landscape provisions of the Outline Development Plan and is to be completed in accordance with the provisions for Staging and Removal of Exotic Planting specified in Appendix 26A.</p> <p>26.6 - Landscape planting required by Rule 26.5 is a controlled activity for which consent is required in accordance with Rule XX and XY</p> <p>Landscape planting required by Rule 26.6 (Controlled activities)</p> <p>XX - An application for controlled activity consent under rule 26.6 shall contain information showing the location of proposed planting, the proposed plant species, the proposed timing of planting, the height and spacing of plant at the time of planting and the proposed maintenance regime of the landscape planting including soil and moisture retention, irrigation, access and the replacement of any dead, diseased or dying plants and the methodology for removal of exotic planting.</p> <p>XY - Under Rule XX the Council shall restrict its control to the following matters:</p> <p>e) The effect of not removing exotic species which have achieved a uniform height of 10m on cultural values</p> <p>Reasons for Rule – Landscape Planting</p> <p>In addition, a rule requires exotic species planted on the DPMA boundaries to be removed once identified indigenous tree species, planted in accordance with the rules on the ODP, have reached a</p>	<p>The SDC decision on Synlait Milk Limited's plan change has potentially integrated some of the recommendations raised in Jolly (2014).</p> <p>Landscape planting is a controlled activity with a range of rules associated with it. These could capture some of the requirements by the runanga. Although the exact detail is missing in relation to “proposed plant species” it does include a clause for removal of exotic planting once indigenous plants have reached a height greater than 10m. This is consistent with recommendations from Jolly (2014).</p> <p>The ODP also has specific reference to landscape planting and refers to the rules listed under Rule 26.6 (Controlled activity). This again reinforces the need for consultation with council or compliance with council guidelines on landscape planting.</p> <p>There is no requirement for runanga consultation.</p>

<p>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:</p> <ul style="list-style-type: none"> 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). 	<p>minimum height of 10m. This requirement to allow indigenous plants to dominate has been agreed with Te Taumutu Runanga as a way of expressing cultural values on the site.</p>	
<p>Earthworks (Permitted activities)</p> <p>26.9 - A maximum volume of 5000m³ of earthworks for each stage of development</p> <p>26.10 - The maximum cut/excavation depth of the earthworks from existing ground level shall be 5 metres and no closer than 1 metre to groundwater, whichever is the lesser.</p> <p>26.11 - The maximum height of temporary stockpiles or final landforms shall be no greater than 4m above ground level</p> <p>26.12- All cut material shall be reused within the Dairy Processing Management Area</p> <p>Earthworks (Controlled activities)</p> <p>26.34 - Any earthworks exceeding 5000m³ (for any stage of development), or a cut/excavation depth from existing ground level of more than 5 metres, or a maximum height of temporary stockpiles of final landforms of 4m above ground level, shall be controlled activity. An application for earthworks shall not require the written approval of third parties and shall be non-notified.</p> <p>26.45 - Under Rule 26.34 Council shall restrict its control to the following matters:</p> <ul style="list-style-type: none"> a) Management of excavations in the proximity of surface waterways to avoid sedimentation, discharges and run-off entering waterbodies b) Management of dust emissions c) The location, size and dimensions of any temporarily stock-piled material and final landform features created by fill d) Re-vegetation of final surfaces e) The Accidental Discovery Protocol as specified in the Mahaanui Iwi Management Plan <p>Earthworks (Matters of Control)</p> <p>See Appendix 3 - Part (f) pg 30</p>		<p>The SDC final decision on Synlait Limited's plan change has Earthworks over 5000m³ being classified as a controlled activity which was recommended in Jolly (2014).</p> <p>It also has integrated the other recommendations in Jolly (2014) into rule 26.45. It goes on to add on additional clause relating to re-vegetation on the final surfaces.</p> <p>Of note is the direct inclusion of a rule integrating the ADP as specified by the MIMP.</p> <p>Overall the SDC decision on Synlait Milk Limited's plan change is consistent with the recommendations by Jolly (2014).</p>

<p>Lighting - Ensure that Rule 26.21 is written to identify and enable light suppression techniques to minimize impact on landscape and views.</p>	<p>Lighting (Permitted Activities)</p> <p>26.22 - Any lighting within the Dairy Processing Management Area shall be permitted activity provided that:</p> <p>Light spill from any activity does not exceed 3 lux on any adjoining property or any road reserve; and</p> <p>All exterior lighting is directed away from adjacent properties and roads</p> <p>Lighting (Matters of Control)</p> <p>See Appendix 3 and 4 - Part (j) pg. 30</p>	<p>The SDC decision on Synlait Milk Limited's plan change does reflect the recommendations by Jolly (2014).</p>
<p>Low impact and sustainability based design principles -</p> <p>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.</p> <p>Options include:</p> <p>a) Low energy and water use appliances, and low flush toilets</p> <p>b) Rainwater collection and greywater recycling</p> <p>c) Recycling and composting opportunities(supporting zero waste)</p> <p>d) Position of buildings to maximize passive solar gain</p> <p>e) Insulation and double glazing</p>	<p>Dairy Processing Management Area - Permitted activities (Land use)</p> <p>26.1 – The following activities shall be permitted activity if all of the standards in Rule 26.2 to 26.32 are met:</p> <p>The processing, testing, storage, handling, packaging and distribution of milk and dairy products, dairy processing related by-products, and ancillary activities, including but not limited to:</p> <p>i) Rail infrastructure, and rail activities limited to those required for the transportation of milk, dairy products and associated ingredient and package products</p> <p>ii) Infrastructure for roading, rail, the management of wastewater, storm water and the supply of water</p> <p>iii) Laboratories and facilities for research and development related to the processing of milk and development of dairy products</p> <p>iv) Offices and facilities required for the administration and management of Dairy Processing Management Area, and the marking, sales and distribution of milk and dairy products</p> <p>v) Activities which can comply as a permitted activity with rules of the Rural (Outer Plains) Zone, expect that any calculation of density or site coverage shall exclude the land within the Height Control Zone.</p> <p>Outline Development Plan (Permitted Activities)</p> <p>26.2 - The location of all building, activities and vehicle access points to the Dairy Processing Management Area, shall be in general accordance with the Outline Development Plan in Appendix 26A.</p>	<p>The SDC decision on Synlait Milk Limited's plan change has a wide range of rules relating to design, construction and layout but no specific rules that address the concerns raised in Jolly (2014).</p> <p>In most cases as long as you comply with the ODP and general rules listed as "permitted activities" and "controlled activities" development can occur.</p> <p>Only when new buildings are to be constructed to expand milk production or storage do the specific rules come into effect.</p>

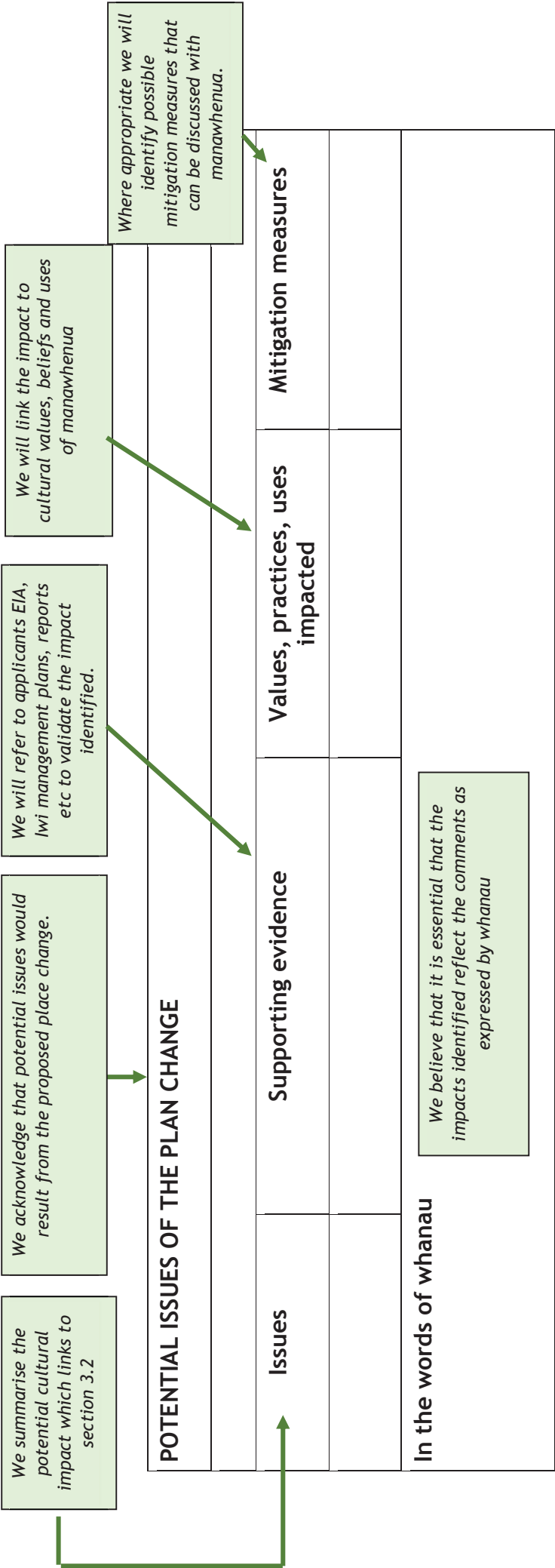
<p>f) Use of solar energy for hot water heating</p>	<p>Location of buildings and activities (Permitted Activities)</p> <p>26.3 - All permitted activities shall be located within the Height Control Zone identified on the Outline Development Plan in Appendix 26A, with the exception of:</p> <ul style="list-style-type: none"> a) An directional signage under 1.2m height; b) Signage providing information at the Primary Access points; c) Infrastructure for roading, rail, the management of wastewater, storm water and supply of water associated with a permitted activity; and d) Permitted activities provided for in Rule 26.1(a) v. <p>Construction activities (Controlled Activities)</p> <p>26.36 - Construction activities for a new building which will increase capacity for milk procession or storage within the Dairy Processing Management Area shall be a controlled activity. Any application for construction activities shall not require the written approval of third parties and shall be non-notified.</p> <p>26.37 - Under Rule 26.36 Council shall restrict its control to the following matters:</p> <ul style="list-style-type: none"> A) Ensuring that the effects of construction traffic minimizes disruption, delay or inconvenience on the adjoining road network B) Best practicable measures to avoid or mitigate the dispersal and deposition of dust and sediment C) Best practicable measures to avoid the accidental discharge of any fuel or other hazardous substances, including measures for dealing with accidental spills D) Compliance with NZS6803:1999 Acoustics – Construction noise E) Compliance with NZS2631:1985-1989 Part 1-3 or equivalent standard F) An Accidental Discovery Protocol as specified in the Mahaanui Iwi Management Plan
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<p>A stormwater management plan – should be included as part of, or sit alongside the ODP, showing the design concept for storm water collection, treatment and disposal, and reflecting the need to manage storm water in an integrated and comprehensive manner as the plant develops and expands. This would also enable the existing system to be upgraded, and align storm water management more closely with IMP policies, which set out a five step approach to storm water management. Key features to consider including in the plan are:</p> <ul style="list-style-type: none"> a) Measures to reduce the volume of storm water requiring treatment e.g. rainwater collection tanks, permeable paving, rainwater gardens, vegetated swales around buildings and b) Ensuring that the scale and design of storm water basins is appropriate to manage the volume of storm water received. c) Planting of existing and any new storm water basins to improve function and provide amenity values roadways. 	<p>See Dairy Processing Management Area - Permitted activities (Land use) above</p> <p>See Outline Development Plan (Permitted Activities) above</p> <p>See Landscape planting above</p> <p>See Location of buildings and activities (Permitted Activities) above</p> <p>See Construction activities (Controlled Activities) above</p>	<p>The SDC decision on Synlait Milk Limited's plan change refers to storm water management within the permitted activities as long as it complies with Rule 26.1 to Rule 26.3 and is consistent with the ODP.</p> <p>In terms of new buildings this would fall under the Rule for Construction Activities (Controlled activities) but there is no specific reference to storm water management.</p> <p>These plan changes are not fully consistent with the recommendations put forward in Jolly (2014). The plan change does integrate the storm water management into the ODP and does stress the need for Landscape planting but doesn't stress the need to be more efficient in terms of design or resource use i.e. water usage.</p>
<p>Integration between district and regional planning matters</p> <p>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</p>	<p>See Dairy Processing Management Area - Permitted activities (Land use) above</p> <p>See Outline Development Plan (Permitted Activities) above</p> <p>See Location of buildings and activities (Permitted Activities) above</p> <p>See Construction activities (Controlled Activities) above</p>	<p>The SDC decision on Synlait Milk Limited's plan change covers discharges primarily within the rules within Dairy Processing Management Area - Permitted activities (Land use) section.</p> <p>These rules cover the management of both storm water, and wastewater within the ODP. These rules are specifically focused on development within the ODP not areas outside of it.</p>

<p>land and air (and potentially water) will be managed?</p> <p>This is particularly important given the proposed nitrogen limit set for the Selwyn Waihora catchment.</p> <p>A long term plan to manage and minimize 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.</p>	<p>As identified by Jolly (2014) much future impacts on development may have an impact outside the ODP.</p> <p>Any new construction is covered under the rule Construction activities (Controlled Activities). This is focuses on the impacts from construction and not the operational impacts of the new development. This would be covered within the ODP.</p> <p>These rules capture some of the recommendations within Jolly (2014) related to the ODP but avoid addressing impacts outside the ODP or within the Te Waihora catchment.</p>
<p>Consistent approaches to zoning and rules</p> <p>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.</p> <p>The plan change should not facilitate the establishment of new processing plants without a rigorous impact assessment process.</p>	<p>Fonterra are planning a similar plan change using the Synlait Milk Limited's plan change as a guide.</p> <p>This is the focus of this CIA.</p>
<p>Relationships and catchment goals</p> <p>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.</p> <p>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.</p>	<p>This is not addressed in the SDC decision on the Synlait Milk Limited's plan change.</p>

4.1 IMPACT AND ISSUES ASSESSMENT METHODOLOGY

The impacts of the proposed plan change have been evaluated using a qualitative assessment of the potential direct and indirect impacts of the plan change through a literature review and interviews with whanau from the affected kaitiaki Rūnanga. Interviews were carried out, with a summary being provided to whanau. The results of the interviews are reflected in this assessment. We have also chosen to present the data within a standard format.



It needs to be noted that, although whanau have identified how some of the impacts could be mitigated, this is not to be interpreted as whanau accepting that the impact is to occur. Whanau reserve the right to oppose and/or change their position in respect of the impacts.

4.1 IDENTIFICATION & MANAGEMENT OF CULTURAL ISSUES – PLAN CHANGE

POTENTIAL ISSUES OF THE PLAN CHANGE – LANDSCAPE PLANTING [RAISED IN JOLLY (2014)]			
Impact	Supporting evidence	Description of values impacted	Mitigation measures
Mahinga kai Mauri	<p>See Table 1 for the SDC decision relating to Landscape planting for Synlait Milk Limited's plan change and issues raised within Jolly (2014).</p> <p>Fonterra have proposed preparing a landscape / visual assessment based on the rules within the SDC decision. They have noted that if this expansion is to occur a landscape plan would be required but little if any additional landscape planting would be required.</p>	<p>Taumutu and Tūāhuriri want to see the expansion of native planting within the Te Waihora catchment to enhance or increase habitat for taonga species.</p> <p>They would also like to see native planting used in storm water management if possible as it can increase habitat for taonga species.</p> <p>The native species to be used should be based upon what was traditionally found in the area and should seek to hide as much of the artificial infrastructure as possible.</p>	<p>The Synlait Milk Limited plan change as shown in Table 1 and Appendix 3 doesn't fully comply with the recommendations made in Jolly (2014).</p> <p>Taumutu and Tūāhuriri would like Fonterra to firstly integrate all the recommendations within Jolly (2014) and within the Synlait Milk Limited's plan change into their proposed plan change.</p> <p>In addition Taumutu and Tūāhuriri would like to be consulted by Fonterra on the development of their landscape assessment or any future landscape planting at the Fonterra Darfield Milk Factory.</p> <p>This consultation would be required to make sure the rules relating to landscape planting as a "controlled activity" which include "proposed plant species" are consistent with Taumutu and Tūāhuriri expectations. An example of these expectations could include the use of fast growing natives with a focus on biodiversity and providing habitat for taonga species.</p> <p>This direct consultation would be required with Taumutu and Tūāhuriri as the rules relating to landscape planting within Synlait Milk Limited plan change state that it's non-notified with no written approval required from third parties.</p> <p>In general, Taumutu and Tūāhuriri support Fonterra advocating to their shareholders in the catchment, at their Darfield Dairy Factory and on farms directly owned by Fonterra (adjacent to Darfield Dairy factory) to carry out more landscape planting (natives only). Taumutu and Tūāhuriri see this a way to increase biodiversity and habitat for taonga species and could offset potential habitat impacts or loss from the Darfield Dairy factory operation. Again this would be discussed directly with Taumutu and Tūāhuriri whom may be able to assist Fonterra.</p>
In the words of whanau			
<p>"We usually advocate for natives ... we had this debate and you can fine fast growing natives and then you can put the slow growing ones behind them. Then the application doesn't have to go remove them [Pine trees]"</p> <p>"Biodiversity is a big thing ... to put biodiversity back on the plain"</p> <p>"Put in some good biodiversity, not just one row {Native planting}"</p> <p>"Biodiversity... the planting around the sides {Boundaries and waterways} is to offset the effects"</p>			

POTENTIAL ISSUES OF THE PLAN CHANGE – EARTHWORKS [RAISED IN JOLLY (2014)]			
Impact	Supporting evidence	Description of values impacted	Mitigation measures
<p>Mahinga kai</p> <p>Wahi taonga</p> <p>Cultural Landscape</p>	<p>See Table 1 for the SDC decision relating to Earthworks for the Synlait Milk Limited's plan change and issues raised within Jolly (2014).</p> <p>Fonterra have not mentioned within the information they have provided. It is assumed they will comply with the rules put forward within Synlait Milk Limited's plan change.</p>	<p>Taumutu and Tūāhuriri have a role as kaitiaki of the area to make sure any development protects the cultural landscape and artifacts found when disturbing the land.</p> <p>In terms of short term impacts earthworks can effect taonga species found with the surrounding area especially in waterways through sediment and discharges from equipment entering them.</p>	<p>Synlait Milk Limited's plan change as shown in Table 1 captures most of the recommendations made in Jolly (2014).</p> <p>Taumutu and Tūāhuriri would like Fonterra to firstly integrate all the recommendations within Jolly (2014) and within the Synlait Milk Limited plan change into their proposed plan change.</p> <p>Taumutu and Tūāhuriri would also like to be consulted by Fonterra if Earthworks over 5000m³ are to be carried out at the site and would like to be consulted when or if an Earthworks Management Plan is developed. This consultation may include discussion around future revegetation of the area post earthworks or any other issues raised by Taumutu and Tūāhuriri.</p> <p>This could be part of an annual hui between the two runanga and Fonterra where they can give Taumutu and Tūāhuriri an update on future developments at the site.</p> <p>Taumutu and Tūāhuriri would also like Fonterra to carry out assessment, or provide relevant information, to see if there would be any potential groundwater issues from construction activities within the DPMA. This information would help Taumutu and Tūāhuriri be confident Fonterra are taken this into consideration with their future development.</p>
In the words of whanau			
<p>"I'm just concerned with only one metre from groundwater, especially up there [Darfield]. One metre sounds really close"</p> <p>"Groundwater is an issue in Darfield"</p>			

POTENTIAL ISSUES OF THE PLAN CHANGE – LIGHTING [RAISED IN JOLLY (2014)]				
Impact	Supporting evidence	Description of values impacted	Mitigation measures	
Cultural Landscape	See Table 1 for the SDC decision relating to lighting within the Synlait Milk Limited's plan change and issues raised within Jolly (2014).	To protect the cultural landscape and the view of the night sky Taumutu and Tūāhuriri want lighting of artificial structures to be minimized or done in way to mitigate their impact on the surrounding cultural landscape.	The Synlait Milk Limited plan change as shown in Table 1 captures all the recommendations made in Jolly (2014).	
	Synlait Milk Limited's plan change captures all the recommendations put forward in Jolly (2014).		Taumutu and Tūāhuriri would like Fonterra to be consistent with the Synlait Milk Limited plan change and the recommendations within Jolly (2014).	
	Fonterra have not stated within the information they have provided if any lighting provisions will be made with their plan change. It is assumed that they will be consistent with the Synlait Milk Limited plan change.		Within the MIWP there are specific rules relating to minimising the impact of lighting on the night sky and the surrounding cultural landscape. Taumutu and Tūāhuriri would like to be consulted on future upgrades to lighting within the ODP or if lighting is to be used within new construction on site.	
In the words of whanau				
Fonterra could prepare or provide information relating to lighting at the Darfield Dairy Factory site or general policies relating to lighting considerations for all their dairy factories so that Taumutu and Tūāhuriri can review this and give feedback.				
<i>"We want the lowest impact in terms of lighting because it effects our landscape"</i>				

