

## **SELWYN DISTRICT COUNCIL**

**IN THE MATTER**

Resource Management Act 1991

**AND**

**IN THE MATTER**

of Private Plan Change 50

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### **SECTION 42A REPORT: PLAN CHANGE 50**

**By Fonterra Ltd for a private plan change to introduce a Dairy Processing Management Area ("DPMA") within the Rural Outer Plains zone at Darfield.**

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**To:** Hearing Commissioner – Mike Garland

**From:** Consultant Planner – Melanie Foote

**Hearing Date:** 22, 23, and 24<sup>th</sup> March 2017

This report analyses the submissions received on Plan Change 50 (PC50) to the Selwyn District Plan (“the Plan”) and has been prepared under section 42A of the RMA. The purpose of the report is to assist the Hearing commissioner in evaluating and deciding on submissions made on PC50 and to assist submitters in understanding how their submissions affects the planning process. The report includes recommendations to accept or reject points made in submissions and to make amendments to the Plan. These recommendations are the opinions of the Reporting Officer(s) only. The Hearing commissioner will decide on each submission after hearing and considering all relevant submissions, the Officer’s Report(s) and the Council’s functions and duties under the RMA.

## **ATTACHMENTS**

|                         |  |
|-------------------------|--|
| <b>Attachment One</b>   | Summary of submissions   |
| <b>Attachment Two</b>   | Officers recommendations on submissions                                |
| <b>Attachment Three</b> | Letter from the Buttles’ (Submitter)                                   |
| <b>Attachment Four</b>  | Applicant’s memo in reply to submitter letter                          |
| <b>Attachment Five</b>  | Air quality review, Andrew Curtis (Technical Director Air Quality)     |
| <b>Attachment Six</b>   | Expert caucusing notes, 23 February 2017                               |
| <b>Appendix Seven</b>   | Landscape assessment peer review, Jeremy Head (Landscape Architect)    |
| <b>Appendix Eight</b>   | Transportation review, Andrew Mazey (SDC Asset Manager Transportation) |
| <b>Appendix Nine</b>    | Acoustic assessment review, Jeremey Trevanathan (Acoustic Engineer)    |
| <b>Appendix Ten</b>     | Economic assessment peer review (Geoffrey Butcher, Economist)          |

## **INTRODUCTION**

### **Qualifications and Experience**

1. My name is Melanie Foote. I am employed by a planning and resource management consulting firm, Resource Management Group, as a consultant planner. I have over 14 years' experience working as a planner for local authorities and consultancies in Queenstown, United Kingdom and Christchurch. I hold the qualifications of a Bachelor of Resource Studies and a Post Graduate Diploma in Resource Studies from Lincoln University. I am a full member of the New Zealand Planning Institute.

### **Evidence Scope**

2. I have been asked by Selwyn District Council to assess Private Plan Change 50, the relief sought by submitters, and to prepare a report making recommendations to the Hearing Commissioner. In this regard it is important to emphasise that the Commissioner is in no way bound by my recommendations and will be forming his own view on the merit of the plan change and the changes sought by submitters having considered all the evidence before him.
3. In preparing this report I have:
  - (a) Visited the site and surrounding area;
  - (b) Read and assessed all the submissions received on the plan change request;
  - (c) Reviewed the notified plan change request;
  - (d) Considered the Statutory framework and other relevant planning documents;
  - (e) Relied where necessary on the evidence and peer reviews provided by other experts on this plan change.
4. This report effectively acts as an audit of the detailed plan change and supporting information lodged with the plan change request prepared by Planz on behalf of Fonterra Ltd. A full copy of the plan change request, submissions, summary of submissions and other relevant documentation can be found on the Selwyn District Council website.

5. On that basis this report and assessment seeks to provide as little repetition as possible, and will adopt those parts of the application where referred to. If a matter is not specifically dealt with in this report, it can be assumed that there is no particular dispute with the position set out in the plan change application.