POTENTIAL ISSUES OF THE PLAN CHANGE – LOW IMPACT AND SUSTAINABILITY DESIGN PRINCIPLES [Jolly(2014)]			
Impact	Supporting evidence	Description of values impacted	Mitigation measures
Kaitiaki Mahinga kai Cultural Landscape	<p>See Table 1 for the SDC decision relating to low impact and sustainability design principles for the Synlait Milk Limited plan change and issues raised within Jolly (2014).</p> <p>The Synlait Milk Limited plan change has a wide range of rules relating to design and site layout but as long as they comply with the ODP and general rules they are considered a permitted activity.</p> <p>Fonterra have not provided any information relating to low impact and sustainable design principles.</p>	<p>Taumutu and Tūāhuriri recognize the optimal use of resources to minimize footprints on the environment is important to protect taonga species.</p> <p>With any future construction on site the use of sustainable building practices is important to Taumutu and Tūāhuriri. This is because it can reduce the impact a development on the wider environment which is linked to many cultural values.</p>	<p>The Synlait Milk Limited plan change doesn't address the concerns expressed within Jolly (2014) in relation to low impact and sustainable design principles.</p> <p>Taumutu and Tūāhuriri would like to be consulted when new construction or when buildings with the ODP / DPMA are to be upgraded. This consultation would include discussion on possible integration of low impact and sustainable design principles into future development.</p> <p>Again this consultation could be included in discussions with Taumutu and Tūāhuriri annually or may require a specific hui to discuss this.</p>

POTENTIAL ISSUES OF THE PLAN CHANGE – STORMWATER MANAGEMENT [Jolly (2014)]				
Impact	Supporting evidence	Description of values impacted	Mitigation measures	
Kaitiaki Mahinga kai	<p>See Table 1 for the SDC decision relating to storm water management for the Synlait Milk Limited plan change and issues raised within Jolly (2014).</p> <p>The Synlait Milk Limited plan change considers storm water management as a permitted activity as long as it is part of the ODP and consistent with Rule 26.1. There is also no requirement for a storm water management plan.</p> <p>In terms of landscape planting relating to storm water management this is mentioned but the use of sustainable and efficient systems is not mentioned.</p> <p>Fonterra within their proposal noted there is a wide range of storm water management options but they haven't provided any specific details on this for the plan change.</p>	<p>Taumutu and Tūāhuriri want to reduce and/or eliminate the potential impacts of storm water, including the containments it can contain, on surrounding waterways. This is because they as they contain many taonga species. They support initiatives to reduce the volume and improve quality of the storm water before it's discharged.</p> <p>The design and creation of the storm water system should also integrate habitat creation for taonga species into its design and assist in hiding its structure so to lessen its impact on the cultural landscape.</p>	<p>The Synlait Milk Limited plan change doesn't address all the concerns expressed in relation to storm water management raised within Jolly (2014). It doesn't mention specifically the need for a storm water management plan but does mention the need for storm water management to be part of the DPMA and landscape planting as well.</p> <p>The management of discharges is a priority for Taumutu and Tūāhuriri because of potential downstream impacts including potential impacts on Te Waihora. Therefore Taumutu and Tūāhuriri would like Fonterra to have a storm water management plan to sit alongside the ODP which would take into consideration MIMP policies.</p> <p>This storm water management plan, as recommended in Jolly (2014), would include measures to reduce storm water, storm water infrastructure sufficient and native planting integrated into design of storm water management system.</p>	
In the words of whanau				
<p>"You could do medium to high [Native planting.] to pick up nutrients in storm water and wastewater"</p> <p>"We {Taumutu} have always advocated for going {Storm water and Wastewater} to land"</p>				

POTENTIAL ISSUES OF THE PLAN CHANGE – MANAGING DISCHARGES IN AN INTEGRATED MANNER			
Impact	Supporting evidence	Description of values impacted	Mitigation measures
Kaitiaki Mahinga kai	See Table 1 for the SDC decision on managing discharges in an integrated manner for the Synlait Milk Limited plan change and issues raised within Jolly (2014). The rules within the Synlait Milk Limited plan change focus upon managing impacts within the DPMA, shown in the ODP, rather than the wider catchment. These impacts could have an effect on the wider catchment so addressing this within the DPMA does address some potential concerns.	Taumutu and Tūāhuriri have concerns relating to land use intensification and land use change, with their usual associated discharges, within the Te Waihora catchment. This is because it can have impact water quality and quantity. This in turn could have an impact on taonga species in the wider Te Waihora catchment.	The Synlait Milk Limited plan change doesn’t address fully the concerns relating managing discharges in an integrated manner expressed within Jolly (2014). Taumutu and Tūāhuriri support the use of an similar plan change by Fonterra as a way to have a consistent approach but see the need for impacts outside of the DPMA needing the be addressed.
	In terms of new construction within the DPMA this is and specific rules apply. Although many of these rules address impacts relating to the construction itself and not the potential operational impacts of the new development. This would again be covered in the ODP. See “Storm water management plan” above for Fonterra’s response.		Taumutu and Tūāhuriri recommend Fonterra work with them in supporting consistent approaches which address concerns Taumutu and Tūāhuriri have in relation to the impacts of discharges outside of the DPMA. These discharges would include those by the Fonterra Darfield Milk Factory and by other Fonterra shareholders within the Te Waihora catchment. For Taumutu and Tūāhuriri integration and consistency is not just a way to streamline the development process. It can create an understanding and establish a commitment between all parties to have a long term plan to address impacts of all developments i.e. nitrogen leaching within Te Waihora Catchment.

4.1 IDENTIFICATION & MANAGEMENT OF CULTURAL ISSUES – POTENTIAL FUTURE DEVELOPMENT

POTENTIAL ISSUES OF THE PLAN CHANGE – FUTURE WASTEWATER AND STORMWATER MANAGEMENT			
Impact	Supporting evidence	Description of values impacted	Mitigation measures
<p>Mahinga kai</p> <p>Wahi taonga</p> <p>Cultural Landscape</p>	<p>See Table 1 for the SDC decision on storm water management for the Synlait Milk Limited plan change, issues raised within Jolly (2014) and the discussion above on storm water and wastewater management plan.</p> <p>Fonterra have stated in the information they provided that a wide range of options exist to manage both storm water and waste water. They don't go into detail on these options.</p>	<p>See "Storm water management plan" above</p>	<p>With any future expansion at the Fonterra Darfield Dairy Factory Taumutu and Tūāhuriri should be consulted directly in the development of storm water and wastewater management plans. Alongside this if any new or an increase in the discharge amount is planned in the near future Taumutu and Tūāhuriri should be consulted.</p> <p>It is noted in the information provided by Fonterra that they have a wide range of options for storm water and wastewater. Taumutu and Tūāhuriri would like Fonterra to provide details to them on the current storm water and wastewater systems they have in place and if any future upgrades are planned. Within this management plan Taumutu and Tūāhuriri would also like to get information on the other storm water and wastewater systems they operate at their other factories and details on how well each system treats storm water and wastewater.</p> <p>This discussion with Taumutu and Tūāhuriri on a storm water and wastewater management plan would give both parties time to discuss standard of treatment Taumutu and Tūāhuriri would like to see at Darfield Milk Factory if upgrades, expansion or a new storm water and wastewater system is put in place. If any new expansion at the Darfield Milk factory is planned which will create a new discharge or increase the discharge greater than current consent Taumutu and Tūāhuriri would like to be consulted as soon as possible to address any potential issues.</p> <p>This discussion between the parties could help streamline future development as Fonterra, Taumutu and Tūāhuriri could have agree on systems and standards.</p> <p>In principle Taumutu and Tūāhuriri would recommend that Fonterra have in place or have planned in the future to have both their storm water and wastewater treatment systems at a level which delivers the highest level of treatment. One example could be using a biological treatment system for wastewater and storm water along with dense native planting. This system may already in place at Darfield.</p> <p>The need for this standard of treatment is because of the potential downstream impacts on Te Waihora. The cultural significance and the sensitivity of the catchment which is already under pressure means any way possible to reduce the stress on Te Waihora</p>

POTENTIAL ISSUES OF THE PLAN CHANGE – RELATIONSHIP WITH FONTERRA			
Impact	Supporting evidence	Description of values impacted	Mitigation measures
<p>Fonterra has major interests within the Te Waihora Catchment through both their Darfield Dairy Factory and the numerous Fonterra shareholders / suppliers within the catchment.</p> <p>Fonterra (and their shareholders) are active in the community through their participation in various the resource management forums and their role within the restoration of Te Waihora through their “Living water” programme.</p> <p>These factors have meant Fonterra have participated in many forums with Taumutu and Tūāhuriri as well as Taumutu and Tūāhuriri resource management groups.</p> <p>Mahinga kai</p> <p>Wahi taonga</p> <p>Kaitiakitanga</p>	<p>Relationships with other organisations this is because are important to Taumutu and Tūāhuriri as it can assist in their role as kaitiaki.</p> <p>As kaitiaki Taumutu and Tūāhuriri have a responsibility to protect cultural values of their takiwa which they have in the past, they will continue to and which future generations from Taumutu and Tūāhuriri will.</p> <p>In some cases relationships with other organisations and groups can assist Taumutu and Tūāhuriri in their role as kaitiaki through working towards similar desired outcomes or by minimising impacts on the environment. These organisations in many cases can have an influence over both policy and the environment itself.</p>	<p>Taumutu and Tūāhuriri want to have regular hui with Fonterra to discuss current and future issues. An example of how to facilitate this could be through the establishment of a Cultural Advisory group (CAG) where representatives from Taumutu and Tūāhuriri would meet regularly with representatives from Fonterra.</p> <p>If a CAG was established Taumutu and Tūāhuriri representatives would be selected by the two runanga. A terms of reference would likely be drawn up so all parties know how this group would function. For Fonterra the establishment of a CAG could assist in streamlining future expansions or more importantly enhance the relationship they have with the two runanga.</p> <p>As mentioned throughout this document consultation directly with Taumutu and Tūāhuriri is required. Taumutu and Tūāhuriri would determine how they want this carried out. This may occur directly with runanga with the runanga and the CAG. Ultimately who and how this would be done would be determined by the runanga.</p> <p>To establish this relationship Taumutu recommended a site visit to the Darfield Milk factory so Fonterra can discuss the plan change, potential future expansion, Fonterra monitoring / information sharing and any other issues that Taumutu and Tūāhuriri or Fonterra may want to discuss.</p>	
In the words of whanau			
<p>“You [Fonterra] set your work programme one year or two years ahead of time... let’s say they are building another storm water pond...if you have a work programme and you give it to us and this is what you propose in six months’ time we {Taumutu} can work towards this”</p>			

5. CONCLUDING COMMENTS

This section:

1. Identifies the priorities of Taumutu Rūnanga and Tūāhuriri Rūnanga.
2. It outline the issues and potential issues Te Taumutu Rūnanga have in relation to Fonterra proposed private plan change to create a Dairy Processing Management Area (DPMA) at the Darfield Milk Factory.
3. It describes the effects Taumutu Rūnanga and Tūāhuriri Rūnanga would like to see avoided if the plan change by Fonterra goes ahead and development is carried out at the Darfield Dairy Factory
4. It describes the expectations of Taumutu Rūnanga and Tūāhuriri Rūnanga.

5.1 Priorities of Taumutu Rūnanga and Tūāhuriri Rūnanga:

Priorities of Taumutu Rūnanga and Tūāhuriri Rūnanga include the following:

- Protecting the quality of the waters of the both freshwater environments
- Protecting the quality of the springs, small tributaries, ephemeral streams and areas of significance which flow into Te Waihora at the bottom of the catchment
- Protecting the use of reserves and easements.
- Restoration of lands and waters within the Te Waihora catchment which could be impacted
- Establishing or restoring native habitats of taonga species, including mahinga kai; and
- Protecting indigenous biodiversity, in particular taonga species – restoring or enhancing native biodiversity leads to cultural outcomes.

5.2 Adverse effects to be avoided

When assessing the impacts associated with the proposal Tūāhuriri Rūnanga and Te Taumutu Rūnanga want to see the following adverse effects avoided:

- Any loss or impact on habitats for taonga species, especially mahinga kai species;
- Any impact on wahi tapu and wahi taonga.

As is noted above, some of these issues can be addressed by consent conditions and monitoring. Others require ongoing discussions with Taumutu Rūnanga and Tūāhuriri Rūnanga.

5.3 Ongoing Discussions

Tūāhuriri Rūnanga and Te Taumutu Rūnanga request the following:

- Regular Hui with Tūāhuriri Rūnanga and Te Taumutu Rūnanga to discuss issues, share information or give updates on future expansion at the Darfield Milk Factory.
 - How this would done requires discussion between Fonterra and the two runanga
- Agreement by Fonterra to continue or carryout landscape planting at the Darfield Dairy Factory and the surrounding land owned by Fonterra

- Provision of all technical reports Fonterra have prepared for this plan change
- Involvement in the development of the following documents (or relevant documents or policy) or provided with these documents so feedback can be provided to Fonterra
 - Environmental monitoring data or reports relating to the environment prepared by Fonterra within the Te Waihora catchment
 - Final version of the Outline development plan with all details on it
 - Monitoring carried out at Darfield Dairy Factory
 - Storm water management plan
 - Earthworks management plan
 - Landscape planting plan / assessment
 - Wastewater management plan
 - Any addition technical reports the two runanga may require
- Response from Fonterra on how they will integrate the recommendations from Jolly (2014) into their proposed plan change Taumutu Rūnanga and Tūāhuriri Rūnanga
- Information on any proposed future upgrades or expansion planned at the Fonterra Darfield Dairy Factory to the storm water or wastewater treatment systems.
- A site visit by a group from Taumutu Rūnanga and Tūāhuriri Rūnanga to the Darfield Dairy Factory in the so Fonterra can show them the factory, the potential changes if plan change goes through and any future expansion which will occur in the short term
 - The representatives may also want to visit the surrounding land owned by Fonterra
 - The representatives will likely want to see the storm water and wastewater system. This could include the discharge area as well.
 - The representatives will likely want to see the landscape planting Fonterra have carried out and any area where future landscape planning is planned.

5.4 Going forward – Taumutu Rūnanga and Tūāhuriri Rūnanga expectations

It is expected that the impacts specific to Fonterra proposed private plan change to create a Dairy Management Processing Area (DPMA) at the Darfield Dairy Factory which are raised in this CIA will become the focus of discussions between Tūāhuriri Rūnanga, Te Taumutu Rūnanga and Fonterra.

REFERENCES

- Boffa Miskell Ltd. (2014). *Request for private plan change – Dairy Processing Management Area: statutory analysis and evaluation report*. Prepared for Synlait Milk Limited.
- Crengle, H. (2002) “The Legal Context” in Tipa G. Crengle H. Davis K. Allingham B. Symon A (2002) *Cultural Impact Assessment – Project Aqua*. Unpublished report for Meridian Energy Ltd.
- Jolly, Dyanna. (2014). *Cultural Impact assessment: For a private plan change to the Selwyn District Plan, to establish a Dairy Process Management Area (DPMA)*. Prepared by Synlait Milk Limited.
- Mulligan, John. (2014). *Proposed Change 43 to the Selwyn District Council - Recommendation of the Commissioner*. Prepared for Selwyn District Council.
- Selwyn District Council. (n.d). *Proposed Dairy Processing Area privately requested change Selwyn District Council (Rural Volume)*.
- Tipa and Associates. (2013). *Cultural Values, flow and water management issues for the Waikirikiri / Selwyn – Te Waihora Catchments*. Prepared for Environmental Canterbury
- Te Rūnanga o Ngāi Tahu. (1999). *Freshwater Policy Statement*
- Te Rūnanga o Ngāi Tahu. (April 2003). *Ki Uta ki Tai - Mountains to the Sea Natural Resource Management: A scoping document for developing Mountains to the Sea Natural Resource Management Tools for Ngāi Tahu A Draft prepared by Kaupapa Taiao for ngā Papatipu Rūnanga*, Te Rūnanga o Ngāi Tahu, Christchurch, New Zealand
- Waitangi Tribunal. (1991). *Ngāi Tahu Report*. Brooker & Friend, Wellington.
- Waitangi Tribunal. (1995). *Ngāi Tahu Ancillary Claims Report*. Brooker & Friend, Wellington.

APPENDICES

Appendix 1 – Tipa and Associates. (2013). Cultural Values, flow and water management issues for the Waikirikiri / Selwyn – Te Waihora Catchments: Part 4 – Tangata Whenua: The people of the land. Prepared for Environmental Canterbury.

PART 4: TANGATA WHENUA – THE PEOPLE OF THE LAND

The Waikirikiri - Te Waihora catchments have a wide variety and abundance of wildlife and it is understandable why people were, and continue to be, attracted to the catchment. In this part of the report we provide an overview of the cultural association with the Waikirikiri - Te Waihora catchments³. We focus in particular on how it relates to the kaitiaki targets of the CWMS.

4.1 Background

Within the CWMS specific kaitiakitanga targets are prescribed. Those relevant to this report are listed below:

From 2010:

- *Prevent further loss or degradation of Ngai Tahu nominated wahi taonga*
- Increase understanding in each zone of the customary values and uses associated with specific waterbodies or parts of waterbodies

By 2015:

- *All degraded wahi taonga and mahinga kai waterways nominated by Ngai Tahu have an active restoration programme in place that responds to cultural priorities*
- A report on the health of all Ngai Tahu nominated waterbodies using Ngai Tahu Cultural Health Monitoring Tool
- Identified customary uses (current and potentially restored) for all waterways

By 2020:

- *Increased the abundance of, access to and use of mahinga kai.*
- All marae and associated papakāinga have access to high quality drinking water

By 2040:

- *Protection, in accordance with Ngai Tahu values and practises, of wahi taonga and mahinga kai waterways*

There are wahi taonga and wahi tapu (including wai tapu) found throughout the Waikirikiri - Te Waihora catchments. Many of these were included in Te Whakatau Kaupapa (Tau et al 1990).

4.2 Land ownership.

As noted above, Ngai Tahu is the owner of Te Waihora lakebed (as shown in Figure 2).

³ Please note that the information contained in this report is information that is already in the public domain and is therefore publicly available. It has been collated and discussed in the context of flow management.

4.3 Wahi Tapu / Taonga⁴

With this history of settlement, occupation and resource use, places of importance to the iwi, local hapu and whanau were shaped. For Ngai Tahu, the term wāhi taonga refers to places that hold the respect of the people in accordance with kawa and tikanga. O'Connell (undated) explains that some sites are of tribal significance while others are important to the hapu and whanau who visited, lived at, or had special affiliations to that area. Prominent hills, landforms, springs, remaining areas of indigenous vegetation and archaeological sites are examples of physical taonga. Recorded Maori archaeological sites around Te Waihora include pā sites (fortified settlements), kainga (undefended settlements), urupa (burial grounds and single burial sites), borrow pits (small quarries from which sand or gravel was removed and added to gardens to improve the soil for kumara growing), shell middens, cooking ovens, storage pits and isolated artefact find spots.

The focus of this report is water. For Ngai Tahu, water is a taonga left by the ancestors to provide and sustain life. The ability to gather and share food which is a cornerstone of Ngai Tahu society, tradition and mana is reliant on healthy ecosystems and especially water that is fit for human consumption and that is able to support mahinga kai species. Significant cultural sites include: Te Waihora/Lake Ellesmere, Muriwai/Coopers Lagoon, Waikirikiri, the Kaituna River, the Rakaia and Waimakariri braided rivers and their upper catchment wetlands and lakes, and the Rakaia river mouth. More generally, all spring-fed streams, lowland streams and wetlands are of cultural significance, as are areas of mahinga kai and any remaining indigenous biodiversity.

Other taonga can include pūrākau (stories), wāhi ingoa (place names) or other associations that those living today have with the tupuna (ancestors) who have gone before. Since 1999 Ngai Tahu has identified a range of wahi tapu / wahi taonga. Those found in Waikirikiri - Te Waihora catchments include:

- Ara tawhito (ancient trails)
- Umu ti (earth ovens associated with preparation of kauru)
- Kaika Nohoanga (occupation, settlement sites)
- Ikoa Tawhito (place names)
- Mahinga Kai (places where resources including food were/are procured)
- Wāhi kaitiaki (resource indicators from the environment)
- Mauka (important Mountains)
- Wahi kohatu (rock formations)
- Pa Tawhito (ancient pā sites)
- Wahi paripari (cliff areas)

⁴ The information in this section comes from the Cultural Impact Report for Central Plains Water Enhancement Phase 11 (O'Connell, undated), Te Waihora Joint Management Plan, and the evidence of Ngai Tahu whanui to the hearings for the Central Plains resource consents and the amendment to the Lake Ellesmere - Te Waihora WCO.

- Tauranga Waka (canoe mooring sites)
- Wahi raranga (sources of weaving material)
- Tuahu (sites of importance to identity)
- Tuhituhi nehera (rock art)
- Urupa (human burial sites)
- Wahi tohu (locators and their names within the landscape)
- Repo Raupo (wetlands and swamps) and Wai Maori (important freshwater areas)
- Wai tapu (sacred waters)
- Marae
- Reserves, easements, entitlements, private lands
- Wahi pakanga

WITH RESPECT TO FLOWS:

Ngai Tahu whanui want to ensure that there is no further loss of wahi taonga because of inappropriate water management.

In the paragraphs that follow we describe many of these wahi taonga. A diagram illustrates the interrelationships between these taonga and how they are dependent on a healthy functioning ecological system is included as [Appendix 1](#). The tables that follow in [Appendix 2](#) summarise how these taonga may be impacted by water management and flows in particular.

Place names

Place names and histories provide cultural context. The naming of places by Ngai Tahu is testament to the long history of occupation and travel within the catchment. Important places include camping places enabling food gathering, those associated with creation traditions or tupuna, settlements, and sites renowned for the different foods that could be obtained. Places and their names formed vast oral 'maps' that were an integral part of the culture of Ngai Tahu. Many of the place names describe the characteristics of the waterbodies or the adjacent riparian and terrestrial environs.

Figure 4 shows the wealth of Ngai Tahu place names as recorded by Riki Ellison, a Ngai Tahu elder, in 1979⁵.

Ingoa Tawhito (place names) associated with Waikirikiri - Te Waihora catchments that are in the public domain are included in the table where we also try to identify other taonga values associated with the area/site; and identify the location - if known.

⁵ This map can be found in the Te Waihora Joint Management Plan.

- Te Kete Ika a Tutekawa
- Kaituna – a place where eels were plentiful/eaten.
- Waikākahi (Pā of Tutekawa) - place of the freshwater mussel.
- Orariki - the place of life-giving creatures/a reference to biodiversity.
- Motukarara - the 'island of lizards' later called Rabbit Island
- Te Waihora – spread-out waters.
- Te Koraha - open area of shallow water covering extensive mud flats.
- Taumutu - the high ridge of land.
- Whakamātakiuru - the lookout/ to look outwards; later received the European name Fishermans Point as a name for the fishing settlement.
- Taitapu/Tai Tapu - impenetrable place, or sacred tide.
- Ahuriri – A prominent eel fishing lagoon; the name of a funnel shaped fishing net of great size, used like a hīnaki in tidal rivers (Williams, 1991).

Other place names specific to Te Waihora include the following

Kapukeriki	Food Production Site Kauru, Aruhe, Kiore
Karokaro	
Kua o whiti	in vicinity of Harts Creek
Kereru	
Mimi o Taua	Permanent Settlement Aruhe, Kauru, Tuna, Kiore, Ngā Manu, Turnip
Motukiore	Food Gathering Site Kiore Weka
Mairaki	Food Production Site Kāuru Aruhe
Mautohe	Kainga in the Kaituna Valley
Matakanae	
Niho Makuru	Tuna
Okakea	Springs
Otanehakau	Food Production Site Kāuru, Aruhe, Kiore, Tuna, Ngā manu
Ohapuku	Food Production Site Kāuru, Aruhe, Kiore, Tuna, Ngā manu
Otuteihoka	A Habitation Tuna An Eel Weir
Ohinekakaraiti	Permanent Settlement & Food Production
Ōtūpara	Food Production Site Aruhe Kauru
Ōtūraparapa	Food Production Site Kauru, Aruhe, Kiore, Tuna, Ngā manu
Orehu	Gully towards Jollie Brook

Omuku	Waterway
Pauri	River
Pukeāhua	Permanent Settlement & Food Production
Puaka	A Habitation Tuna An Eel Weir
Pakihi Maroke	
Rikarika	Tuna An Eel Weir
Rangi hauku	A ridge in Kaituna Valley
Taramata	A Settlement with permanent stockade that belonged to Tū Te Waimate of Rapuwai and Ngāti Māmoē. Weka, Aruhe, Tuna
Taumatarua	Production Site Kauru Aruhe
Te Awaakeake	Food Production Site Kauru, Aruhe, Kotukutuku, Tutu,
Te Notī	Food Production Site Kāuru, Aruhe, Kotukutuku, Tutu,
Te Awatutu	Food Production Site Kāuru, Aruhe, Kotukutuku, Tutu,
Tararoa	Tuna An Eel Weir
Tamanui	A Habitation & Eel Weir
Tāheke	Tuna
Te Kauaka	Permanent Settlement & Food Production
Te Awapunapuna	Between two waterways
Te Wai Tamapua	A swamp
Tamata kuri	Up the Irwell
Te Parapara	Up the Irwell
Te Raki	A stream bed
Te Awakokomuka	
Waikohuwai	Food Production Site Kāuru, Aruhe, Kiorē, Tuna, Ngā manu
Whakarewa	Food Gathering Site Tuna An Eel Pond
Whakaepa	Permanent Settlement & Food Production
Waianiwaniwa	Food Production Site Tuna, Pipiki, Weka, Koreke,
Whenua a Kura	Food Gathering Site Pond Whenua a Kura Food Gathering Site Pond
Waipakurakura	Up the Irwell
Ruapuna	Springs



WITH RESPECT TO FLOWS:

In addition to the taonga value of the place name itself, value also stems from knowing, being able to see the meaning of the place name when viewing the characteristics of the landscape, and being able to use sites as tupuna did.

Wai⁶

Without water no living thing, plant, fish or animal can survive. Water is taonga and this taonga value refers to values associated with the water itself, the resources living in the water and the resources in the wider environs that are sustained by the water. Further, water is a holistic resource and needs to be managed as such

Awa of the Waikirikiri Catchment include:

- Hororata – Hororata River
- Waianiwaniwa – Waianiwaniwa/Waireka River
- Pauri – Hawkins River
- Te Mimi o Taua – Glendore Creek
- Otāneākau – Tributary of Upper Waikirikiri
- Te Awatutu – Tributary of Upper Hawkins River
- Waikohuwai – Blacks Stream
- Te Awaakeake – Tributary of Hawkins River (near Waddington)

Other awa feeding Te Waihora include

- Selwyn iRiver - Waikirikiri
- Irwell River - Waiwhio,
- LII - Ararira,
- Halswell River - Huritini
- Harts Creek – Waitatari
- Waikekewai
- Te Raki
- Boggy Creek
- Kaituna
- Prices

Wai tapu

Specific freshwater sources are valued because of their status or usage. Values (both tangible and intangible) associated with specific freshwater resources include: the role of particular freshwater resources in creation stories; the role of those freshwater resources in historical accounts; the proximity of settlements and/or historical sites in or adjacent to specific freshwater resources; the value of freshwater resources as a source of tribal identity; mahinga kai; the use of freshwater resources as access routes or transport courses; and the continued capacity for future generations to access, use and treasure the resource (Ministry for Environment, 1998). Waters could be classed as Wai Tapu (sacred waters) or Wai Taonga (treasured waters). Expanding on this, traditional water classifications, which draw on the classifications proposed by Douglas (1984, 1), Palmer and Goodall (1989) Rochford (2003), and Williams (2006), offer another understanding the distinctive characteristics and values associated with different waterbodies. The classifications, as summarised in Table 3, denote saltwater and freshwater categories, distinguish other waters on the basis of physical character or levels of degradation, and identify specific cultural uses of different types of water.

⁶ The information is from O'Connell (undated)

Table 3: Summary of Traditional Water Classifications

Classifications by geographic location <i>Ki uta ki tai</i>	Classifications by spiritual description	Classification by physical description	Classification by special uses
Waimaori freshwater	Waimaori <ul style="list-style-type: none"> becomes waimaori when it comes into unprotected contact with humans. has a mauri (which is generally benevolent) and which can be controlled by ritual. 	Waimaori - is the term used to describe water that is running freely or unrestrained, or to describe water which is clear or lucid	Waimaori - is normal, usual and ordinary
	Waiora <ul style="list-style-type: none"> Pure water is termed Te Waiora a Tane, and to the Maori it contains the source of life and wellbeing. is the spiritual and physical expression of Rakinui the sky father, shedding tears at the loss of Papatūānuku, the earth. The rain is waiora 	Waiora - The purest form of water	Waiora <ul style="list-style-type: none"> is used to purify and heal. can remain pure, as waiora, only if its contact with humans is protected by appropriate ritual prayers. has the potential to give life, to sustain wellbeing, and to counteract evil
	Wai whakahaheke tupapaku - Classed as wai tapu		Wai whakahaheke tupapaku <ul style="list-style-type: none"> are water burial sites.
	Wai tohi - Classed as wai tapu		Wai tohi <ul style="list-style-type: none"> used by a tohunga during initiation and baptism ceremonies.
	Wai kino - is water, which has been polluted or debased, spoilt or corrupted. In wai kino, the mauri has been altered so that the supernatural forces are non-selective and can cause harm to anyone	Wai kino - describes water, which is rushing rapidly through a gorge, or water where there are large boulders or submerged snags which give the potential to cause harm to humans.	
	Waimate <ul style="list-style-type: none"> has lost its mauri or life force has the potential to cause ill fortune, contamination or distress to the mauri of other living things, including people, their kai moana or their agriculture. The subtle differences between wai kino and waimate seem to be based on the continued existence of a mauri (albeit damaged) in the former, and its total loss in the latter 	Waimate <ul style="list-style-type: none"> is dead, damaged or polluted water which has lost its power to rejuvenate either itself or other living things. has a geographical meaning, to denote sluggish water, a backwater to a main stream or tide, but in this sense the waimate retains its mauri. 	
Waimatairi - brackish water; the interface of freshwater & sea			
Wai tai - the sea, the surf or the tide, sea water	Wai tai - has returned to Tangaroa in the natural process of generation, degradation and rejuvenation.	Wai tai - Rough, angry or boisterous like the surf, or the surge of the tide.	
		Wai puna, or springs had various uses including mahinga kai, tūāhu, waiwhakahaheketūpāpaku	
Waihapua - refer to coastal estuaries and lagoons. Te Waihora is a waihapua			

WITH RESPECT TO FLOWS:

Wai tapu include Wai whakaheke tupapaku (water burials)⁷. In the context of this report, manawhenua are seeking the absolute protection of freshwater resources that are considered tapu, and seek the protection of the sufficient quantities of high quality waters of taonga value.

Maunga⁸

Maunga (Mountains) play an important role in spiritual and cultural beliefs of Ngai firstly as gateways to the atua (gods), and secondly as the gatherers of the tears of Rakinui (Sky Father), which in turn nourish Papatuanuku (Earth Mother). The maunga of the Waikirikiri hold a mixture of tupuna names, appearance names and use names. They generally act as reference points that guide people to a particular food gathering site. As they approach the maunga, they then refer to other icons such as waterways, trees or rocks to guide them.

Maunga of the Waikirikiri:

- Motukiore – Woolshed Hill
- Tarauri – Mount Misery
- Ruahine – Cairn Hill
- Pukeāhua – Abners Head
- Pukemārama – Racecourse Hill
- Kākāpōtahi – Malvern Hills

Kainga Noho/Pa Tawhito

Ngai Tahu lived an itinerant lifestyle and constantly moved following the seasonal variances of their mahinga kai. During the warmer months, a larger amount of time was spent in the higher altitudes, and during winter they generally retreated to their permanent coastal villages. In a contemporary sense, although there are provisions for papakainga housing in the District Plan, there is a need to ensure that there are sufficient quantities of drinking water to enable lands to be developed for papakainga housing.

WITH RESPECT TO FLOWS:

Ngai Tahu whanui want to ensure that flows in the rivers and the quality are conducive to

1) a range of cultural uses e.g. mahinga kai, swimming, camping being undertaken at the nohoanga.

2) Papakainga housing being established as envisaged in the District Plan

Urupa

Urupa are burial sites. Generally larger urupa are associated with the more permanent living settlements in the area. It must be noted though that there have been many accidental discoveries of urupa which have gone unrecorded, or have been desecrated or destroyed. Known Urupa in the Waikirikiri Catchment include:

- Whakaepa Pa – Coalgate
- Ohinekakaraiti – Junction of Kōwai & Waimakariri Rivers

⁷ See Tau et al (1990) Te Whakatau Kaupapa.

⁸ The information is from O'Connell (undated)

Wāhi pakanga¹⁰

Wāhi pakanga are places where historical battles took place between iwi, hapū or whānau. The sites automatically inherit a wāhi tapu (sacred site) status given the blood that has been shed upon it. Equally, those killed on the battle field were often buried in close proximity to the site and thus wāhi pakanga also have associated urupā. In absence of a known burial site, the wāhi pakanga is treated in the same reverence as if it were an urupā and those killed are in fact buried there. Prior to the attacks of Te Rauparaha in the early 1830's, Ngāi Tahu had been engaged in a large inter whānau feud aptly named Te Kaihuaka (Eat Relations). During this feud the Pa on Ripapa Island, whose chief was Taununu, was attacked by a Kaiapoi taua (war party). In utu (revenge), Taununu and his people travelled without detection to the pa of Whakaepa, near Coalgate and lay siege on the outpost killing all of its occupants. The site of the Whakaepa Pa remains a wāhi pakanga and holds special significance for Ngāi Tahu whānau whose tupuna (ancestors) were killed there.

WITH RESPECT TO FLOWS:

Burial sites of tupuna are wāhi tapu and their modification or destruction is prohibited. Ngai Tahu whanui want to ensure that 1) flows in the river do not increase the scale or extent of erosion (through benching, undercutting, erosive force) and 2) quality of water does give cultural offence

Marae



As noted earlier, Te Pā o Moki, was established as an outpost for the son of Te Ruahikihiki. The current whare, Ngāti Moki, was built on native reserve at Taumutu as a rūnanga hall in 1893.

WITH RESPECT TO FLOWS

Providing sufficient safe drinking water is fundamental for the whanau of Taumutu Marae.

Ara Tawhito (Ancient Trails)¹¹

Ngai Tahu whanui advised that tupuna would have travelled throughout the catchment when harvesting mahinga kai from the river valleys. Further to the fact that this catchment contained large numbers of birds, such as ducks and weka, kiore, and fish, it must also be noted that this valley was an important stopover for parties journeying through to Whakamātau (Lake Coleridge) and further to Noti Raureka (Brownings Pass) to gather pounamu from the Arahura River. It was also a stopover for parties travelling northwest over Ōtāneuru (Porters Pass) and into the Waimakariri basin.

¹⁰ The information is from O'Connell (undated)

¹¹ The information is from O'Connell (undated)

WITH RESPECT TO MANAGEMENT:

Ngai Tahu whanui want to ensure that access is provided throughout the catchment, especially to sites that are used by Tangata whenua. Linkages between sites of significance is also vitally important to whanau.

Mahinga kai

Ko nga hau ki etahi waahi, ko nga kai ki Orariki

No matter from which way the wind blows one can procure food at Te Waihora

Te Waihora Joint Management Plan has adopted a vision based on mahinga kai. This vision reflects the unique cultural values associated with Te Waihora and emphasizes the ecological processes and services that they contend are undervalued by contemporary resource management strategies.

The mahinga kai vision prioritizes efforts to re-naturalize processes that sustain mahinga kai and provides a direct and culturally appropriate means for monitoring and reporting restoration progress to whanau, hapu, and iwi. The mahinga kai sourced from the catchment is listed in Table 4.



Table 4: Mahinga kai species in the Waikirikiri – Te Waihora system¹²

Kai whenua (from the land)		Manu (birds)	
Māori name	English name	Māori name	English name
aruhe/tauhinu	fern root*	hua kaki ānau	black swan eggs ^o
harakeke	flax*	hua manu	other bird eggs
kākaho	reeds	kaki ānau	black swan ^o
kioe	rat ^o	karoro	black-backed gull*
kōwhiriwhiri	watercress (introduced)	kererū	wood pigeon**
kūmara	kumara	kōau	black** , pied* , little shag*
mānia	sedge*	kōtuku	white heron**
paru	mud	kunwhengi/ pāteke	New Zealand shoveller*
pingao	sand sedge*	matuku	Australasian bittern*
pūhā	sour thistle	pākura/pūkeke	pūkeke* ^o
raupō	bullrush/raupo*	pāpango/ raipo	New Zealand scaup/ black teal ⁺
rongoā	medicinal plants	pateke/ tarawhatu	brown teal**
tī kouka	cabbage tree*	pārera /māunu	grey duck* ^o
tororaro	wiggy wig	pūtakitaki	paradise shelduck**
wīwī/whiwhi/ wewe	rushes*	ririwaka	bar-tailed godwit*
Ika (fish)		ruru koukou	morepork**
aua	yellow-eyed mullet	tarāpuka	Red-billed gull ⁺
inanga, mata/ua	whitebait	tete	grey teal*
kanakana/ piharau	lamprey	whiowhio	blue duck ⁺
kōkopu	kōkopu		
mohoao	black/common flounder		
pāraki	smelt		
pātiki	3-corner flounder/ whitebelly		
pātiki totara	yellow-belly flounder		
tuna	eel		
ōpokororo	grayling		
kākahi	freshwater mussels		
waikōura	freshwater crayfish		
tuaki	cockles*		
A number of other marine fish species also intermittently inhabit Te Waihora and are sourced as mahinga kai.			

⁺ Protected under the Wildlife Act 1953.

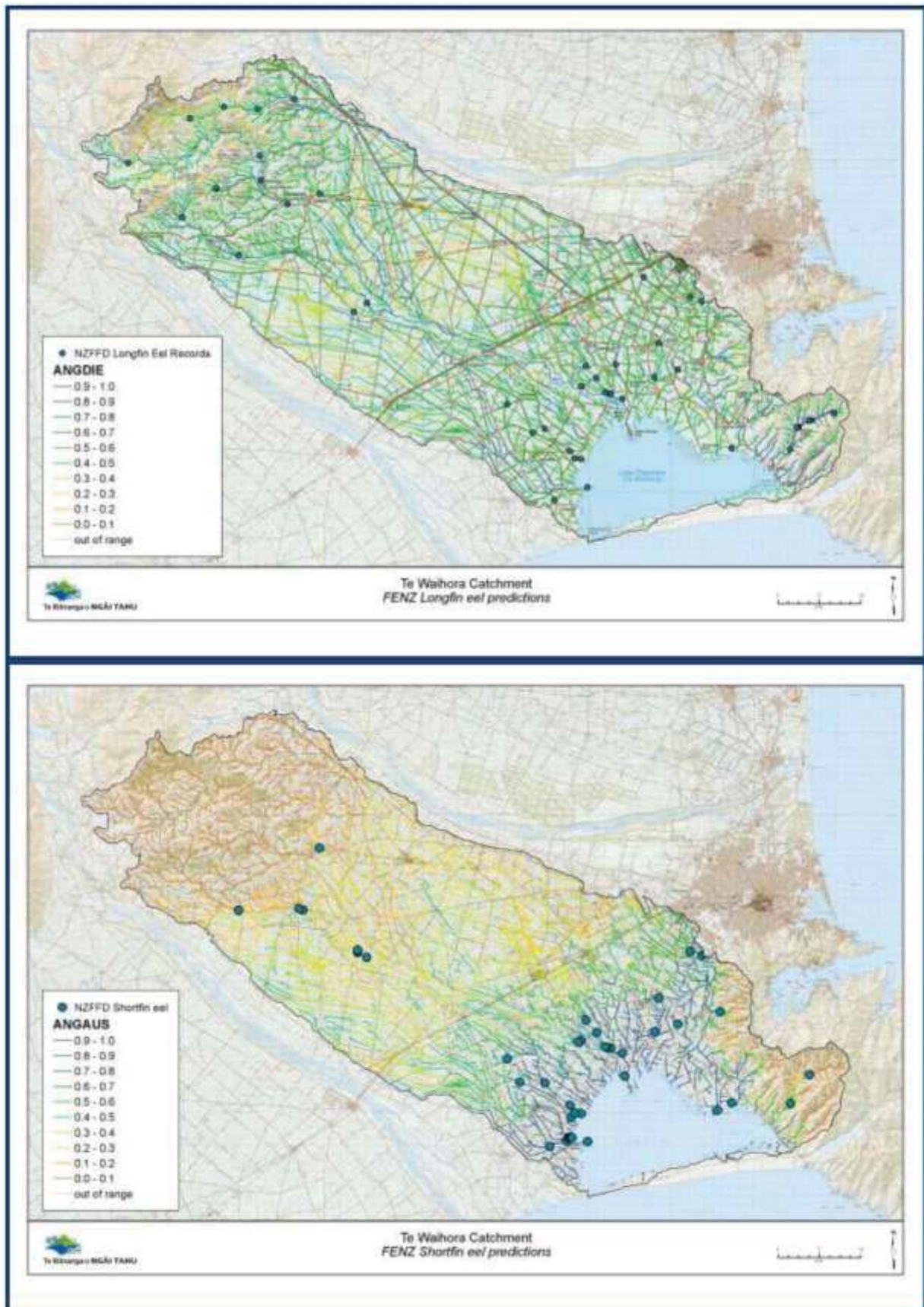
^{*} Customary fisheries 'Shellfish species' under the Ngāi Tahu Claims Settlement Act 1998.

^{*} Taonga Species under the Ngāi Tahu Claims Settlement Act 1998.

^o Game birds under the Wildlife Act 1953

Mahinga kai is the ultimate indicator of the cultural health of an ecosystem (Goodall, 2003). Using the Freshwater Ecosystems of NZ (FENZ) geo-database we are able to map the distribution of habitats for valued mahinga kai species in the Waikirikiri - Te Waihora system. For example, we have overlaid on the maps sites from the New Zealand Freshwater database where long fin eels (top map) and short fin eels (bottom map) have been recorded. Other species maps are in [Appendix 3](#).