## **BACKGROUND**

### **Reasons for the Application**

6. The existing Fonterra dairy plant operates as a rural based industrial activity as defined in the Selwyn District Plan (Rural Section). While the dairy plant is a legitimate activity that could be anticipated within the Rural Outer Plains zone, the applicants cite there are no applicable rules enabling development and limited policy support and guidance to enable further development of the site without the need for further resource consents. The applicants therefore seek to insert an Outline Development Plan for the Fonterra Darfield milk processing site which essentially adopts the same provisions that are now operative within the plan approved under PC 43 for the Synlait milk processing site at Dunsandel. At the time, PC43 was designed to enable Fonterra to broadly utilise the PC43 framework with just minor adjustments specific to the Fonterra site.
7. The applicants note, that to date, the use and ongoing development at the Darfield site has been subject to an on-going sequence of resource consents, the first approving the initial construction of the facility then up to 12 consents have been lodged and approved since. The applicants consider that the reliance on the resource consent process results in uncertainty when planning the future use and expansion of the facility. As such this plan change process is the preferred mechanism over the status quo for the future development of the site.

### **Current Operations on Site**

8. Currently the site comprises of two whole milk powder dryers, two boilers, a fleet of 37 milk tankers and associated plant and equipment and facilities. I understand the site currently employs around 200 staff and produces approximately 46 tonnes of milk powder per hour. Coal packaging and finished product are largely transported by rail, with a small amount being handled by heavy good vehicles.

## Site and Surrounding Area

9. The proposed Dairy Processing Management Area (DPMA) is located at Racecourse Road approximately 3.5 kilometres to the northwest of Darfield and 6 kilometres to the south of Waddington. The site is located centrally between a triangular road network comprising of State Highway 73 along the southern boundary, Auchenflower Road along the north western boundary and Loes Road located along the north eastern boundary. The Midland Railway line runs along the southern boundary of the site.
10. The proposed DPMA includes the following land parcels totalling 131.11 Ha in area:
  - Lot 1 DP 456083 (CT588217)
  - Lot 2 DP 456083 (CT588218)
11. The DPMA site is visually dominated by the existing milk processing plant. This area comprises a cluster of large scale buildings at variable height and scale, with taller dryer towers rising above the other structures. There is an existing wastewater treatment plant and associated ponds located immediately to the south with an office block and adjoining car parking located to the east of the plant.
12. The site and land surrounding the plan change site is zoned Rural Outer Plains with the majority of land used for agricultural purposes such as grazing, cropping and pastoral activities. Existing vegetation is predominantly a combination of exotic pastoral grass along with a number of shelterbelts.
13. The wider surrounding environment forms part of the Canterbury Plains which are characterised by flat land dissected by braided rivers. The flat topography is back dropped by the foothills of the Southern Alps which creates a 'Big sky' identity. Further, the Canterbury Plains are characterised by crisscrossing roads, railway lines, irrigators, shelterbelts and geometric field patterns. Smaller settlements are located along state highways with Darfield being the closest settlement located just south of the Darfield site.
14. The local environment is characterised by open pasture with shelterbelts, roads, hedges, fences, pivot irrigators and farm and ancillary buildings. The local environment is one that is typical of the modified wider plains environment.

## **APPLICATION**

15. PC50 is outlined in detail within the application. In summary the proposed plan change facilitates the proposed new DPMA overlay within the Rural Outer Plains Zone of the Selwyn District Plan. The location and boundaries of the DPMA are detailed in the application. The DPMA comprises the area of land immediately surrounding the existing dairy plant.
16. The plan change seeks to amend the existing rules within the District Plan and to introduce a specific ODP as a new Appendix. No changes are proposed to the existing Objectives or Policies of the Plan. The application contains a full text version of the proposed amendments. The ODP will be referred to as Appendix 26B, (the Synlait ODP is referred to as Appendix 26A). The Fonterra Darfield ODP has been prepared in the same format as the Appendix 26A including the use of the building height limits for the central part of the site, primary and secondary access locations, landscaping locations and a noise control boundary.
17. The key amendment sought from the Synlait Selwyn District Plan DPMA text is with regard to the permitted rule relating to the provision of landscaping. The applicant considers there is some confusion over the applicability of the permitted rule as it only applies where new buildings are to be erected that will increase the capacity for milk processing or storage within the DPMA. The permitted rule also seeks that landscaping be undertaken in accordance with the ODP and also accordance with the staging and removal specified within 26A. However rule E26.1.6 then goes on to state landscape planting is a controlled activity under 26.2.1 and 26.2.2. Proposed amendments are outlined and discussed at paragraph 103 onwards.
18. The DPMA will form an overlay within the Rural Outer Plains zone of the District Plan so will not replace the underlying rural zone. Therefore, should dairying processing activities not achieve full site development, rural activities can continue as provided by the rural zoning of the site.

## **PROCEDURAL MATTERS**

19. The application was lodged on the July 2016. After lodgement the application was reviewed in terms of adequacy of the information provided, with peer review feedback received on noise, traffic, landscape, and economic matters. A request for further information was sent to the

applicants with regard to noise matters. The application was then accepted for processing by Council.

20. The application was publicly notified on the 30<sup>th</sup> August 2016 with submissions closing on the 27 September 2016. Further submissions closed on 2<sup>nd</sup> November 2016.
21. A total of 6 submissions were received. One was neutral, two support, and three submissions in opposition. No further submissions were received on PC50.
22. **Attachment One** provides a summary of the submissions.
23. **Attachment Two** outlines my recommendations on submissions.

### **Scope of Submissions**

24. Section 96 of the RMA – Making a submission, section 308A – identification of trade competitors and surrogates and section 308B limit on making submissions requires a submission to:
  - (1) Demonstrate how the proposal directly affects a landowner;
  - (2) Be in response to an actual environmental effect;
  - (3) Not be promulgated on the grounds that the proposal may undermine the interests of trade competitors.

### **Application Deficiency**

25. Submitter Charlie and Sue Buttle through their legal representation wrote to the Council on 21 December 2016 expressing concern around their perceived deficiencies in the application around odour and associated amenity effects and that no technical evidence has been obtained to address this issue. It is their view that the decision maker ought to address these issues in accordance with sound resource management practice. A copy of this letter is attached as **Appendix Three**.
26. The applicant's legal counsel responded with a memo dated 25<sup>th</sup> January and attached as **Appendix Four**, and in summary states;

- In light of the Council's position that it does not consider it appropriate to issue a request for further information and Fonterra agrees it is not necessary to consider such a request as;
  - Although it is accepted that amenity more generally (and odour related to amenity) is a relevant consideration for the District council, any activity relating to the discharge on contaminants is strictly a Regional Council Matter.
  - In this instance PC50 seeks to vary the rural zone rules through the introduction of the DPMA. Importantly this site already contains the existing Fonterra milk Processing Plant which was established under various existing resource consents which form part of the 'environment'.
  - The existing Fonterra consents include resource consent CRC156761 (to discharge contaminants to air) which include various conditions requiring no objectionable or offensive odour beyond the site boundary. Similar conditions are also imposed on other existing consents such as the domestic wastewater consent (CRC156755), the irrigation of contaminants to land and air (CRC171149) and the storage off clean process water CRC156615).
- It is Fonterra's position that it is not necessary to have a detailed understanding of odour to determine PC50.
- This approach is consistent with the consultation that has occurred with ECan and it is noted that the Regional council had no concerns around air quality matters.

27. It is my opinion that odour as it relates to amenity effects requires consideration as part of this plan change. Given the contrary opinions around the need to assess odour and associated amenity effects, expert independent air quality advice has been sought from Andrew Curtis (Technical Director Air Quality from Aecom) to assist with this plan change. His assessment and comments form part of this S42 Report and are contained in **Appendix Five**.

#### **Expert Caucusing**

28. At the request of the submitters (the Buttles) expert caucusing took place on 23<sup>rd</sup> February between the following parties;



- Melanie Foote (Consultant Council planner);
  - Dean Chrystal (Applicants planner);
  - Liz Stewart (Planner for the Buttles);
  - Nicola Rykers (Planner for Synlait);
  - Andrew Curtis (Air Quality Scientist for the Council);
  - Richard Chilton (Air Quality Scientist for the applicant);
  - Donovan Van Kekem (Air Quality Scientist for the Buttles);
29. A record of the meeting outlining the key discussion points and recording that no agreement over issues was reached is attached to **Appendix Six**