¹² This table can be found the Te Waihora Joint Management Plan



WITH RESPECT TO MANAGEMENT:

Ngai Tahu whanui want to restore the distribution of species to their historic range – ki uta ki tai. Protecting long fin tuna is a priority. Abundance and condition of species is also to be enhanced.

Water quality and water quantity are essential to sustaining mahinga kai within the Waikirikiri - Te Waihora catchments. The ecological function and health of the catchment become a holistic measure of water management, and provide a pathway toward the restoration and maintenance of mahinga kai.

To provide context for realising a mahinga kai vision, in Part 6 we begin by describing changes to ecosystem processes observed by Ngai Tahu resulting in a shift from a mahinga kai based economy historically. We then highlight attributes of the hydrology, geomorphology, habitat and network connectivity, riverine biotic community, and riparian vegetation that are considered by whanau to be essential in the sustained production of mahinga kai.

Wahi raranga

This site is similar to a mahinga kai but differs in that it is specifically valued for the weaving resources that are found there. A wahi raranga is more often a stand of harakeke (flax) but can also include species such as taramea (spaniard), ti kouka (cabbage tree), neinei (shrub), raupō (bulrush), and toetoe. In many cases wahi raranga were planted specifically to supply a food preparation or habitation site. This is a well-known fact for such plants as harakeke that, depending on the variety, can be used for different purposes.

WITH RESPECT TO MANAGEMENT:

Ngai Tahu whanui want to protect existing remnants of native vegetation and encourage the replanting on indigenous species valued for their cultural uses.



Ngahere

The location and distribution of remaining areas of native vegetation perform an important function as ecological corridors for toanga bird species seeking, for example food sources and nesting sites both within the forest blocks and in adjoining areas of native vegetation. Plants found in the catchments are summarised in Table 5¹³.

Common Name	Māori Name	Botanical Name	Significance
akeake	akeake	<i>Dodonea viscosa</i>	at its distribution limit
bog rush		<i>Schoenus pauciflorus</i>	important to Ngai Tahu
bullrush	raupō	<i>Typha angustifolia</i>	taonga species
cabbage tree	tī rākau/ tī kōuka	<i>Cordyline australis</i>	taonga species
club rush	wīwī	<i>Bolboschoenus caldwellii</i>	important to Ngai Tahu
common rush	wīwī	<i>Juncus gregiflorus</i>	taonga species
coprosma	karamū	<i>Coprosma robusta, coprosma lucida, coprosma foetidissima</i>	taonga species
fernroot (bracken)	aruhe	<i>Pteridium aquilinum var. esculentum</i>	taonga species
giant umbrella sedge	toetoe	<i>Cyperus ustulatus</i>	rare in Canterbury
jointed wire rush	oiol	<i>Leptocarpus similis</i>	important to Ngai Tahu
knobby clubrush	wīwī	<i>Isolepis nodosa</i>	important to Ngai Tahu
kōwhai	kōwhai /kōhai	<i>Sophora microphylla</i>	taonga species
lake clubrush / tall sedge	kuta	<i>Schoenoplectus validus</i>	important to Ngai Tahu
NZ flax	harakeke	<i>Phormium tenax</i>	taonga species
ngāio	ngāio	<i>Myoporum laetum</i>	taonga species
NZ broom	maukoro	<i>Carmichaelia appressa</i>	important to Ngai Tahu
orchid	māikaika	<i>Spiranthes sinensis</i>	rare native
pīngao	pīngao	<i>Desmoschoenus spiralis</i>	taonga species
pukio	pukio	<i>Carex secta</i>	important to Ngai Tahu
purple mimulus		<i>Mimulus repens</i>	uncommon (Sparse)
ruatahi	toetoe/ ruatahi	<i>Carex conica</i>	important to Ngai Tahu
saltmarsh ribbonwood		<i>Plagianthus divaricatus</i>	
sea rush	wīwī	<i>Juncus maritimus</i>	taonga species

WITH RESPECT TO MANAGEMENT:

Ngai Tahu whanui want to protect existing remnants of native vegetation and encourage the replanting on indigenous species, especially in the headwaters and on riparian margins.

¹³ This table can be found the Te Waihora Joint Management Plan

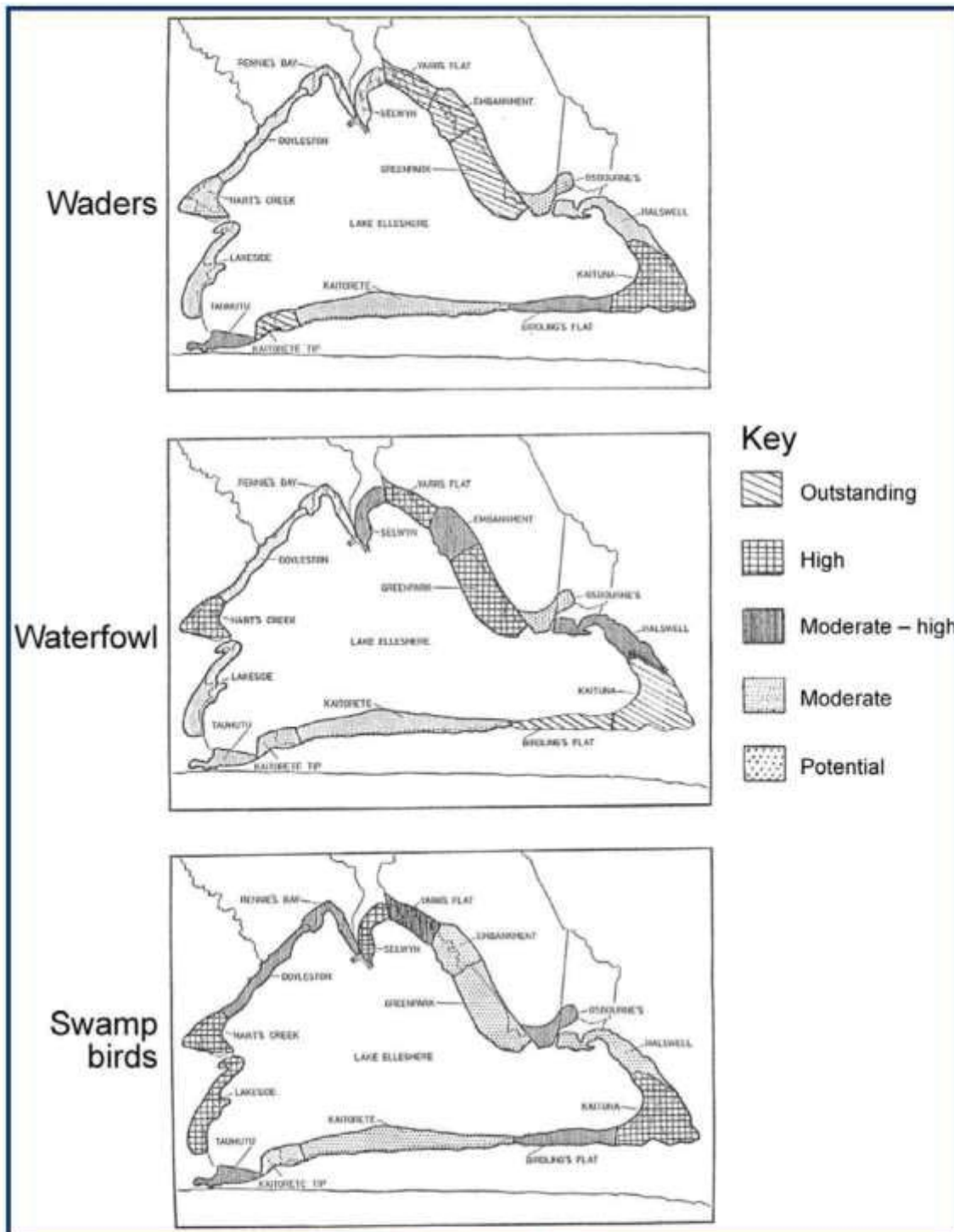
Taonga species

There are numerous bird species within the catchment, many of which are classed as taonga species in the Ngai Tahu Claims Settlement Act 1998 as detailed in the Table that follows¹⁴.

Common Name	Māori Name	Scientific Name	Significance
Australasian bittern	matukuhurepo	<i>Botaurus poiciloptilus</i>	nationally endangered
Australasian/New Zealand shoveler	kuruwhengi	<i>Anas rhynchos</i>	game bird taonga species
banded dotterel	powhera, tuturiwhatu	<i>Charadrius bicinctus bicinctus</i>	gradual decline taonga species
bar-tailed godwit	kuaka	<i>Limosa lapponica</i>	migrant
black shag	kōau	<i>Phalacrocorax carbo novaezelandiae</i>	sparse taonga species
black stilt	kakī	<i>Himantopus novaezelandiae</i>	nationally critical taonga species
black swan	kakī anu	<i>Cygnus atratus</i>	game bird important to Ngāi Tahu
black-billed gull	akiaki, katatō	<i>Larus bulleri</i>	serious decline
black-fronted tern	tara	<i>Sterna albobristata</i>	serious decline taonga species
black-tailed godwit	kuaka, rakakao	<i>Limosa limosa</i>	migrant
broad-billed sandpiper		<i>Limicola falcinellus</i>	migrant
brown teal	pateke/ tarawhatu	<i>Anas aucklandica chlorotis</i>	taonga species
Canada goose		<i>Branta canadensis</i>	game bird
caspian tern	taranui	<i>Sterna caspia</i>	nationally vulnerable taonga species
curlew sandpiper		<i>Calidris ferruginea</i>	migrant
great knot		<i>Calidris tenuirostris</i>	migrant
grey duck	pārerā	<i>Anas superciliosa superciliosa</i>	taonga species game bird
grey phalarope		<i>Phalaropus fulicaria</i>	migrant
grey teal	tete	<i>Anas gracilis</i>	taonga species
kingfisher	kōtare	<i>Todiramphus sanctus</i>	taonga species
little shag	kawaupaka kōau	<i>Phalacrocorax melanoleucos brevirostris</i>	taonga species
little stint		<i>Calidris minuta</i>	migrant
little tern	tara	<i>Sterna albitrons</i>	taonga species
mallard duck		<i>Anas platyrhynchos</i>	game bird
marsh crane	koitareke	<i>Porzana pusilla affinis</i>	sparse
marsh sandpiper		<i>Tringa stagnatilis</i>	migrant
paradise shelduck	pōtakitaki	<i>Tadorna variegata</i>	taonga species game bird
pied stilt	poaka	<i>Himantopus himantopus leucocephalus</i>	taonga species

Habitats used by the various bird species are shown over the page in Figure 4¹⁵.

¹⁴ This table can be found in the Te Waihora Joint Management Plan



WITH RESPECT TO MANAGEMENT:

Inflows to Te Waihora need to enhance the quantity and quality of habitat for taonga bird species at all life stages.

¹⁵ This figure can be found the Te Waihora Joint Management Plan

There are also a number of fish species within the catchment: again many of these are classed as taonga species in the Ngāi Tahu Claims Settlement Act 1998 as shown in the following table¹⁶.

Common Name	Māori Name	Scientific name	Present in Lake	Present in Tributaries	Significance ¹⁵
banded kōkōpu		<i>Galaxias fasciatus</i>	✓	✓	important to Ngāi Tahu recreational catch not threatened
black flounder	mohao	<i>Rhombosolea retiana</i>	✓	✓	important to Ngāi Tahu commercial not threatened
brook char		<i>Salvelinus fontinalis</i>		✓	introduced
brown trout		<i>Salmo trutta</i>	✓	✓	introduced recreational sports fish
Canterbury galaxias		<i>Galaxias vulgaris</i>		✓	not threatened
Canterbury mudfish	kōwaro	<i>Neochanna burrowsius</i>		✓	taonga fish species nationally endangered
catfish		<i>Ameiurus nebulosus</i>	✓	✓	introduced pest fish
common bully	kokopara	<i>Gobiomorphus cobidianus</i>	✓	✓	not threatened
common shrimp			✓	✓	taonga fish species
common smelt	paraki/ ngāiore	<i>Retropinna retropinna</i>	✓	✓	taonga fish species not threatened
common sole	pātiki rori	<i>Peltorhamphus novaezeelandiae</i>	✓		occasional visitor
freshwater crayfish	waikōura	<i>Paraneohrops</i>		✓	possibly locally threatened
freshwater mussels	kākahi	<i>Hyridella</i>		✓	possibly locally threatened important to Ngāi Tahu
giant bully	kokopara	<i>Gobiomorphus gobioides</i>		✓	taonga fish species not threatened
goldfish		<i>Carassius auratus</i>	✓	✓	introduced
greenback flounder	pātiki	<i>Rhombosolea tapirina</i>	✓		important to Ngāi Tahu commercial occasional visitor
hake		<i>Merluccius australis</i>	✓		introduced occasional visitor
inanga	inanga	<i>Galaxias maculatus</i>	✓	✓	important to Ngāi Tahu recreational catch not threatened
kahawai		<i>Ampelis trutta</i>	✓		not threatened

¹⁵ Including threat extinction rankings from Molloy, J (et al.) 2001.

¹⁶ This table can be found the Te Waihora Joint Management Plan

Common Name	Māori Name	Scientific name	Present in Lake	Present in Tributaries	Significance ¹⁵
koaro		<i>Galaxias brevipinnis</i>	✓	✓	important to Ngāi Tahu recreational catch not threatened
lamprey	kanakana	<i>Geotria australis</i>	✓	✓	important to Ngāi Tahu transitory not threatened
long-finned eel	tuna	<i>Anguilla dieffenbachia</i> and <i>A. dieffenbachii</i>	✓	✓	important to Ngāi Tahu commercial nationally threatened (gradual decline)
perch		<i>Perca fluviatilis</i>	✓	✓	coarse fish recreational sports fish
quinnat/ chinook salmon		<i>Oncorhynchus tshawytscha</i>	✓	✓	introduced recreational sports fish occasional visitor
rudd		<i>Scardinius erythrophthalmus</i>	✓	✓	introduced noxious pest fish
sand flounder	pātiki	<i>Rhombosolea plebeia</i>	✓		important to Ngāi Tahu commercial
short-finned eel	tuna	<i>Anguilla australis</i>	✓	✓	important to Ngāi Tahu commercial not threatened
sprat		<i>Sprattus antipidum</i>	✓		introduced occasional visitor
tench		<i>Tinca tinca</i>	✓	✓	coarse fish Recreational sports fish
torrentfish	piripiripōhatu	<i>Cheimarrichthys fosteri</i>	✓	✓	taonga fish species
upland bully		<i>Gobiomorphus breviceps</i>		✓	not threatened
yellowbelly flounder	pātiki tōtara	<i>Rhombosolea leporina</i>	✓		important to Ngāi Tahu commercial
yellow-eyed mullet	aua	<i>Aldrichetta forsteri</i>	✓		important to Ngāi Tahu commercial not threatened

WITH RESPECT TO MANAGEMENT:

Flows need to ensure the protection of habitats used by all taonga species at all life stages.

Wāhi Kohātu (Rock Formations)

Ngai Tahu whanui advised that there are a number of interesting rock formations in the Waikirikiri - Te Waihora catchments. They do not want to see such sites impacted by inundation or micro-climates (which can be created from changes in the extent of irrigated land area), or changing groundwater levels.

WITH RESPECT TO MANAGEMENT:

Ngai Tahu whanui wants to protect valued cultural landscapes that comprise waterway, geological features and evidence of cultural use (e.g. rock shelter, campsite, marae etc).

Reserves, easements

There are a number of reserves, easements and entitlements in the Waikirikiri - Te Waihora catchments. Ngai Tahu surrendered title to significant tracts of lands in the nineteenth century however small tracts of land were identified as reserves for Ngai Tahu. Many of the reserves and fishing easements can be traced back to Crown Grants to Ngai Tahu whanui which stem from the Southern Purchase Deeds negotiated between 1844 and 1857. For lands that were granted to enable the continuation of a food gathering lifestyle, certain guarantees were provided with respect to the nature of natural resources that were to sustain this lifestyle.

Table 2: A list of some of the native reserves in the province of Canterbury¹⁷

Reserve Name	Size (acres)	Interest
Section 232 Lyttelton	1	
Section 12,373 Waikawa	150	
Old Kaiapoi pa	5	An implied trust reserved by Mantell
Little River	4	An old urupa
Kaiapoi	2640	Reserved in 1848 by Mantell in terms of Kemps Purchase
Kaikanui	4	Reserved in 1848 by Mantell in terms of Kemps Purchase
Rapaki	850	Reserved in 1849 by Mantell in terms of the Port Cooper Purchase
Purau	9	Reserved in 1849 by Mantell in terms of the Port Cooper purchase
Koukourarata	1361	Reserved in 1849 by Mantell in terms of the Port Levy purchase
Opukutahi	432	Reserved by Mr Hamilton in 1856
Onuku	426	Reserved by Mr Hamilton in 1856
Wairewa	440	Reserved by Mr Hamilton in 1856
Taumutu	76	Reserved in 1848 by Mantell in terms of Kemps Purchase
Taumutu	42	Reserved in 1848 by Mantell in terms of Kemps Purchase
Arowhenua	376	Reserved in 1848 by Mantell in terms of Kemps Purchase
Waipopo	187	Reserved in 1848 by Mantell in terms of Kemps Purchase
Te Upoko o Rakaitaweka	20	Reserved in 1848 by Mantell in terms of Kemps Purchase
Tauhinu	23	Reserved in 1848 by Mantell in terms of Kemps Purchase
Waimatamate	40	Reserved by the Canterbury Association
Waikawa	138	Selected in lieu of reserve at Hakataramea
Rakipaua	20	Reserved in 1848 by Mantell in terms of Kemps Purchase

¹⁷ Alexander Mackay (1872) A Compendium of Official Documents relative to Native Affairs in the South Island, Memorandum on the origination and management of native reserves in the Southern Island Pages 338 and 339 of Volume 2.

Kaiapoi	72	Reserved by the Governor General to supplement land at Kaiapoi
Kaiapoi	200	Award of the Native Land Court in 1868 in fulfillment of the terms of Kemps Deed of June 1848
Kaiapoi	350	Award of the NLC ¹⁸ , 1868 in fulfillment of Kemps Deed June 1848
Kaiapoi	450	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Kaiapoi	15	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Kaiapoi	10	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Kaiapoi	20	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Kaiapoi	10	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Kaiapoi	10	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Taumutu	128	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Little River	100	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Arowhenua	2	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Arowhenua	150	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Arowhenua	30	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848
Arowhenua	20	Award of the NLC, 1868, in fulfillment of Kemps Deed of June 1848

WITH RESPECT TO FLOWS:

Manawhenua want to ensure that the health of the river-lake system enables them to occupy and use the reserves to which they are entitled – right that has been acknowledged by the Crown as early as 1868 and as recently as The Ngai Tahu Claims Settlement.