## **STATUTORY FRAMEWORK**

### **Statutory principals**

30. The general approach for the consideration of changes to District Plans was summarised in the Environment Court's decision in Long Bay<sup>1</sup>, the relevant components of which are set out in the following paragraphs.
31. The matters that must be considered in preparing a change to the Plan are set out in section 74 of the RMA. Amongst other things, section 74 requires the local authority to:
- Comply with its functions under section 31;
  - Consider alternatives, benefits and costs under section 32;
  - Ensure the necessary matters are stated in the contents of the district plan under section 75;

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<sup>1</sup> Long Bay – Okura Great Park Society Inc v North Shore City Council A078/08

- Have regard to the overall purpose and principals set out in Part 2, including the Matters of National Importance (s6), the Other Matters (s7) that require particular regard to be had in achieving the purpose, and the Treaty of Waitangi (s8).
32. It is noted that in a general sense, the purpose of the 'Act' is already reflected in the current District Plan objectives and policies as they have already been through the above statutory tests and are now unchallenged. PC50 seeks to insert new text to the explanations, reasons and methods and amendments to the general rules, adds new rules and an outline development plan (ODP).
33. When preparing a plan or considering a plan change the Council:
- Must give effect to the operative Canterbury Regional Policy Statement (s75(3)(c))
  - Shall have regard to any proposed changes to the Canterbury Regional Policy Statement (s74(2)(a)(i)); and
  - Any management plan and strategies prepared under other Acts (s74(2)(b)(i))
  - Must not take into account trade competition (s74(3))
  - Must take account of the Mahaanui: Iwi Management Plan 2013 (s74(2A))
  - Shall have regard to the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74(2)(c))
34. Consideration of the appropriateness of the proposed DPMA and the associated District Plan amendments must therefore give effect to the operative Canterbury Regional Policy Statement ('CRPS').
35. There are not considered to be any relevant provisions in the District Plans of neighbouring territorial authorities that are affected by PC50.
36. PC50 seeks to make amendments to the existing rules within the Selwyn District Plan to introduce a specific ODP as a new Appendix. No changes are proposed to the existing Objectives or Policies of the Plan. Under s32 of the RMA, the Council is required to evaluate whether the proposed changes to the provisions of the District Plan are the most appropriate way to achieve the purpose of the plan change and the existing objectives and policies of the District Plan, taking into account the efficiency, effectiveness and consideration of alternatives.

37. The process for making a plan change request and how this is to be processed is set out in the 1<sup>st</sup> Schedule of the RMA. PC50 has reached a point where the request has been accepted for notification and the submissions and further submissions have closed. A hearing is now required (Clause 8B) and a decision can be made on the plan change and the associated submissions (Clause 10).

## **STATUTORY ANALYSIS**

38. In considering the contents of District Plans, Councils must have regard to any proposed Regional Policy Statement (s74(2)(a)) and any management plan or strategy prepared under other Acts, including the Local Government Act (s74(2)(b)(i)), and give effect to any operative Regional Policy Statement (s75(3)(c)).

### **Canterbury Regional Policy Statement (RPS)**

39. The RPS provides an overview of the Resource Management issues facing the Canterbury Region, and the objectives, policies and methods to achieve integrated management of the natural and physical resources of the region.
40. To summarise, the relevant chapters of the RPS are;
- Chapter 5 Land Use and Infrastructure
  - Chapter 7 Fresh Water
  - Chapter 11 Natural Hazards
  - Chapter 12 Air
  - Chapter 16 Energy
  - Chapter 18 Hazardous Substances
41. The applicant has undertaken a detailed assessment of the above provisions within Section 9.5 of the plan change application. I concur with this assessment so will not repeat the assessment.

42. Overall I consider that the plan change would be give effect to the RPS.

**Proposed Land and Water Regional Plan ('plwrp'), Natural Resources Regional Plan and the Proposed Canterbury Air Regional Plan.**

43. The relevant regional plans include the operative Natural Resources Regional Plan (NRRP) with regard to air discharges, the partially operative Land and Water Regional Plan and the Proposed Canterbury Air Regional Plan.
44. The purpose of the pLWRP is to identify the resource management outcomes for managing land and water in the Canterbury region with the pLWRP largely superseding the NRRP's role in managing water quality and quantity. The purpose of the proposed Canterbury Air Plan is to put in place processes and methods for managing air quality resources in Canterbury to achieve the purpose of the Resource Management Act 1991.
45. Fonterra holds a number of existing resource consents including water take and use. Given the future needs of water are unknown, any additional water required would require a variation or new consent in the future.
46. Fonterra also hold existing air discharge consents, and discharge of stormwater, domestic wastewater and treated wastewater. The applicants note there are a number of options to effectively manage these discharges in relation to the potential expansion in the future. These options include the use of alternative fuel sources such as bio fuel and the increased storage of treated wastewater and condensate and managed discharges to land during periods where ground permeability is suitable to avoid ponding and surface runoff. Over time the applicants propose to vary these or apply for new consents as required. Given the long time frames for ultimate full development of the proposed DPMA this approach is considered suitable, rather than the alternative of applying for all consents upfront.
47. On this basis the proposed DPMA is considered to be consistent with the relevant Regional Plans.

**Mahaanui Iwi Management Plan 2013 (IMP)**

48. Councils must take into account any relevant planning document recognised by an Iwi authority and lodged with Council (s74(2A)(a)). The relevant document for the Selwyn District

is the Mahaanui Iwi Management Plan 2013. This document sets out the aspirations of local Iwi and in particular seeks the maintenance and enhancement of water quality and quantity, the promotion of indigenous biodiversity, mahinga kai species, and the protection of sites with identified waahi tapu or waahi taonga value.

49. The application includes a Cultural impact Assessment (CIA) which provides information on the nature and extent of cultural interest in the area, to provide for the relationship of Ngai Tahu with the Te Waihora catchment, and to identify the impacts associated with the proposal that are of concern to the Runanga and to identify mitigation of impacts identified by the Runanga. It is noted overall both Runanga support the plan change however the CIA outlined a few concerns with the application and these concerns relate to how Fonterra will take into consideration all the recommendations which were raised by the Te Taumutu Runanga as part of the Synlait Plan Change and other specific concerns with PC50. The CIA noted that although some of the concerns were addressed by Selwyn District Council within the Synlait Plan Change there are still some recommendations that were not addressed fully. General issues raised are in summary:

- The creation of the DPMA could allow future expansion at the site to be streamlined which could limit the amount of future consultation required with the Runanga.
- Any future expansion for example 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 the Synlait Plan change, may not address or integrate the Runanga recommendations, based on the Mahaanui Iwi Management Plan, in relation to lighting and sustainable design as there are limited rules around these.
- The sensitivity and importance of the Te Waihora catchment mean the Runanga would like more information from Fonterra around future works or potential issues at the Darfield Milk Factory for example a report of the potential impacts on groundwater from earthworks.

- Any future expansion at the Fonterra site relating to stormwater or wastewater management could be an issue for the Runanga as it may have a long term impact on the environment and associated cultural values.
50. Overall the CIA notes that both the Taumutu and Ngai Tūāhuriri Runanga support in principle the proposed private plan change by Fonterra although they would like to have direct consultation with Fonterra to discuss some of their concerns.
  51. The applicant has responded to the matters raised by both Runanga in a letter dated 2 February 2016. In short the applicant has welcomed the opportunity to build a strong relationship and will seek to provide all the information required as outlined in the CIA, organise a site visit and hold regular hui to discuss issues, share information and provide updates around future expansion
  52. Overall while there are no identified sites of significance in the proposed DPMA, the CIA describes that Ngai Tahu travelled through the Selwyn District and have responsibility to the kaitiaki to maintain and protect the land, water and air for current and future generations. Further the importance to Te Waihora as tribal taonga and its location within the catchment is acknowledged.
  53. To conclude I do not consider that the Plan Change would not significantly impact upon any cultural values provided the Accidental Discovery Protocols are followed. Overall I consider the plan change would be generally consistent with the IMP.