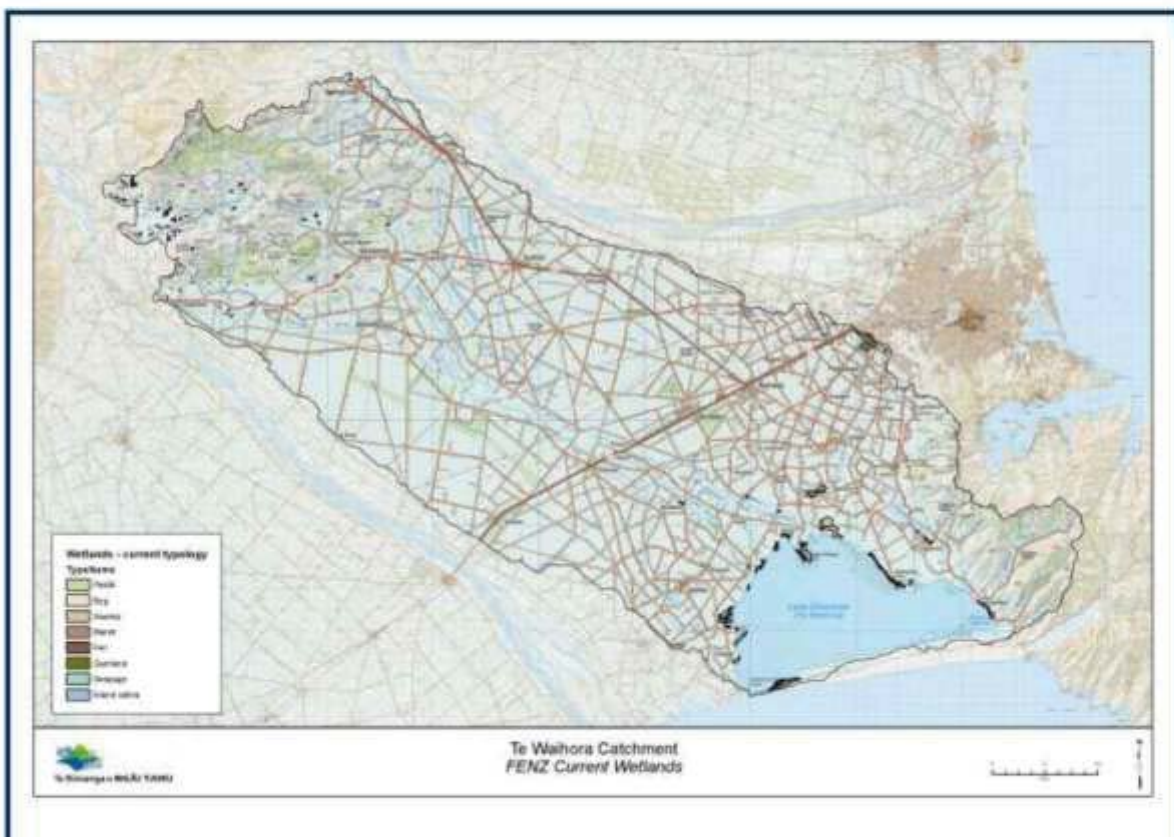
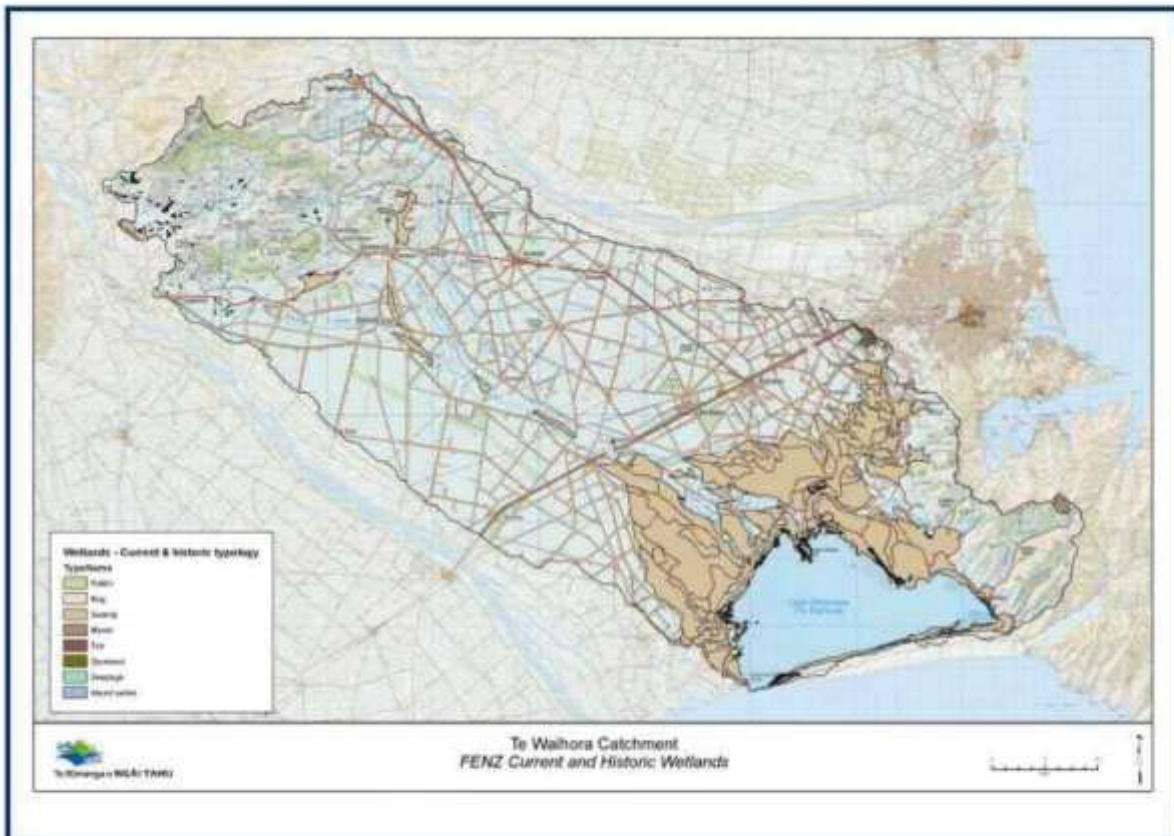
Repo raupo

"Repo Raupō" is the general term applied to wetlands. These areas were important sources of mahinga kai or were rich in biodiversity that supported species that were considered important mahinga kai. These areas were also valued for such things as paru (mud for dye).



Using FENZ we are able to identify the extent of wetlands historically and compare that to the range and distribution of wetlands today.

¹⁸ NLC refers to the Native Land Court



WITH RESPECT TO FLOWS:

Whanau want to ensure the protection of existing wetlands but would prefer to see opportunities created to restore wetlands to their historic range. A programme of reinstatement should be investigated. This could include the lake being raised.

4.4 Spiritual significance of intergenerational links

People have inhabited Waikirikiri - Te Waihora catchments because they could find food season by season, access water and building materials, and collect plants for food, medicine, and crafts. Whanau continue to live in the catchment because of the resources the rivers and lake afford. However, there is a unique relationship that exists between Tangata whenua and the Waikirikiri - Te Waihora catchments. A spiritual relationship enables them to understand their role in the world, to respect the rivers and lake, to interact with these as their tupuna did, to value their intrinsic worth as an integral ecosystem that sits at the core of their identity and wellbeing.

WITH RESPECT TO FLOWS:

Ngai Tahu whanui want to restore the associations with the Waikirikiri - Te Waihora catchments by restoring significant cultural landscapes that are dependent on sufficient quantities of high quality water. This will in turn enable the re-establishment of cultural practices and uses essential to the cultural wellbeing of whanau, hapu and iwi.

**Harts Creek****Selwyn River**



Cultural Impact assessment:

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

Prepared for: Synlait Milk Ltd.

Prepared by: Dyanna Jolly (Witaskēwin), on behalf of Te Taumutu Rūnanga

March 2014

Cover image:

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

Report prepared by:

Dyanna Jolly (Witaskēwin). PO Box 69211 Lincoln 7640



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 Papatūanuku (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 is 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*.

Boffa Miskell. 2013. *Addendum – Policy Review of Mahaanui Iwi Management Plan*. Synlait Milk Limited – Stage 4 Expansion.

THE RESOURCE MANAGEMENT ACT 1991

CHABGE PROPONENT:	SYNLAIT MILK LTD
LOCAL AUTHORITY:	SELWYN DISTRICT COUNCIL
SUBJECT MATTER:	A privately-initiated request for plan change to create a 'Dairy Processing Management Area'
SITE DESCRIPTION:	Lots 1 and 2 DP 414579, CFR Identifiers 454867 and 454868
REFERENCE:	Proposed Change 43 to the Selwyn District Plan
HEARING DATE:	3 rd December 2014

Appearances:

- Ewan Chapman and Shoshona Galbreath for the Change Proponent, **Synlait Milk Ltd**

Melanie Foote to present a s42A report

Summary of Recommendation: that the Change be adopted by the Council, in an amended form

RECOMMENDATION OF THE COMMISSIONER

PRELIMINARY¹

(1) On 16th May 2014, and pursuant to Clause 22 of the Second Schedule to the Resource Management Act 1991, **Synlait Milk Limited** sought a change to the Operative District Plan of the Selwyn District Council. The purpose of the Change was expressed to be that of recognising “the existing dairy plant established by Synlait at Dunsandel in 2006 [by] providing for its continuing use and its future expansion.” In brief, Synlait proposes that provision should be made in the Plan for a ‘Dairy Processing Management Area’ (DPMA) having “a specific set of rules for activities and buildings relating to dairy processing” operating effectively as a sub-zone within the existing Rural (Outer Plains) zone of the Plan, the rules of which would underlie the provisions that Synlait seeks to insert. As is required by the Act the request for plan change identified the purpose of and reasons for the change sought, and contained a s32 ‘evaluation report’ and a description of (anticipated) environmental effects.

(2) This proposal² was publicly notified on 5th July 2014, attracting 6 submissions. Of these, one provided conditional support, one support in part and three were in opposition. No ‘further submissions’ were received. By letter of 16th October 2014 (from Andrew Mactier, a Selwyn District Council Strategy and Policy Planner) I was advised that I had been appointed “as commissioner ... to hear, decide and write the recommendation on the private plan change application ‘Plan Change 43’ from Synlait Milk Ltd, PC130043.”

(3) By the time of hearing the concerns of submitters had largely dissolved, Synlait proceeding on the basis of further amendments which, it appeared, had been agreed following discussion with Council Officers and relevant submitters. Evidence and submissions were heard on the 3rd December and I viewed the area on the 4th. Further information – requested by me and provided by Synlait – arrived on the 15th December, essentially as part of Mr Chapman’s reply.

(4) As the holder of delegated authority pursuant to s34A (1) my powers do not extend to the approval (or otherwise) of the proposed Change; I have recommendatory power only. In the course of the exercise of that, however, I must traverse the matters required in the ultimate decision – a matter for the Council itself – including:

- (a) ... the reasons for accepting or rejecting the submissions...; and
- (ab) ... a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA;

That decision may also include (clause (b) :

- (i) matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and

¹ In this section and in those to follow, quoted passages are either shown within quotation marks or shown in-set and in a font smaller than the rest of the text

² As amended following the supply of further information and review by the Council.

- (ii) any other matter relevant to the proposed statement or plan arising from the submissions.³

BACKGROUND

(5) The Synlait plant at Dunsandel (in fact, some distance south-west of that township and near the intersection of SH1 and Heslerton Road) was constructed in 2007 following the grant of resource consent and has been extended since – again as authorised by successive resource consents. Mr Chapman, in opening, put the position in the following way:

The dairy plant is a “rural based industrial activity” as defined under the Selwyn District Plan, and while it is recognised as a legitimate activity that could be anticipated in the Rural Outer Plains, there are no applicable rules enabling development or activities without a resource consent and there is limited policy guidance ...

... through the consenting process Synlait has been “shoe-horning” itself into being benchmarked against the matters listed in the plan for consideration, when it is plain, that the current plan never intended a development of that magnitude.⁴

With the substitution of ‘contemplated’ for “intended” I accept that statement.

(6) According to Mr Betteridge – the General Manager of Synlait – the plant now processes “500 million litres of milk a year from around 160 farms and employ[s] over 200 staff.” Quite clearly, the 18 or so resource consents granted in respect of the plant since 2006 have imposed significant delays, uncertainties and ‘transaction costs’ on Synlait, something that it wishes to reduce for the future.

AN OVERVIEW

(7) The resource consents held by Synlait have an indefinite life.⁵ Accordingly the structures authorised by them are (i) in their own right some of the natural and physical resources that the Act requires sustainably to be managed and (ii) part of the existing environment. While conceivably it might be argued that removal of those structures (and of the activity) would ‘enhance’ the environment, nothing to that effect was advanced in submissions. As to the present activities (as well as the structures themselves): I must assume that in each of the resource consents thus far granted it has been determined that, individually and in sum, the purpose of the Act has been advanced thereby – in particular, that their grant enables relevant people and communities to provide for their own wellbeing (of the kinds indicated in s5). For those reasons I consider that the continued existence of a milk processing plant on the subject land is not a question open in the present proceedings.

(8) The present issue is thus one of technique; the question being whether, when viewed from the standpoint of Part 2, it is *more* in accordance with the purpose of the Act for the

³ Clause 10, First Schedule

⁴ Opening submissions, paragraphs 4 and 5

⁵

continuing 'life' of the plan to be controlled by plan rules of the kind now proposed or by the result of successive resource consent applications. I think that it can now be said – following amendments to the Act permitting the 'private' initiation of plan changes – that there is now no 'in principle' answer; in particular, the old presumption against 'spot zoning' may now give way in the case of what may be called 'project-oriented changes'.

(9) None of the submitters to Change 43 appeared in support of their (formal) submissions).⁶ According to Mr Chapman that was because discussions between Synlait and each of the submitters had led to amendments to the Change which satisfied the concerns of each. The relevant amendments are, in effect, now adopted by Synlait as its own. Subject to compliance with s32AA I take it as uncontroversial that the proponent of a *privately initiated* plan change proponent may amend its proposal either to reduce the scope of the alteration proposed or in ways otherwise open to the decision-maker⁷ – always assuming that the alterations are not such as would require further notification. The alterations now put forward by Synlait meet these criteria. I note that the s42A reports raised an issue with regard to the proposed technique of 'management plans' – a matter to be discussed later. Reports of this kind are not submissions⁸ and cannot found alterations to the proposed change of the kind contemplated by Clause 10(2)(b) (i) of the First Schedule.

(10) As is required by clause 22 of the 1st Schedule to the Act, the request for plan change contained a s32A 'evaluation report' prepared on behalf of the proponent. That report concluded that:

- (a) The objectives of the proposal were the most appropriate way of achieving the objectives of the Act; and
- (b) The provisions in the proposal were the most effective and efficient way of achieving (i) the objectives of the proposal and (ii) the objectives of the Plan, to the extent that they are relevant.

As I read them, none of the submissions challenged the first of these conclusions⁹ – certainly no argument was advanced at the hearing to this effect. Given that the s42A reports recommended the adoption of Change 43 (albeit with amendments) as an appropriate means of controlling the activities under consideration, neither issue appears to remain open, at least in practical terms. To the extent that the second conclusion was put in issue – largely by focusing upon elements of detail within the proposed rules – resolution seems to have been reached. The one submission in respect of which this seems not to have occurred – that of Dairy Holdings Ltd, a local landowner – sought a dedicated alternative route for vehicles and appropriate road safety changes to the wider network. Even had the nature of these changes and the need for them been established in evidence it seems likely that the "relief sought" could not have been obtained on these

⁶ A representative of the submitter IZONE was present throughout but declined to enter an appearance

⁷ Including those open in terms of Clauses 10 and 16 of the First Schedule

⁸ The Council has an independent power to submit on a plan change, but in this case did not do so

⁹ The IZONE submission argued that the *provisions* went beyond appropriate objectives, particularly by including more land within the DPMA than was justifiable. This submission seems to have rested on a concern that, the area might come to include a wider range of activities than those currently carried out, thus undermining the development of industrial zones elsewhere in the Selwyn District. This argument may perhaps have been directed at both conclusions but was not pursued.

proceedings. In that regard the only open question is whether the *absence* of provisions of this sort fatally undermines the proposal. On the information available to me I am satisfied that it does not. This recommendation will focus, therefore, on particular and unresolved issues canvassed in the course of the hearing.

‘MANAGEMENT PLANS’

(11) In both its notified and amended forms proposed Change 43 makes use of a somewhat controversial technique – provisions requiring the later preparation (and, at times, later approval) of documents having determinative effect – here called ‘management plans’.¹⁰ In the amended form of the proposal these purport to require, as “Standards for Permitted Activities”:

- (a) The provision, to the Selwyn District Council prior to the issue of a building consent for new buildings, of a “landscape plan” detailing specified matters (proposed Rule 26.6);
- (b) A requirement that “earthworks [which] exceed 5000m³ ... be undertaken in accordance with an Earthworks Management Plan approved by the Selwyn District Council prior to the commencement of Earthworks ...” Such a plan is to include (but is not limited to) specified matters (proposed Rule 26.11);
- (c) A “Noise Management Plan” to be submitted to the Council at least annually, which is to “include best practice procedures to ensure compliance with noise standards ...” (proposed Rule 26.19);
- (d) A “Hazardous Substances Management Plan” to be submitted to the Selwyn District council (and updated periodically) confirming “compliance with the requirements of the Hazardous Substances and New Organisms Act ...” (proposed Rules 26.23 and 26.24); and
- (e) A “Construction Management Plan [to be] submitted for approval to the Selwyn District Council at least “20 working days prior to the commencement of construction works that will increase the capacity of milk processing or storage on site ...” (proposed Rule 26.43)

Additionally, and where the required plans are not provided and/or approved, the relevant ‘activities’ fall to be considered as limited discretionary activities (unless otherwise of a lower status).

(12) As was known to Mr Chapman, I have on other occasions expressed reservations as to the lawfulness of provisions of this kind.¹¹ In order to overcome these concerns he cited decisions of the Environment Court which, he submitted, legitimised the approach, and referred to other plans in which the ‘management plan’ technique had been employed. The authorities cited were:

Wood v West Coast Regional Council DC127/99;
Road Metals Co Ltd v Selwyn District Council [2012] NZEnvC 214; and
West Coast Environmental Network v West Coast Regional Council [2013] NZEnvC 178 and 253.

¹⁰ To be distinguished from the ‘Outline Development Plan’ contained within the change itself. The term itself is not one of art – what is important is not what the document is called but what it is designed to do. For that reason I have, in this recommendation, contained the term within single quotation marks.

¹¹ See, for example, my recommendation to the Selwyn District Council in relation to proposed Change 24.

Notably, each of these decisions was on an application for resource consent. Relevantly, the issue in each was whether the consent conditions then under consideration amounted to an illegitimate delegation of the consent authority's judicial function – a determination as to whether consent should be granted and if so upon what conditions.

(13) On my analysis these decisions are authority for the following propositions:

- (a) A 'management plan' may lawfully be required as a condition of a resource consent when its purpose is to identify the means by which the consent-holder intends to comply with other (and otherwise lawful) conditions of consent;
- (b) A condition of consent may lawfully require certification, by an appropriate person, that the *purpose* of another condition has been met, where either that purpose or the parameters (or criteria of judgment) have sufficiently been specified – a 'certifier condition';
- (c) Conditions that call for later approvals *not* meeting these criteria are unlawful (in the absence of specific legislative authorisation); and
- (d) Whether there is a sufficient specification for the purpose of (b) above is itself a matter of judgment.

(14) At first sight these propositions may seem appropriate to the current issue – that of the lawfulness of rules proposed for a plan. The context is, however, somewhat different. Firstly, and while there are undoubtedly 'judicial' elements in the consideration of proposed RMA documents and submissions in respect of them, that exercise is at heart one of delegated legislation taking place in the context of public participation through the medium of 'submissions'. More importantly, the imposition of *conditions of consent* is governed by s108, whereas the 'conditions' appropriate to plan provisions must accord with sections 76 and 87A. Section 108 is both wide in apparent scope and accompanied by specific – and, apparently additional – authorisations. Thus conditions attached to a resource consent may require the provision of information about its exercise (ss3) and the carrying out, by the consent holder, of a general monitoring role (ss4). The clear implication of ss5, however, is that absent the express authorisations in ss3 and ss4, conditions of that kind would have been unlawful.

(15) The present issue has to do (in substantial part) with the classification of activities; in particular with the boundary between activities that may be undertaken 'as of right' and those for which consent is required.¹² By definition, an activity is 'permitted' only "if it complies with the requirements, conditions, and permissions, if any, *specified* in the ... plan ..." (s87A (1), my emphases). Notably, and in this context, compliance with plan 'requirements' and the like is to be demonstrated within the *activity as performed*, rather than through the imposition of some additional requirement falling on those responsible for its occurrence. Inferentially, therefore, a condition of the kind identified in (13) (a) above cannot lawfully be included in a District Plan as a means by which 'permitted' and other activities are to be separated. This point is additional to, but reinforces, that made in the preceding paragraph.

¹² That this is so is clear from the identification of relevant provisions as 'Standards for Permitted Activities' and from the wording of proposed Rule 26.38.

(16) A further question is whether the provisions under consideration qualify as a *specification* of the ‘conditions’ (etc.) to which a relevant activity is subject. As a matter of principle, and in ‘boundary’ questions, a purported ‘standard’, ‘requirement’ or ‘condition’ should be such as will enable (reasonably literate and informed) people reading the plan to decide *for themselves* whether any of the types of consent envisaged by s87A is required (or, perhaps, is available at all). One which calls for future assessment in order that the status of ‘permitted activity’ be attained fails (in my view) to meet that criterion.¹³

(17) Section 76(1), which authorises the inclusion of rules in a District Plan, limits the ability of the Council in this respect to rules that are for the purpose of:

- (a) Carrying out its functions *under this Act*; (my emphasis) and
- (b) Achieving the objectives and policies of the plan.

There can, of course, be overlaps between RMA functions and those conferred upon territorial authorities by other legislation. The ‘overlap’ presently in issue is with the purpose and provisions of the Hazardous Substances and New Organisms Act 1996. Proposed Rules 26.3 and 26.4 – paragraph (11) (d) above – are plainly intended to enable the Council better to perform its functions under HSNO ‘96 and seek to provide a mechanism through which those carrying out activities in the proposed Dairy Processing Management Area can demonstrate compliance with that Act. That does not seem to me to be authorised by s76 (a) (1).

(18) **Whichever way this question is viewed it seems to me that none of the provisions identified in paragraph 11 above meet the necessary criteria of lawfulness for plan provisions of the kind to which s87A (1) applies.** A further matter relevant to this conclusion is the existence within the Act of a consent structure designed to enable matters of limited significance to be considered quickly, often without public notification and in a way that limits ‘transaction costs’. Given that to be the legislative intent of those provisions, it would be surprising if the ‘formal’ consent structures that they enable – applications for controlled and limited discretionary activities – could be subverted by informal processes of the kind identified in (11) above..

WHAT, THEN, IS TO BE DONE?

(19) As arranged, and after the hearing, the Synlait provided two versions of the text of its proposed change. The first – containing alterations that it now adopts – continues the proposals discussed at (11) above. The second, as well as containing those alterations, also suggests some re-drafted ‘management plan’ provisions – this against the possibility that I might come to a conclusion similar to that reached in earlier ‘change’ proceedings. Importantly, Synlait neither adopts nor consents to those re-drawn provisions and, with the exception of that relating to the

¹³ As I recollect it, there is authority supporting the view expressed here – *Fifth City Estates v Christchurch City*, a case decided under the Planning Acts by Casey J in the (then) Supreme Court. That decision, again as I recall it, establishes that whether a provision is sufficiently certain depends, in this context, on the nature of the subject matter.