### **Canterbury Regional Land Transport Strategy 2012-2042 (RLTS)**

54. The Canterbury Regional Land Transport Strategy (RLTS) outlines the strategic direction for land transport within the Canterbury Region for the next 30 year period. The purpose of the RLTS is to contribute towards the government's overall vision for achieving an integrated, safe, responsive, and sustainable land transport system. The RLTS identifies the regions transport needs, the roles of land transport modes, along with planning engineering, education, encouragement and enforcement methods that will be used to achieve the objectives.
55. I consider the provisions of the DPMA are aligned with the RLTS as the traffic flows have been assessed by the applicants as remaining within the expected parameters and the current intersection will continue to operate with a high level of service provided the Plan Change does not give rise to more than 170 vehicles emerging from the site within any 30 minute period. It

is noted under the plan provisions any increase in processing capacity on the site will require the approval for the road controlling authority.

## **ASSESSMENT OF EFFECTS**

56. This section provides an assessment of the submission points, summary of expert evidence commissioned to inform this report and consideration of actual and potential effects. The assessment of effects have been grouped into the following topic areas and assessed accordingly:

- Landscape and Visual Amenity
- Traffic
- Noise
- Odour
- Servicing
- Economic
- Cultural
- Lighting
- Positive Effects

### **Landscape and Visual Amenity Effects**

57. Potential effects on visual and landscape values have been assessed in the application, with the applicants Visual and Landscape Assessment (VAL) peer reviewed by Mr Jeremy Head, (**Attachment Seven**) an experienced landscape architect who was also involved with the Synlait plan change. Mr Head is in agreement with the content and conclusions reached in Mr Craig's Landscape Visual Assessment for the applicant. I concur with both Mr Craig's and Mr Head's assessment.

58. Three submissions raised landscape concerns. The Buttle's raised a number of issues which are discussed below:
- The AEE is based on a development scenario which includes two additional driers and two additional boilers and notes the permitted buildings heights proposed as part of the Plan change are no greater than existing buildings. The applicants state however, that it does not specify the location or height of existing buildings in comparison with what is proposed under PC50. Therefore the submitter requests that visual simulations showing anticipated future development superimposed over existing development would assist.
59. Comment: Mr Head has reviewed the submission and while he is comfortable with the descriptions of the existing and proposed activities provided by the applicant and with the photographs provided by Mt Craig as part of the application, Mr Head accepts that it would be beneficial for the layperson if photo simulations comparing the existing with likely future development scenario were prepared by the applicant. I concur with Mr Head and consider it would be beneficial if the applicant provided photo simulations comparing the existing and future development scenario as part of evidence pre circulation prior to the hearing.
- Concerned about the adverse landscape and visual effects on existing and future rural and rural residential dwellings on the south of the Fonterra site.
60. Comment: Mr Head notes there is a continuous row of screen planting shown on the Outline Development Plan to the south of the DPMA which in time will provide some screening to the taller buildings. Mr Head accepts that this planting will not fully screen the upper parts of the taller buildings from this direction as the shelter belt is located relatively close to the 'built core' of the site. However Mr Head also acknowledges that there are current existing views to the plant.
- The applicant's landscape assessment states that the existing dairy plant is screened or on the verge of being screened by existing planting required by existing resource consent conditions. However, this is not at all apparent from the visual graphics included in the Landscape Assessment.
61. Comment: Mr Head has considered this submission point and accepts that the existing plant is not completely screened, and nor will it be under the proposed plan change. Mr Head states



there will be glimpse views of the plant through deliberate gaps in the surrounding screen and buffer planting and he considers this acceptable. Mr Head goes on to note that there is no requirement in his opinion to screen the entire plant from view, now or into the future. Overall Mr Head considers the distribution of the shelterbelt and buffer planting is adequate and appropriate.

- The landscape assessment relies upon the conditions of the existing consents for landscape mitigation etc.

62. Mr Head has considered this and accepts that the applicant could provide additional information on the bunding design, various plant species, heights at the time of planting and expected/managed heights of the planting at maturity (“managed” meaning mechanically trimmed). Further Mr Head considers that it would be useful if the applicant provided more information on existing planting being relied upon for screening and this should include species type, height now and height expected/managed at maturity.

- Consider that extensive site perimeter shelter belts will change the existing rural character and amenity, reducing the expansive open rural character of this part of the Outer Plains environment

63. Mr Head disagrees with this submission point and considers there is no requirement to keep rural views open here. Mr Head notes shelterbelts are a permitted activity and are part of the rural landscape.