Earthworks Management Plan, none could be said to arise from an acceptance of submissions.¹⁴ The question which arises, therefore, is as to the decision-maker's ability to make alterations to the proposal so as to provide a lawful means of achieving its apparent purposes. Mr Chapman concedes that the decision-maker (in cases such as the present) has that power. Nevertheless, and considering that the issue is at heart one of jurisdiction, I do not think it sufficient to rely on a concession.

(20) This is also an issue with which I have grappled in other 'plan change' recommendations, each of which fell to be considered under an earlier form of s32. I then concluded that:

- (a) The general rule (in the case of 1st Schedule matters and at the present level of consideration)¹⁵ is that a proposed change may only be amended in a way that arises from submissions (or falls within the ambit of Clause 16 to the first Schedule to the Act);
- (b) In the case of privately initiated changes (at least of the 'project oriented' kind) a proponent may amend its proposal so as to narrow its scope, so long as the alterations sought are not such as to indicate the need for further opportunities for public participation. There seems to be no 'in principle' reason why a change proponent should not be able to settle for less than it had originally sought;
- (c) In terms of the then relevant provisions, the 's32 analysis' was part of the decision-maker's statutory function;
- (d) An unlawful provision could never be an efficient or effective means of achieving anything, let alone relevant objectives;
- (e) By implication, decision-makers could correct a legally deficient provision so as to achieve the purpose for which it was proposed.

(21) The argument turns on (c) above, with the implication at (e) arising by necessity from the nature of the function. Initially, and as discussed at the hearing, recent amendments to s32-related provisions raised (in my mind) the possibility that the current requirement to "have particular regard to [an] evaluation report" which it is the function of *proponents* to prepare might defeat that implication. I note, however, that *further* s32 evaluations are required "for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed".¹⁶ I take the view that "changes" in this section should be read in a broad sense – as 'alterations' rather than in the formal sense of changes undertaken pursuant to the 1st Schedule to the Act. So understood, 'further evaluations' remain part of the function of decision-makers and the implication in (c) above can survive (assuming it to be correct in the first place). Thus, and if I conclude that this proposed change should proceed, I will recommend that the 'management plan' provisions referred to in (15) above be either deleted or recast in a form authorised by the Act.

(22) I accept the general justification suggested by the form of Synlait's proposal – that the matters there referred to *are* matters to which consideration should be given at some later stage and *are not* (in themselves) of such significance as to require further opportunities for public

¹⁴ The submission from Mahaanui Kurataiao Ltd (made on behalf of Te Taumutu Runanga) seeks, *inter alia*, that "volumes exceeding 5000m² [be] classified as a controlled activity ..."

¹⁵ The environment Court has expanded powers in this respect.

¹⁶ S32AA (1) (a)

involvement (or significant formality). Whether or not public notification is to occur – in the case of most applications for resource consent – is in part at the discretion of the local authority. In the second ‘re-drafted’ version of Rule 26.6 however (Synlait’s ‘controlled activity version’), the alterations put forward do not go so far as to require approval of the Council, ‘formal’ or otherwise, to a Landscape Management Plan. The currently proposed structure is:

- (a) Landscape planting is to take place in “general accordance” with (new) Appendix 26A – the ‘Outline Development Plan’ – this as a condition to which land use activities are subject (Rule 26.5);
- (b) That Appendix indicates areas for landscape treatment, provides rules for landscape staging and contains “cross-sections for further detail on width of planting and *indicative* landscape outcomes” (Note 1, Sheet 1; my emphasis);
- (c) Proposed Rule 26.6 provides that:
 Prior to the issue of a building consent for new buildings which will increase capacity for milk processing or storage within the Dairy Processing Management Area, a landscape plan shall be submitted to Council which shall detail the planting to give effect to Rule 26.5. This landscape plan shall include the location of the planting, the plant species, the proposed timing of planting, the height and spacing of plants at the time of planting, and the maintenance regime of the landscape planting including soil and moisture retention, irrigation, access and the replacement of any dead, diseased or dying plants and the methodology for removal of exotic planting.
- (d) Neither that rule nor Rule 26.5 requires the *approval* of anything; but
- (e) Rule 26.38(c) says that “[a]ny landscape planting which does not comply with rules 26.5 or 26.6 shall be a discretionary activity” and goes on to specify the matters in respect of which discretion is restricted;

(23) I confess to some difficulty with this. Rule 26.5 (when read in combination with the ‘staging’ rule in appendix 26A) comes in to play in two circumstances, one of which is also identified in Rule 26.6. The second of these rules is clearly intended as part of the mechanism by which permitted and controlled activities are to be distinguished but, in my view, does not meet the requirements of s87A. Even if within the functions of a territorial authority – so as to found a rule authorised by s76 – the contemplated compliance seems merely to consist in the *submission* of a plan (admittedly one which contains specified details). Accordingly it is difficult to see relevant objectives and policies that Rule 26.6 might *achieve*. As proposed, the form of the rule suggests an underlying intention of enabling the Council to determine *whether* what is indicated in its ‘Landscape Management Plan’ will amount to compliance with 26.5, and of enabling some Council input to that issue. If that is the case then (i) the rule does not provide for involvement of that kind and (ii) if it did, there is no requirement that landscape planting be undertaken *in accordance with* a plan submitted as required by rule 26.6. It is thus difficult to see how the ‘matters of control’ specified in Rule 26.38(c) can ever gain traction so far as the detail provided in any additional plan is concerned.

(24) This situation presents something of a dilemma – a choice between (i) removing rule 26.6 in its entirety (as an invalid attempt to fulfil the s76 and s87A(1) requirements) or (ii) re-drafting it to require the provision of ‘landscape planting’ before the erection of new buildings which will increase capacity for milk processing or storage within the DPMA, and constituting *that planting* a controlled activity, control being limited to the matters set out in the last sentence of (proposed)

rule 26.6 (repeated in 26.38(c)). The first of these possibilities – removing the rule – would, I think, be seen as removing the *apparent* opportunity for Council review (and, perhaps, refinement) originally a feature of the change and upon which potential submitters may have relied.¹⁷ Additionally, such a move would leave Rule 26.5 in its proposed form; one of dubious enforceability. Accordingly, and if the change is to proceed, I will recommend the second.

(25) For similar reasons, and in the case of ‘Earthworks’ and ‘Construction Activities’ which in the document as notified were proposed to be constituted permitted activities subject to the *approval* of ‘management plans’, I think it necessary for the relevant provisions to be re-cast as rules for controlled activities. The second of Synlait’s most recent re-drafts (para. (18) above) provides for that.

(26) On the other hand, the parts of the proposed ‘standards’ which require plans for noise management (26.19 and 26.20) and hazardous substances (26.23 and 26.24) are of the kind identified at (13) (a) above – that is, they are intended to indicate the means by which Plan noise limits and the statutory requirements of the Hazardous Substances and New Organisms Act 1996 are to be complied with. As such they add nothing to those requirements and could never have been seen as providing an opportunity for refinement or review. In my view they are both unlawful and otiose.

A TECHNICAL DIFFICULTY

(27) The position reached at (24) above – that is, that ‘landscape planting should be constituted a controlled activity’ – presents something of a problem. As currently worded, s76 appears of wide scope. While it may be an open question as to whether this section authorises what might be described as ‘free standing’ rules – those that are unrelated to the classification of activities authorised by s87A¹⁸ – proposed Change 43 does not attempt to go down that path. Instead a traditional approach is adopted; rules attach to identified activities and, in the case of specified permitted activities, either (i) form part of the activity description or (ii) constitute the “requirements, conditions or permissions” to which described activities must comply so as to attain that status. Within this approach rules operate to control (e.g.) the erection of buildings where that is what a user desires to do, but cannot require the user to engage in building erection. Even if ‘free standing’ rules are lawful (and that I doubt) the constraints to amendment discussed earlier lead me to the view that it would be improper for such a technique to be adopted at this stage in the present proceedings.

(28) It follows, I think, that use of the ‘controlled activity’ technique as a means of giving effect to the underlying intent of the relevant part of Change 43 requires a two-step process;

- (a) The insertion, as a ‘requirement’ of the permitted activity “new buildings which will increase ... capacity ...”, of an obligation to provide appropriate landscape planting – something that, of necessity, must be part of the activity specification; and
- (b) A proper mechanism for determining what ‘appropriate landscape planting’ amounts to.

¹⁷ Mr Chapman opened on the basis that input from one submitter, Mahaanui Kurataiao Ltd, had led to alterations to provisions relating to native planting.

¹⁸ As, to take an absurd example, a requirement that all existing letterboxes be painted yellow.

Additionally, the two must be linked in a way that enables readers of the Plan (as changed) to realise that there are, indeed, two steps to the process.

(29) My earlier conclusion – that the “indicative outcomes” illustrated in Appendix 26A are insufficiently certain for the purposes of s87A (paragraphs (15) and (16) above) seems to have been shared by those responsible for the drafting of Rules 26.5 and 26.6 in their original form – otherwise, which should a *further* specification of both planting proposals and a maintenance regime be required? The mere removal of the words quoted will not suffice. The conclusion to which I have now come is that, in order to maintain the underling intent of this part of the proposed Change, it will be necessary to require that issue (b) above be addressed through the medium of an application for controlled activity consent.

A FURTHER EVALUATION (Section 32AA)

(30) Thus far I have:

- (a) Accepted that Synlait may amend its proposal ‘within scope’; amendments that may include those agreed with submitters as an appropriate way of dealing with concerns raised in submissions;
- (b) Concluded that the ‘management plan’ provisions of the proposed change lack statutory authorisation;
- (c) In the case of the activities ‘Landscape Planting’, ‘Earthworks’ and ‘Construction Activities’, foreshadowed an intention to recommend a re-casting of the relevant rules as rules for controlled activities; and
- (d) Expressed the view that the proposed ‘management plan’ rules relating to noise and HAZNO compliance should be deleted.

Of the matters in (c) and (d) above, the only alteration that flows from a (formal) submission is that relating to earthworks, the relevant submission being that of Mahaanui Kurataiao Ltd.

(31) As indicated, I regard each of these alterations as ‘changes’ for the purposes of s32AA (1). The ‘further evaluation’ required by that section must conform to the requirements of s32 (1) and (2), but

- is confined in its scope by ss(3) and
- need only be at “a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.”

In combination, these requirements focus attention on the purposes *of the alterations* – ss (6).

(32) Matters relevant to *this* evaluation have already been discussed in the body of this recommendation. Having regard to those I have no hesitation in concluding that the statutory requirements are met.

AN OVERALL CONCLUSION

(33) The purpose of a district plan is “to assist territorial authorities to carry out their functions in order to achieve the purpose of [the] Act” (s72). Ultimately, therefore, whether Change 43 is

to proceed will depend upon whether *its* provisions better achieve that purpose (and the purpose of Part 2 as a whole) than do the provisions that it is intended to replace. Given the way this Change has proceeded there seems little point in canvassing that question within this recommendation – the s42A report prepared by Ms Foote does so at paragraphs 124 to 130. I adopt that discussion and the conclusion at 131; that, with amendments, Plan Change 43 “will achieve the purpose of the RMA.”

(34) At paragraphs 33 to 58 of her s42A report Ms Foote discusses the various statutory documents to which the decision-maker must either have regard or to which a district plan must give effect. She there concludes that nothing in those documents is relevant to the proposed change. I adopt that conclusion. She also canvasses the expected environmental effects of development in terms of the proposed suite of plan controls, as compared with those to be expected from perseverance with the present regime (paragraphs 59 to 114. The discussion in those paragraphs, together with evidence presented by the proponent, leads me to conclude, on balance, that the proposal as amended can proceed.

(35) I have given “particular regard” to the evaluation report provided as part of the application documents. I note that the matters there discussed were essentially unchallenged throughout. Apart from the matters discussed above I have no reason to depart from the conclusions there reached.

(36) As required by s32AA I have conducted a ‘further evaluation’ of the amendments to the change as advertised and adopted by Synlait both in opening and in the course of the hearing. None of these alterations impact in any significant way on the issues with which s32 is concerned and, with the exception of matters discussed in the body of this recommendation, I have concluded that the purpose of that section is fulfilled.

(37) As to the ‘management plan’ provisions discussed above, I have concluded that:

- (a) In their originally proposed form they fail to meet the requirements of the Act;
- (b) In some cases, notably those relating to construction activities and earthworks, those deficiencies are supplied in the ‘Version B’ redraft undertaken by Synlait after the hearing, the relevant parts of which it does *not* adopt;
- (c) Decision-makers in proceedings of the present kind may amend technically deficient provisions of a proposed change.

(38) Once amended in the ways discussed above, Plan Change 43 will better meet the purpose of the Act than does the present regime.

RECOMMENDATION

For these reasons *I recommend* that the Selwyn District Council:

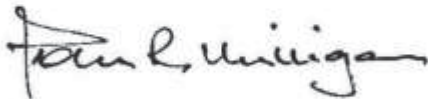
1. Adopt this document as its decision and reasons, and as the ‘further evaluation’ required by s32AA;
2. Accept or reject the submissions to Proposed Plan Change 43 as shown in Appendix A to this recommendation;
3. Adopt Proposed Change 43 in an amended form, which;
 - (a) Is to take as its starting point the forms of the proposed change presented on behalf of the proponent at the commencement of the hearing;
 - (b) As further amended by the ‘Synlait Amended Rule Package At Commencement of Hearing’, Version B;
 - (i) from which provisions relating to the requirement for a ‘Noise Management Plan’ (proposed Rule 26.19) and a ‘Hazardous Substances Management Plan’ (proposed Rules 26.23 and 26.24) have been removed; and
 - (ii) within which the provisions relating to ‘landscape planting’ (including proposed Rules 26.5 and 26.6) have been altered so that, in an event to which Rule 26.5 applies, landscape planting is a controlled activity; and
 - (iii) which contains all necessary and consequential amendments.

The amendments referred to in (ii) and (iii) above should include:

- (iv) changing the heading “Standards for Permitted Activities” so that it reads ‘Requirements and conditions for Permitted Activities’, thus adopting the wording of s87A;
- (v) deletion of the words “landscape treatment” from rule 26.2;
- (vi) recasting Rule 26.5 so that it:
 - refers specifically to the ‘Landscape’ provisions of Appendix 26A; and
 - relegates the second sentence to a ‘note’ showing that the ambit of the rule does not include extend to planting additional to that required.
- (vii) re-casting Rule 26.6 so as to constitute the activity required by 26.5 a controlled activity and linking to the rule recommended in (e) below;
- (viii) the insertion of a new rule under the heading ‘Controlled Activities’ (Rule 26.34ff) linking to rule 26.6 and limiting control to the extent to which the proposed planting meets the purposes of, and is likely to meet the results contemplated by, the ‘Landscape’ provisions of

Appendix 26A and to the matters presently contained in Rule 26.38(c)
– with the consequent deletion of that rule.

Attached as Appendix B is a re-drafted version of Version B of the text of Proposed Change 43 (as provided by Synlait following conclusion of the hearing) amended so as to give effect to the above recommendations. Further consideration by Council Officers may reveal the need for other minor or consequential amendments to this draft so as to ensure coherent incorporation within the Plan. These may be made in terms of Clause 16 of the Second Schedule to the Act.

A handwritten signature in black ink, appearing to read 'John L. Milligan', with a stylized flourish at the end.

John Milligan
Commissioner
February 27, 2015

RECOMMENDED RESPONSE TO SUBMISSIONS

1. New Zealand Transport Authority:	Accept
2. Philip Hindin and Yuying Wan:	Accept in part
3. Fonterra Co-operative Group Ltd:	Accept
4. Makaanui Kurataiao Ltd:	Accept in part
5. iZone (Hughes Developments):	Accept in part
6. Dairy Holdings Ltd:	Reject

DRAFT OF TEXT OF PROPOSE CHANGE 43 SHOWING EFFECT OF RECOMMENDED ALTERATIONS

[NOTE: This version of Proposed Change 43 to the Operative Plan for the Selwyn District takes as its starting point a version of the change provided by the Change Proponent after the conclusion of the hearing of submissions – its ‘Version B’. That version included alterations to the proposal then agreed to by Synlait and adopted as its own. Also included in that version, but *not* adopted by Synlait, were alterations to the proposal designed to provide for ‘Earthworks’ and ‘Construction Activities’ as controlled activities. In that regard the Change Proponent maintained that its original proposals were both lawful and to be preferred as a matter of merit. Both kinds of alteration were shown in that version, and are shown in this, highlighted in yellow.

In the draft recommendation, and for the reasons there set out, both kinds of alteration are adopted. Additionally, the draft recommendation would alter rules relating to ‘Landscape Planting’. This ‘track change’ version of ‘Version B’ deals with these additional alterations so as to provide, in draft form, a single recommenced version of the Change. Some formatting alterations have been made. Both recommended and consequential alterations are shown but re-numbering has not been undertaken. Appendix 26A (in the form tabled at the commencement of the hearing) remains unaltered]

AMENDMENTS – ISSUES, OBJECTIVES AND POLICIES

- 1 Amend A4.5 **The Rural Area and Zones, The Plains** by adding the following new paragraphs as shown in bold and underlined to the end of the section:
A further resource management issue in the Outer Plains is related to the growth in the dairy industry and the need to provide for the efficient processing of milk and its by-products. Milk processing facilities have been established and these are at a scale that is economic and optimal relative to the level of milk production within the district and region. Accordingly the density of built development at these sites is much greater than occurs on individual farms and the nature of the processing activity means they are industrial in character. Without appropriate mitigation this may affect rural amenity and landscape as well as traffic efficiency and safety. These issues are addressed in Part B, Section 3.4 of the Plan.
- 2 Amend A4.5 **The Rural Area and Zones, Use of Zones** by adding the following new wording into the first sentence as shown in bold and underlined:
 “There is only one zone in the rural area, though the zone is split into areas to manage specific activities, for example subdivision and residential density, **dairy processing activities and buildings**, plantations and outstanding landscapes.”

- 3 Amend **B3.4 Quality of the Environment – Issues, Amenity Values/Rural Character** by adding the following new text to the second bullet point in the fourth paragraph as shown in bold and underlined below:
 “- People carrying out farming and other business activities may share some of these values. They also perceive the rural area as a business area and expect to be able to carry out existing activities, adopt new technology and practices; and to diversify activities as markets change. **The rural economy is dependent on facilities and businesses that process and add value to rural products. Established dairy processing facilities, while servicing the wider district or region also enable on-farm growth and diversification in respect of dairy products.**”

- 4 Amend **B3.4 Quality of the Environment – Issues, Amenity Values/Rural Character** by adding the following new text to the end of the last paragraph as shown in bold and underlined below:
 “The Council believes these effects.....The Rural zone is principally a business area and the policies and rules are designed to allow people to undertake farming and other business activities relatively freely. **In addition, the policies and rules acknowledge sites established for dairy processing activities and provides for the continued development of these sites in the Rural Outer Plains for the processing, testing, storage, handling and packaging and distribution of milk and dairy products, related by-products and ancillary activities.**”

- 5 Amend **B3.4 Quality of the Environment – Objectives, Explanation and Reasons** by adding the following new text to the second paragraph, third bullet point as shown in bold and underlined below:
 “Objective B3.4.2 recognises the Rural zone as an area where a variety of activities take place:
 - All sorts of primary production
 - Outdoor recreation
 - A variety of business activities
 - **Processing of milk to dairy products on established plant sites**”

- 6 Amend **Policy B3.4.3** by adding the following new wording to the second paragraph and also adding new wording to the **Method** for **Policy B3.4.3** as shown in bold and underlined:
 “Policy B3.4.3 requires adverse effects from activities on the amenity values of rural areas generally be mitigated. **This may be achieved through compliance with rules, conditions on resource consents or through an ODP controlling further development on established sites such as those applied to the existing sites of milk processing.....**”
 “**Method**
 - District Plan Rules
 - Discretionary activities
 - **Dairy Processing Management Area**”

- 7 Amend **Policy B3.4.4, Explanation and Reasons** by adding the following new wording to the third paragraph as shown in bold and underlined:
“However, the potential adverse effects of rural-based industrial activities that are of a size and scale beyond that which is permitted by the District Plan may be avoided by locating in a Business 2 Zone or in the Rural (Outer Plains) Zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects.

Provision is also made for Dairy Processing Management Areas. This is an overlay within the Rural Outer Plains that is limited to sites of existing and established dairy processing facilities. Dairy processing facilities can be anticipated within, and form part of a cohesive rural character in the Rural Outer Plains and the Management Area limits activities to those associated with a dairy processing plant and manages the scale of development through the use of an Outline Development Plan (ODP) and a specific set of rules. Accordingly, the DPMA enables economic efficiency to be achieved whilst ensuring the integrated management of effects at the boundary with the rural area, avoiding effects on the rural character and amenity values of the Outer Plains. The smaller allotment size and higher population density of the Rural ...”.

- 8 Add a new **Policy B3.4.5, Explanation and Reasons and Methods** as follows and renumber all subsequent policies and references to Policy B3.4.5 accordingly.

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.

Explanation and reasons

Policy B3.4.5 provides the basis for the rules controlling the use and development of land within Dairy Processing Management Areas. The buildings associated with the processing of milk and dairy products, along with the buildings required for storage and distribution, are very large and industrial in appearance. The scale and concentration of this built development exceeds that anticipated on a working farm however the processing of milk and dairy products is directly related to rural production and there are significant economic and operational benefits from enabling milk and dairy processing facilities within the Rural Area. Whilst the Policy is providing for a concentration of buildings, including very tall buildings, and activities, it is appropriate that the District Plan sets development standards beyond which new development will require a resource consent.

This policy is intentionally limited to sites of established Dairy Processing facilities as at 2013 and is not intended to provide a policy basis for new sites, or other types of rural industrial activities to be established in the Rural Outer Plains. Further this policy seeks to enable only activities that are directly associated with a dairy

processing plant, so as to prevent other types of rural industries or business activities being established within the Dairy Processing Management Area. This policy is also limited to enabling the establishment of dairy processing related activities only within the DPMA. Other non-dairy processing related industrial activities shall be avoided as these activities are more appropriately located in other zoned areas within the district.

Underpinning Dairy Processing Management Areas is a requirement to comply with an ODP. The ODP represents a comprehensive approach to landuse and development, controlling the overall layout of development. The proposed rules specific to the Dairy Processing Management Area are to be read in conjunction with the ODP. While the scale and density of development is greater than elsewhere in the Rural Area, this reflects the already established scale of dairying within the District and the ODP provides certainty for the community and the landowner on the pattern of future development for the processing of milk and dairy products.

Methods

- District Plan Rules
- Dairy Processing Management Area
- Outline Development Plan

- 9 Amend (the now re-numbered) **Policy B3.4.5** (now **Policy B3.4.6**) by adding the following new wording, as shown in bold and underlined (deletions in track change) to the following paragraphs under the **Explanation and Reasons**:

(a) The end of the first paragraph:

“One of the most predominant characteristics of the Rural zone is the low level of building density compared with townships; and the land uses which this allows. The density of buildings, generally and houses in particular, varies throughout the Rural zone. In most areas, it is much lower than the density in townships, although there are specific locations such as the Dairy Processing Management Areas which recognise the existing higher density of development.”

(b) The end of the third paragraph:

“Policy B3.4.6 and the District plan rules manage the ratio.....Similarly, the rule does not apply to buildings in the Dairy Processing Management Areas which provide for a concentration of large buildings for processing, packaging and distribution of milk and dairy products only.”

- 10 Amend (the now re-numbered) **Policy B3.4.6** (now **Policy B3.4.7**) by adding the following new wording, as shown in bold and underlined (deletions in track change) to the end of the first paragraph under the **Explanation and Reasons**.

“Policy B3.4.7 addresses two potential adverse effects of buildings.....Some multi-storey development is anticipated as capable of being absorbed within the dominating mountain landscape. An exemption is also made for buildings essential for the processing, packaging and distribution of milk and dairy products, related by-products and waste materials. The scale of dairy production requires large facilities and a Dairy Processing Management Area has been created to recognise sites already established as dairy factories and to enable efficiencies in the dairy industry to be achieved.”

- 11 Add the following new matter under **Part B Quality of the Environment – Anticipated Environmental Results** as shown below:
- Existing sites for processing, packaging and distribution of milk and dairy by-products are specifically identified and managed.

AMENDMENTS – RULES

- 12 Amend **Part C, 3 Rural Rules – Buildings** by adding a new rule as shown in bold and underlined:
- 3.13.1.6 **In respect of the Dairy Processing Management Area, any sensitive activity within the Noise Control Boundary as shown in the Outline Development Plan in Appendix 26A shall be designed to achieve an outside to inside noise level difference of not less than 20 dB $D_{tr, 2m, nTw}$ to any bedroom. The design shall include a ventilation system that enables bedroom windows to remain closed. The building design for a new sensitive activity shall be accompanied by a report (including calculations) from a suitably qualified acoustic consultant and submitted with the application for building consent.**
- Note:**
- This requirement can be achieved through adoption of modern residential construction materials in a building combined with the use of an alternative ventilation system that enables bedroom windows to remain closed.**
- 13 Amend **Part C, 3 Rural Rules – Buildings, Restricted Discretionary Activities – Buildings and Building Position** by adding the following 2 new clauses (and renumber the following clauses):
- 3.13.4 Any sensitive activity which does not comply with Rule 3.13.1.6 shall be a restricted discretionary activity.**
- 3.13.5 Under Rule 3.13.4 the Council shall restrict its discretion to consideration of:**
- 3.13.5.1 The ability to occupy and use a building for a sensitive activity with no mitigation and the potential effects on health and wellbeing.**
- 3.13.5.2 The nature of alternative of measures to avoid reverse sensitivity effects on the 24 hour operation of the DPMA.**
- 14 Insert the following new Appendix within Part E as Appendix 26.
- 15 Amend Planning Map 007, Sheets 1 and 2 by identifying the Dairy Processing Management Area as shown.

26 DAIRY PROCESSING MANAGEMENT AREA

Note:

All activities within the Dairy Processing Management Area shall comply with the Rules in Appendix 26.

Rules in Part C, 1 to 10 of the Rural Volume of the District Plan shall not apply to activities within the Dairy Processing Management Area, except where expressly advised in the following Rules.

Permitted Activities – Land Use

26.1 The following activities shall be a permitted activity if all of the standards in Rules 26.2 to 26.32 are met:

- (a) The processing, testing, storage, handling, packaging and distribution of milk and dairy products, dairy processing related by-products, and ancillary activities, including but not limited to:
 - i. Rail infrastructure, and rail activities limited to those required for the transportation of milk, dairy products and associated ingredient and package products.
 - ii. Infrastructure for roading, rail, the management of wastewater, stormwater and the supply of water.
 - iii. Laboratories and facilities for research and development related to the processing of milk and development of dairy products.
 - iv. Offices and facilities required for the administration and management of the Dairy Processing Management Area, and the marketing, sales and distribution of milk and dairy products.
 - v. Activities which can comply as a permitted activity with the rules of the Rural (Outer Plains) Zone, except that any calculation of density or site coverage shall exclude the land within the Height Control Zone.

Note: For the purpose of interpreting Rule 26.1:

The processing and use of milk is the purpose of, and principal use within, the Dairy Processing Management Area.

Ancillary activities means any activity that is incidental to servicing and supporting a permitted activity on the same site and which forms an inseparable part of the that permitted activity.

Standards Requirements and Conditions for Permitted Activities

Outline Development Plan

- 26.2 The location of all buildings, activities, ~~landscape treatment~~, and vehicle access points to the Dairy Processing Management Area, shall be in general accordance with the Outline Development Plan in Appendix 26A.

Location of Buildings and Activities

- 26.3 All permitted activities shall be located within the Height Control Zone identified on the Outline Development Plan in Appendix 26A, with the exception of:
- (a) Any **directional** signage under 1.2m height;
 - (b) **Signage providing information at the Primary Access points;**
 - (c) Infrastructure for roading, rail, the management of wastewater, stormwater and the supply of water associated with a permitted activity; and
 - (d) Permitted activities provided for in Rule 26.1(a) v.
- 26.4 Where located within the Rural Buffer Area buildings and activities provided for in Rule 26.3(b) and (c) shall comply with the height rules of the Rural (Outer Plains) Zone and either the setback rules of the Rural (Outer Plains) Zone or any setback shown on the Outline Development Plan in Appendix 26A, whichever is the greater setback from the boundary.

Landscape Planting

- 26.5 ~~When new buildings are to be erected that will increase the capacity for milk processing or storage within the Dairy Processing Management Area~~ **Landscape planting as shown on the Outline Development Plan in Appendix 26A shall be located in general accordance with the landscape provisions of the Outline Development Plan and is to be completed in accordance with the rules provisions for Staging and Removal of Exotic Planting specified in Appendix 26A. Rule 26.5 shall not apply to any planting for the purposes of amenity or enhancement within the Dairy Processing Management Area which is additional to the planting shown on the Outline Development Plan.**
- 26.6 ~~Prior to the issue of a building consent for new buildings which will increase capacity for milk processing or storage within the Dairy Processing Management Area, a landscape plan shall be submitted to Council which shall detail the planting to give effect to Rule 26.5. This landscape plan shall include the location of the planting, the plant species, the proposed timing of planting, the height and spacing of plants at the time of planting, and the maintenance regime of the landscape planting including soil and moisture retention, irrigation, access and the replacement of any dead, diseased or dying plants and the methodology for removal of exotic planting. Landscape planting required by Rule 26.5 is a controlled activity for which consent is required in accordance with Rules XX and XY~~

[Note: Neither rule 26.5 nor Rule 26.6 apply to any planting within the Dairy Processing Management area for the purposes of amenity or enhancement and which is additional to that envisaged by the Outline Development Plan.]

Building Height

- 26.7 Buildings within the Height Control Zone shall comply with the height limits shown in the Outline Development Plan in Appendix 26A. Up to 2 Boiler stacks and 4 exhaust vents per dryer shall be exempt from height limits.

Building Colour

- 26.8 Any building that has a finished height above 12 metres shall be finished in the following colours or equivalent colours, excluding trim, fittings, guttering, detailing and signage:
- (a) Colorcote “Kestrel” [specification: 174(R),165(G), 165(B), RV34.51]
 - (b) Colorcote Titania [specification: 213(R), 211(G);199(B), RV64.57]
 - (c) Colorcote Ironsand [specification:84(R), 81(G),79(B), RV14.72]
 - (d) Colorcote Grey Friars [specification:87(R), 87(G),88(B),RV 16.55]

Earthworks

- 26.9 A maximum volume of 5000m³ of earthworks for each stage of development.
- 26.10 The maximum cut/excavation depth of the earthworks from existing ground level shall be 5 metres and no closer than 1 metre to groundwater, whichever is the lesser.
- 26.11 The maximum height of temporary stockpiles or final landforms shall be no greater than 4m above ground level.
- 26.12 All cut material shall be reused within the Dairy Processing Management Area.

Access

- 26.13 Prior to the issue of a building consent for a new building which will increase capacity for milk processing or storage within the Dairy Processing Management Area:
- (a) The design of any access from the State Highway or the design of any State Highway/local road intersection, as shown on the Outline Development Plan in Appendix 26A, shall be approved in writing by the relevant Road and Rail (where applicable) controlling authorities. A copy of this approval shall be forwarded to the Council Planning Manager for Council’s records.
 - (b) All access from a local road shall comply with the design requirements of Appendix 10.
- 26.14 Secondary access points shown on the Outline Development Plan in Appendix 26E shall only be used for farm activities, emergency access and situations where the primary access is made temporarily unavailable by emergency services, the road or rail controlling authorities.

Parking

- 26.15 All vehicle parking and manoeuvring areas shall be located as shown on the Outline Development Plan in Appendix 26A and comply with Appendix 10 as to layout and design.
- 26.16 Vehicle parking and manoeuvring associated with new buildings which will increase the capacity for milk processing or storage within the Dairy Processing Management Area shall be constructed, formed and sealed (with drainage) prior to use for operational activities.

Noise

- 26.17 Noise arising as a result of any activity within a Dairy Processing Management Area shall not exceed the following limits at the Noise Control Boundary shown on the Outline Development Plan in Appendix 26A.

- Daytime (7.30am – 8.00pm) 55dB L_{Aeq} and 80 dB L_{Afmax}
- Night-time (8.00pm – 7.30am) 45 dB L_{Aeq} and 70 dB L_{Afmax}

Noise shall be measured in accordance with NZS6801:2008 "Acoustics-Measurement of Environmental Sound", and assessed in accordance with NZS6802:2008 "Acoustics-Environmental Noise".

- 26.18 ~~Prior to the issue of a building consent for new buildings and associated outdoor loading and goods handling areas, which will increase capacity for milk processing or storage within the Dairy Processing Management Area, a report from an acoustic engineer shall be received by council confirming all activities within the Dairy Processing Management Area will, cumulatively, meet the noise standards.~~
- 26.19 ~~A Noise Management Plan for the Dairy Processing Management Area shall be submitted to the Selwyn District Council at least every 12 months and shall be up-dated to include any new activities or increase in milk processing or storage capacity within the Dairy Processing Management Area. The Noise Management Plan shall include best practice procedures to ensure compliance with noise standards, including noise monitoring requirements, annual reporting to the Selwyn District Council and a noise complaints procedure.~~
- 26.20 ~~Noise monitoring shall be undertaken within 3 months of the commissioning of any new buildings which will increase the capacity for milk processing or storage within the Dairy Processing Management Area, becoming operational and shall be submitted as part of the Noise Management Plan.~~
- 26.21 Rail movements into, within and out of the Dairy Processing Management Area are excluded from compliance with the above rules.
- Note: Rule 26.21 does not apply to the loading or unloading of goods.

Lighting

- 26.22 Any lighting within the Dairy Processing Management Area shall be a permitted activity provided that:
- a) Light spill from any activity does not exceed 3 lux on any adjoining property or any road reserve; and
 - b) All exterior lighting is directed away from adjacent properties and roads.

Hazardous Substances

- ~~26.23 A Hazardous Substances Management Plan for the Dairy Processing Management Area shall be submitted to the Selwyn District Council. The Hazardous Substances Management Plan shall confirm compliance with the requirements of the Hazardous Substances and New Organisms Act 1996, include an inventory of all hazardous substances stored on the site, emergency response and accidental spill procedures and annual reporting to the Selwyn District Council.~~
- ~~26.24 The Hazardous Substances Management Plan shall be updated and submitted to the Selwyn District Council at least 10 working days prior to the installation of the storage where there is:~~
- ~~(a) An increase the volume of hazardous substance to be stored within the Dairy Processing Management Area from that provided for in the Management Plan previously submitted to the Selwyn District Council under Rule 26.23; and/or~~
 - ~~(b) A new hazardous substance to be stored within the Dairy Processing Management Area not already identified in the Management Plan previously submitted to the Selwyn District Council under Rule 26.22.~~

Signage

- 26.25 All signage must be related to permitted activities undertaken on the site and be restricted to corporate logos or colours only.
- 26.26 The sign, unless it is a temporary sign, is located entirely within the Dairy Processing Management Area and is not located on, or overhangs onto, any road reserve. (See Rule 26.3 for limitations on signs located outside the Height Control Area as shown on the Outline Development Plan in Appendix 26A).
- 26.27 The sign is positioned so that it:
- (a) does not obstruct or impair the view for any motorist of any intersection or vehicle crossing; and
 - (b) is at right angles to the road frontage of the site but angled off the direction of traffic by 5 degrees.
- 26.28 The sign does not:
- (a) have flashing or revolving lights, sound effects, balloons or blimps or moving parts;
 - (b) resemble a traffic sign.
- 26.29 The height of the sign is not more than the height of the building and does not protrude beyond the framework of the building, to which it is attached; or 6m above the ground if the sign is not attached to a building.
- 26.30 The size of any freestanding sign is not more than 6m² and any sign attached to a building is not more than 50m².

- 26.31 The content of the sign shall be limited to the name of the dairy processing plant, wayfinding and compliance with statutory requirements.
- 26.32 The content of any sign within the Dairy Processing Management Area fronting a local road shall comply with the following:
- (a) The sign has a maximum number of 5 words or a maximum combined number of 6 words and symbols;
 - (b) There is a minimum separation distance between any 2 outdoor signs of:
 - (i) 70m, where the speed limit is 80km/hr; or
 - (ii) 80m, where the speed limit is 100km/hr;
 - (c) The sign is visible from a distance of:
 - (i) 175m, where the speed limit is 80km/hr; or
 - (ii) 250m where the speed limit is 100km/hr;
 - (d) The sign has a minimum height for any letter which complies with the following values:

Speed Limit	Main Message	Secondary Message
80km/hr	250mm	125mm
100km/hr	300mm	150mm

Note: The above rules do not apply to any directional, warning or other required safety or information signs required for the Dairy Processing Management Area.

- 26.33 The position, dimensions and content of any new sign within the Dairy Processing Management Area directed at traffic on State Highway 1 shall be approved in writing by the NZ Transport Agency.

CONTROLLED ACTIVITIES

Landscape Planting required by Rule 26.6

- XX An application for controlled activity consent under rule 26.6 shall contain information showing the location of proposed planting, the proposed plant species, the proposed timing of planting, the height and spacing of plants at the time of planting and the proposed maintenance regime of the landscape planting including soil and moisture retention, irrigation, access and the replacement of any dead, diseased or dying plants and the methodology for removal of exotic planting.
- XY Under Rule XX the Council shall restrict its control to the following matters:
- (a) The matters in respect of which information is required by Rule XX;
 - (b) The extent to which the proposal meets the objectives of and outcomes intended by the landscape elements of Appendix 26A
 - (c) The effectiveness of the proposed landscape planting to mitigate the adverse effects of proposed buildings and activities on landscape values in the locality of the Dairy Processing Management Area;
 - (d) The use of landform to assist in mitigation of landscape effects; and
 - (e) The effect of not removing exotic species which have achieved a uniform height of 10m on cultural values.

Earthworks

- 26.34 Any earthworks exceeding 5000m³ (for any stage of development), or a cut/excavation depth from existing ground level of more than 5 metres, or a maximum height of temporary stockpiles or final landforms of 4m above ground level, shall be a controlled activity. Any application for earthworks shall not require the written approval of third parties and shall be non-notified.
- 26.35 Under Rule 26.34 Council shall restrict its control to the following matters:
- (a) Management of excavations in the proximity of surface waterways to avoid sedimentation, discharges and run-off entering waterbodies.
 - (b) Management of dust emissions.
 - (c) The location, size and dimensions of any temporarily stock-piled material and final landform features created by fill.
 - (d) Re-vegetation of final surfaces.
 - (e) An Accidental Discovery Protocol as specified in the Mahaanui Iwi Management Plan.

Construction Activities

- 26.36 Construction activities for a new building which will increase capacity for milk processing or storage within the Dairy Processing Management Area shall be a controlled activity. Any application for construction activities shall not require the written approval of third parties and shall be non-notified.
- 26.37 Under Rule 26.36 Council shall restrict its control to the following matters:

- a) Ensuring that the effects of construction traffic minimises disruption, delay or inconvenience on the adjoining road network.
- b) Best practicable measures to avoid or mitigate the dispersal and deposition of dust and sediment.
- c) Best practicable measures to avoid the accidental discharge of any fuel or other hazardous substances, including measures for dealing with accidental spills.
- d) Compliance with NZS6803:1999 Acoustics – Construction Noise;
- e) Compliance with NZS2631:1985-1989 Part 1-3 or equivalent standard;
- f) An Accidental Discovery Protocol as specified in the Mahaanui Iwi Management Plan.

RESTRICTED DISCRETIONARY ACTIVITIES

26.38 Any activities which do not comply with the standards for Permitted Activities, and which are not listed as a **controlled**, discretionary or non-complying activity, shall be a restricted discretionary activity. The Council shall restrict its discretion to consideration of those matters as specified in respect of each rule:

MATTERS OF CONTROL

(a) Outline Development Plan

Any building or activity which does not comply with the following rules as shown on the Outline Development Plan shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of those matters identified:

Rule 26A.1 Heslerton Road Access

- The number and type of vehicle movements.
- The surface, width and condition of the road.

Rule 26A.2 Parking

- Any effects of vehicle movements associated with parking provided for within the Rural Buffer Area on rural amenity values and the reasonable use of adjoining land.

Rule 26A.3 Building Free Area

- The necessity and purpose of any structures to be located within the building free area.
- The scale and construction materials proposed for any building.
- The extent to which the proposed structure may affect the potential options for re-design and up-grading of the State Highway 1/Old South Road intersection.

(b) Location of Buildings and Activities

Any building or activity which does not comply with Rule 26.4 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- Any effects of an increase in building height or a reduced setback from internal and road boundaries on the rural amenity values in the locality and the reasonable use of adjoining land.
- Any effects of an oversized or non-directional sign on traffic safety or efficiency or on rural amenity values.
- Those matters specified for inclusion in Management Plans for Noise and Hazardous Substances.
- Note: Non-compliance with Rules 26.2 and/or 26.3 is a full discretionary activity. See Rule 26.39 below.

(e) Landscape

Any landscape planting which does not comply with Rules 26.5 or 26.6 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The species, density and height of plants at the time of planting;
- The effectiveness of the proposed landscape planting to mitigate the adverse effects of proposed buildings and activities on landscape values in the locality of the Dairy Processing Management Area;
- Maintenance and ability of planting to establish and grow, including provision for access, methods of soil retention and irrigation;
- The use of landform to assist in mitigation of landscape effects;
- The effect of not removing exotic species which have achieved a uniform height of 10m on cultural values;

Note: Amenity and enhancement planting within the DPMA is excluded from Rules 26.5 and 26.6.

(d) Building Height

Any building which does not comply with Rule 26.7 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The individual and cumulative effect of additional building height on the landscape values in the locality of the Dairy Processing Management Area.
- The form and function of the over-height structure.
- The material and colour finish of the over-height structure.
- The effectiveness of any mitigation.

(e) Colour

Any building which does not comply with Rule 26.8 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- Alternative colour finishes and their effectiveness to address the visibility of the proposed structure individually and cumulatively within the Height Control Zone within the Dairy Processing Management Area.

(f) Earthworks

Any earthwork which does not comply with one Rule 26.12 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The management of traffic effects created by the haulage activity.

(g) Access

Any access which does not comply with Rules 26.13 or 26.14 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The effects of any access not shown on the Outline Development Plan in Appendix 26A, on the safety and efficiency of traffic on the road network.
- The safety of access to and from the State Highway, including the combined effect of the State Highway intersection and the site access where applicable.
- Intersection and road design.

(h) Parking

Any parking which does not comply with Rules 26.15 or 26.16 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- The effects of vehicle parking and manoeuvring not in accordance with the Outline Development Plan in Appendix 26A on rural landscape and amenity values.
- The effects of parking not designed to meet the standards of Appendix 10 on safety and efficiency of movement for vehicles and pedestrians within the DPMA.

(i) Noise

Any activity which does not comply with one or more of Rules 26.17 to 26.21 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:

- Effects on rural amenity values in the immediate proximity of the Dairy Processing Management Area.
- Effects on the liveability of any dwelling subject to increased noise effects.
- Measures for mitigation of noise effects.

(j) Lighting

Any activity which does not comply with Rule 26.22 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of the effects of any additional light spill on:

- rural amenity values;
- the reasonable use of adjoining land or dwellings; and
- traffic safety on adjoining roads.

~~(k) Hazardous Substances~~

~~Any activity which does not comply with Rules 26.23 or 26.24 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of:~~

- ~~— The volume of hazardous substance;~~
- ~~— Design of the storage facility.~~

- ~~—Emergency response and spill requirements.~~
- ~~—Monitoring and reporting.~~

(h)(k) Signage

Any activity which does not comply with one or more of Rules 26.25 to 26.33 shall be a restricted discretionary activity and the Council shall restrict its discretion to consideration of the effects of any oversized or non-complying sign on:

- Traffic safety and efficiency; and
- Rural amenity values.

DISCRETIONARY ACTIVITIES

26.39 Buildings and activities not located in accordance with Rule 26.2 and/or 26.3 shall be a discretionary activity.

NON-COMPLYING ACTIVITIES

26.40 Any activity not provided for as a permitted, **controlled**, restricted discretionary or discretionary activity shall be a non-complying activity.

REASONS FOR RULES

The activities already undertaken at the established dairy plants in the Dairy Processing Management Areas and those which would typically be anticipated or associated with the processing of milk. Dairy processing activities can be anticipated to further develop as value is added to the range of dairy products and from processing of by-products. The list of permitted activities is intentionally limited to activities which are inseparably connected to dairy processing, including testing, storage, handling, packaging, distribution, and innovation.

Outline Development Plan, Buildings and Activities – Location and Height

The location of buildings and parking areas within the site and in relation to the site boundaries is controlled through compliance with an Outline Development Plan (ODP). This concentrates built development and dairy processing activities in the south west corner of the Management Area, reflecting the position of plant established through earlier resource consent processes and around which future buildings and activity are intended to grow.

Activities and buildings provided for in the Rural Buffer Area include those normally anticipated in the Rural Outer Plains Zone. In addition, low directional signage, signs located adjacent to primary access points and infrastructure servicing the DPMA such as road, rail, wastewater and stormwater utilities are enabled in the Rural Buffer Area. These are not activities involving significant built structures or intensive clustering of buildings, and are therefore considered appropriate in the Rural Buffer Area.

The setback of buildings from the state highway frontage has been influenced by the need to allow for a potential rail siding for trains to load/unload immediately adjacent to the drystores and to provide area for some landscape planting. To the north and south east built development is kept away from boundaries with a large area of rural open space providing an appropriate transition or buffer to the wider rural plains.

The ODP therefore effectively manages the extent of dairy processing activities within the DPMA. It is based upon what could be anticipated as a reasonable and optimal future development scenario and an assessment of the environmental effects of that development scenario.

The visual effects of full built development have been considered for the Management Area as a whole and addressed through a landscape plan. The scale and density of future development is integrated with this landscape treatment via the ODP providing a full overview of site development achievable over time.

Building heights are similarly controlled through the ODP. The rules acknowledge that dairy processing activities necessitate very tall built structures e.g., dryers and boiler stacks as well as very large, single span industrial buildings. Accordingly, there is provision for variable building heights, with the tallest elements purposefully located in a more central position within the area of building development.

Where activities are proposed which are compliant with the Rural Outer Plains rules, these are provided for throughout the DPMA (whereas dairy processing activities and buildings are more

constrained). The rule requires that for the purpose of site coverage and density calculations, the area of land used for the basis of the calculation is limited to the Rural Buffer Area, ensuring that the Buffer retains a density of development consistent with the wider Rural Zone.

A Noise Control Boundary is shown on the ODP. This is complemented by a rule in Part C, 3 Rural Rules – Buildings which requires noise insulation to be incorporated within new buildings for sensitive activities. This provision is discussed further under Noise below.

A specific rule on the ODP requires the up-grading of Heslerton Road prior to the commissioning of a second access. The rule ensures that the access to the plant is safe, efficient and fit for purpose. Further up-grading of the Old South Road and State Highway 1 intersection is similarly to be evaluated with substantive construction projects that increase the production and/or storage capability of the plant, to ensure that it remains safe. An area of land in the north west corner of the ODP is shown as building-free. This requirement is to avoid any capital development in an area that ultimately could be required for accommodating an up-graded State Highway/Old South Road intersection. This is discussed further under Access below. Similarly, the ODP requires all vehicle parking to be provided within the Height Control Area. This is described further under Parking below.

Landscape Planting

Rule 26.5 requires all landscape planting to be generally in accordance with the landscape plan which forms part of the ODP and in accordance with the staging specified in Appendix 26A. ~~This plan must demonstrate Rule 26.6 (requiring controlled activity consent to 'landscape planting' but not otherwise affecting planting for amenity or enhancement purposes) is intended to ensure~~ general compliance with the staging of landscape establishment ~~along-with-and to control~~ details of the plant species, location, timing of planting, height, spacing and maintenance. The purpose of this rule is to ensure that the Dairy Processing Management Area has a consistent landscape theme and that planting is appropriately established and cared for, ensuring its longevity and effectiveness.

In addition, a rule requires exotic species planted on the DPMA boundaries to be removed once identified indigenous tree species, planted in accordance with the rules on the ODP, have reached a minimum height of 10m. This requirement to allow indigenous plants to dominate has been agreed with Te Taumutu Runanga as a way of expressing cultural values on the site.

Building Colour

All buildings over 12m in height are required to comply with a prescribed colour palette. This is to assist with addressing the visual effects of what are potentially substantive buildings with high visibility for a period of years. The intention is to maintain a consistency in the visual qualities of the site. The colour range is informed by the finish of buildings established through resource consents prior to the DPMA.

Earthworks

The rules provide for some small scaled earthworks (<5000m³) and stockpiling to be carried out as a permitted activity. These standards are consistent with those applied to earthworks in the wider Rural Outer Plains Zone. Where these standards are exceeded within the DPMA Rule

26.34 requires the activity to be considered as a controlled activity with Council's control reserved to dust, proximity to waterways, re-vegetation and accidental discovery of archaeological items. A resource consent process ensures appropriate management and environmental outcomes which can be effectively achieved and monitored through a controlled activity consent process without the need for notification or third party approvals. It is acknowledged that earthworks, even at a larger scale, can be appropriately managed in accordance with best practice. In addition, the DPMA is an established and defined site which is well understood in terms of effective management from previous construction activity. Where material is to be transported off site however, a resource consent is required. This is specifically limited to the effects of haulage on the safety and efficiency of the road network, which may vary in effect depending on the volume of material to be transported and the particular route to be followed. This traffic effect is distinguishable from the earthwork activity itself where effects can be contained within the boundaries of the DPMA.

Access

The DPMA is a potentially significant traffic generator with a high proportion of heavy vehicles. Accordingly, it is appropriate that the access provision into and out of the site is controlled to avoid multiple entrance points which may potentially affect traffic safety and efficiency on the surrounding road network. Similarly, there is a requirement that with any significant new buildings which may increase processing or storage capacity, there must be consultation with the relevant road and/or rail authority. This provides a check point for assessing if a further up-grade of existing access points onto the State Highway or any State Highway/local road intersections servicing the DPMA are required. In respect of Synlait, the State Highway 1/Old South Road intersection is the primary point of access to the DPMA. Requiring the approval of the road and rail authorities will trigger a review of the safety of the intersection over time as traffic patterns change and the DPMA develops. The ODP requires that land between the plant and Heslerton Road is to be kept free of buildings to ensure that sufficient land is retained to accommodate any future State Highway intersection up-grades that may be required.

Identifying access points into the DPMA on the ODP provides certainty to road and rail controlling authorities as well as local road users. The access points identified on the ODP which are not already formed and operational will be required to comply with the District Plan standards for design. Prior to the commissioning of the second access on Heslerton Road, the ODP requires that a further length of road is up-graded to a standard for the anticipated traffic.

Parking

All vehicle parking (tankers, employees, visitors, suppliers and contractors) is required to be provided within the Building Height Control Area of the DPMA, where an intensification of built development and activity is anticipated. Directing parking to this location ensures that the dispersal or encroachment of car parking does not occur within the Rural Buffer Area which is intended to wrap around or buffer that part of the DPMA which is to be intensively used. The layout of the parking area is to comply with Appendix 10 of the Rural Volume of the District Plan, which sets out standard dimensions for car parks and best practice guidance on the relationship between parking, pedestrian and vehicle circulation areas.

Noise

The primary noise control for the DPMA requires compliance with a Noise Control Boundary. This is defined on the Outline Development Plan and Rule 26.17 specifies the daytime and night-time noise standards that will apply at this boundary. The Noise Control Boundary is derived from conditions imposed on resource consents that established the plant and represents a more strict noise standard than has been applied to the Rural Outer Plains. A Noise Control Boundary is commonly used around sites such as ports, airports and large, stand-alone plant. They provide a simple method for all parties to visualise the extent of noise effects.

~~To ensure that new development within the DPMA complies with the Noise Control Boundary, Rule 26.18 requires a report from an acoustic engineer to be submitted to Council prior to construction. This report is to confirm that the new development, in combination with all existing activities within the DPMA will continue to meet the prescribed standards. In addition, a Noise Management Plan is required to be submitted annually to incorporate new development and to demonstrate on-going commitment to the best practice management and monitoring of noise from the plant.~~

The Noise Control Boundary also triggers requirements for acoustic insulation to be built into new buildings for sensitive activities (see Part C, Rural Rules – Buildings, Rule 3.13.1.5). This requirement acknowledges and responds to the importance of the plant to the community and the economy. Once a company has made a significant investment in plant, it is in the district's and the community's interests that this plant is able to operate with efficiency. Accordingly, it is appropriate to ensure that encroachment of sensitive activities does not curb the plant's operations.

The Noise Control Boundary and its associated noise standards are not intended to apply to rail movements into and out of the DPMA. The measurement of rail noise as a train moves from designated land onto a rail siding within the DPMA may be extremely difficult to differentiate and measure. Unexpected noises such as wheel squeal are maintenance issues and best addressed through a Management Plan approach. The activity of loading and unloading trains is required to comply with the Noise Control Boundary.

Lighting

The Height Control Area within the DPMA is potentially an area of intensive activity and concentrated built development. The plant operates on a 24 hour basis requiring lighting to be provided for illumination of access points, outdoor work spaces and for security. The limitations imposed on the measurement of lux and the direction of lighting are the primary mechanisms to avoid light spill and to minimise night-lighting effects.

Hazardous Substances

~~The DPMA involves the storage and use of a range of hazardous substances essential to dairy processing activities. Accordingly, the appropriate storage and use of hazardous substances is a fundamental activity within the management area and compliance with statutory and industry requirements is essential to the success of the dairy industry. In this context the strict regulatory controls which are imposed through mechanisms outside the District Plan result in the effective management of hazardous substances in accord with best practice and industry standards. Accordingly, the potential risk to surrounding landuses is effectively managed and~~

environmental effects considered addressed appropriate management methods are implemented avoided, remedied or mitigated through the adoption of those standards.
Rules 26.22 and 26.23 put in place a process whereby the storage and use of hazardous substances in the DPMA is documented and Council is informed through a management plan. The plan is required to detail the range and volume of all hazardous substances stored and the emergency response and accidental spill procedures.

Signage

The rules relating to sign size are intended to provide for signs to be established which are scaled relative to the size of the plant and its function as a resource servicing a large catchment within the District. A requirement to ensure that signs visible from, even if not physically or legally fronting the State Highway, are considered by the New Zealand Transport Agency, ensures that signage does not adversely affect traffic safety and efficiency and accords with current Government guidance applicable at that time. Further to the size of the sign, the balance of the rules are the same as those applied in the wider Rural Outer Plains Zone.

Construction Activities

Rule 26.36 provides a mechanism for further control over the management of large scaled construction works through a resource consent for a controlled activity. The rule only applies to construction activities for buildings which increase milk processing or storage capacity within the DPMA, and is intended to apply to proposals of the scale of a new dryer or drystore. Due to the number of variables associated with construction and the desire to adopt industry best practice, a rule based on a standard measure or numerical threshold for management of construction effects is not applicable. A controlled activity consent ensures that there is a comprehensive and integrated plan for matters such as traffic management, dust control, compliance with the NZS standard for construction noise and vibration along with protocols for accidental discovery. This approach provides certainty and the flexibility to deal with construction projects which are of larger scale and potential environmental effect. The majority of the matters of control are however subject to other regulatory processes for building consent and health and safety. Accordingly, there is no requirement for third party approvals or notification of an application.

2 February 2016

Te Taumutu Rūnanga and Te Ngāi Tūāhuriri
Rūnanga
By E-mail
C/O Kyle Nelson
Tipa & Associates

Fonterra Co-operative Group Limited
3792 West Coast Road, RD1 Darfield 7510
t +64 3 317 98909
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Attention: Kyle Nelson

Dear Sir,

Re: Fonterra Darfield's Proposed Private Plan Change Cultural Impact Assessment

Thank you for the collation and presentation of the Cultural Impact Assessment (CIA) relating to Fonterra's proposed private Plan change development relating to the Darfield Site. We appreciate the time and effort that went into collating this assessment and the associated report.

Please find attached a table which covers the main areas of interest addressed in the CIA and Fonterra's response to those requests and recommendations. If either party would like to meet to discuss further concerns or elements within the CIA report not addressed by the summary of responses below, Fonterra welcomes the opportunity to meet and discuss directly.

Fonterra is looking to commencement engagement with the community stakeholders and immediate neighbours in February 2016, with the intention of lodging the Plan change application in March/April 2016.

We look forward to building a strong relationship with Te Taumutu Rūnanga and Te Ngāi Tūāhuriri.

Yours faithfully,

Fiona Walker

Fiona Walker

SI Environmental Risk and Compliance Manager

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Area of Focus	CIA Issue/Request	Fonterra Response
Landscaping	Agreement by Fonterra to continue or carryout landscape planting at the Darfield Dairy Factory and the surrounding land owned by Fonterra	<p>With the Site's recent establishment (2012) and expansion (2013), Fonterra have planted in excess of 12,000 trees including decorative planting on site and hedgerows around the Fonterra-owned farmland and site. Exotic species were utilised for this initial planting in order to complement existing plantings, to assist the site in blending with the current landscape and to ensure that visual mitigation was established as soon as possible. Maps displaying each respective stage of planting are attached for reference.</p> <p>As these plants are still establishing there are no further plantings planned, however we will consider additional native planting if there is a specific area of concern and recognising the importance of utilising native species for future planting projects, which is further commented on below.</p>
On-going relationship and regular Huis with Te Taumutu Rūnanga and Te Ngāi Tūāhuriri	<p>Regular Hui with Tūāhuriri Rūnanga and Te Taumutu Rūnanga to discuss issues, share information or give updates on future expansion at the Darfield Milk Factory.</p> <p>How this would be done requires discussion between Fonterra and the two runanga</p> <p>A site visit by a group from Taumutu Rūnanga and Tūāhuriri Rūnanga to the Darfield Dairy Factory so Fonterra can show them the factory, the potential changes if plan change goes through and any future expansion which will occur in the short term</p> <ul style="list-style-type: none"> o The representatives may also want to visit the surrounding land owned by Fonterra o The representatives will likely want to see the storm water and wastewater system. This could include the discharge area as well. o The representatives will likely want to see the landscape planting Fonterra have carried out and any area where future landscape planning is planned. 	<p>Fonterra supports regular Hui with and/or updates to both Rūnanga and welcomes ideas on an approach which is most suitable for the two Rūnanga. As a starting point, Fonterra suggests a combined annual meeting at the Darfield Site in each dairy processing off-season (June/July).</p> <p>Fonterra welcomes the opportunity for Taumutu Rūnanga and Tūāhuriri Rūnanga to visit the Darfield Site and can facilitate this visit when it is convenient for Rūnanga representatives. Suggest that this site visit occurs prior to the annual off-season mentioned above in order to observe the storm water and wastewater systems while they are operational rather than in off-season shut-down mode. Please provide a date for March 2016 which is convenient and we will liaise to finalise visit details and times.</p>
Supply of technical reports and monitoring data	Provision of all technical reports Fonterra have prepared for this plan change	At present, technical reports relating to Noise, Economic, Transport and Landscape Assessments are being completed by respective consultants to support this Plan change application. Copies of these reports can be supplied prior to lodgment.

		<p>Fonterra supports an open relationship and can supply any further technical reports prepared in support of the Plan change application if required. Additionally, we welcome feedback on the above reports once finalised and supplied.</p> <p>Please find attached the current stormwater and wastewater management plans, original site development construction/earthworks management plan and the original two landscaping plans.</p> <p>With regard to monitoring data, the Darfield Site collates, monitors and manages a vast amount of environmental monitoring data. As such, Fonterra proposes to provide an annual summary at the aforementioned meeting and can provide further specific data from there depending on the areas of interest.</p>	<p>Fonterra supports an open relationship and can supply any further technical reports prepared in support of the Plan change application if required. Additionally, we welcome feedback on the above reports once finalised and supplied.</p>
	<p>Involvement in the development of the following documents (or relevant documents or policy) or provided with these documents so feedback can be provided to Fonterra</p> <ul style="list-style-type: none"> o Environmental monitoring data or reports relating to the environment prepared by Fonterra within the Te Waihora catchment o Final version of the Outline Development Plan with all details on it o Monitoring carried out at Darfield Dairy Factory o Stormwater management plan o Earthworks management plan o Landscape planting plan / assessment o Wastewater management plan o Any additional technical reports the two runanga may require <p>Response from Fonterra on how they will integrate the recommendations from Jolly (2014) into their proposed plan change Taumutu Rūnanga and Tūāhuriri Rūnanga</p>	<p>a. <u>Landscape planting</u> As outlined above, Fonterra has undertaken considerable planting on the Darfield Site and currently does not have further planting projects plans. However, Fonterra recognises the value of reinstating indigenous vegetation as part of future developments for screening and amenity purposes, as outlined in the Jolly CIA Report (2014 – pg. 8). As such, we suggest that this is added to the annual meeting standing agenda in order to discuss any upcoming planting projects and/or recommendations the Rūnanga may have for planting projects on the Darfield Site and surrounding Fonterra-owned land.</p> <p>b. <u>Earthworks</u> Fonterra supports the good practice controls for earthwork sedimentation control management and run-off control provisions, as referenced in the Jolly CIA Report (2014 – pg. 9). However, as Fonterra is not requesting a change to this Rule through our Plan Change application there are not formal</p>	

		<p>requests regarding controls or trigger values within our application.</p> <p>c. <u>Lighting</u> As demonstrated by the 2012 and 2013 Darfield Site expansions, Fonterra is acutely aware of the potential effect light emissions can have on the local community and landscape amenity values. Active measures were taken during these developments to ensure light emissions were either eliminate or managed light emissions (e.g. absence of windows in the Drier Plant building, stairwells with emergency lighting on sensors/timers rather than constant operation and use of low lux exterior lighting). As such, Fonterra supports that the Plan Rules are written to require light suppressions techniques in order to minimise impact on landscape and views.</p> <p>d. <u>Stormwater management</u> Fonterra presently operates under the attached Stormwater Management Plan and proposes that any future operations or expansions would be consistent with this approach.</p> <p>e. <u>Low impact and sustainability design principles; and</u> Fonterra's Environmental Policy is largely consistent with the Low impact and sustainability design principles detailed within the Jolly CIA Report (2014 – p9). Accordingly, there is synergy with a number of the elements listed including energy efficiency and water use minimisation.</p> <p>f. <u>Managing discharges in an integrated manner</u> As detailed in the Jolly Report (2014 – pg. 10), the plan change does not facilitate the establishment of new processing plants without rigorous impact assessment processes. It is via these processes and the corresponding Regional Council consent application process that discharges are managed in an integrated and controlled fashion. The previously suggested annual meeting with -Rūnanga and Fonterra will also provide a forum to discuss potential changes to discharge management in order to ensure all elements,</p>
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		including cultural, are considered prior to change being implemented.
	Information on any proposed future upgrades or expansion planned at the Fonterra Darfield Dairy Factory to the storm water or wastewater treatment systems.	At present there are no significant upgrades or expansions planned at the Fonterra Darfield Site, aside from the currently occurring addition of a mineral dosing plant which will operate within the existing footprint of the site's operations and consents. As such, there are no planned changes to stormwater or wastewater treatment systems, discharges or consents.