64. The Submission from Mr Douglas and Ms Jenkins considers that the Fonterra plan would be an ‘eyesore’ to look at. Mr Head has considered this submission point and notes this submitter has an established shelterbelt on their property between their dwelling and the plan change site. In addition there is a shelterbelt located on the Fonterra site between the submitter and the plan change site. Therefore with two parallel shelterbelts in place Mr Head considers adequate screening exists at present and will mitigate the effects of the factory expansion in the future.

65. The submission from the Te Taumutu Runanga concerns the reinstatement of native planting and provision of more certainty around use of native planting. Mr Head recommends that the applicant offers the submitter more certainty that native planting will be proposed as part of the Plan Change. Mr Head does not agree with the submitters that native planting should

stand out but rather prefers the retention and reliance on existing and proposed exotic planting around site boundaries as that will offer better screening potential and they grow taller and faster than native species. Further Mr Head considers the native planting in association with the Central Plains Water (CPW) canal will provide value with regard to increased levels of biodiversity rather than public amenity.

66. Overall, subject to addressing the points raised above, I consider any effects associated with landscape and visual amenity can adequately be avoided and mitigated to an acceptable level.

## **TRAFFIC**

67. The applicants have provided a Transportation Assessment by Carriageway Consulting. This assessment considers the proposed DPMA provisions, the implications of those on traffic volumes, particularly at the State Highway 73 access to the site. This assessment has been reviewed by Andrew Mazey, Asset Manager Transportation at SDC. A copy of My Mazey's assessment is provided in **Appendix Eight**.
68. Two submissions were received with regard to traffic matters. One from the Buttle's and the other from Mr Douglas and Ms Jenkins.
69. The Jenkins/Douglas submission expressed concern around the increase of traffic and trucks, the associated increase in dust and noise and traffic safety.
70. The Buttle's raise concerns around traffic matters and note there is no assessment of the increased vehicle and rail movements on the amenity of neighbouring properties.
71. Mr Mazey considers overall that there are no substantive issues relating to Councils adjoining local roads and is not aware of any roading issues being brought to Councils' attention since Fonterra began operating beyond what might be considered routine for low volume local roads in a rural environment such as this.
72. The plan change proposes a rule that requires the NZTA and Kiwi Rail's approval when site facilities and/or operations are expanded relating to the adequacy of the main accessway to State highway 73 and the rail level crossing. It is noted that rule E26.1.14 states that

Secondary access points shown on the Outline Development Plans in Appendix 26A **and 26B** shall only be used for farm activities, emergency access an situations where the primary

access is made temporarily unavailable by emergency services, the road or rail controlling authorities.

73. Therefore any use of these roads above what is permitted in this rule will require a resource consent which will satisfy My Mazey's request for Council to be involved with this approval process as noted in his memo attached in **Appendix Eight.**
74. Overall I concur with My Mazey that any transportation related effects will be acceptable.

## **NOISE**

75. The applicants have provided a noise assessment undertaken by Marshall Day and this has been reviewed by Jeremy Trevathan of Acoustic Engineering Services (AES). A copy of Mr Trevathan's assessment is attached as **Attachment Nine.** Three submissions were received with regard to noise from the Douglas/Jenkins, Eaves and Buttle's.
76. Mr Trevathan agrees that the use of the proposed Noise Control Boundary (NCB) is a common control measure and considers that the controls proposed by the applicant would be adequate to prevent sleep disturbance at any property not owned by Fonterra, given the controls will ensure noise levels are less than 45 dB L<sub>Aeq</sub> (15min). Mr Trevathan considers the proposed controls will ensure adequate protection during the daytime with regard to outdoor living areas adjacent to dwellings.
77. Mr Trevathan has some comments regarding the plan change text as outlined below:
  - In Rule E26.1.1.17 the onset of the daytime period actually remains unchanged at 0730 hours consistent with the remainder of the District Plan and the current Fonterra consent as opposed to the 0700 hours as discussed in the applicants Marshall Day Report.
  - In Rule E26.1.17 (or indeed anywhere in the Selwyn District Plan) there is no explicit exemption outlined for construction noise, which differs from what Marshall Day have proposed.
  - In Rule E26.1.18 the terms "night time" in the context of rail movements is not defined, and this is also not defined anywhere else in the Plan. Given the inconsistency

between the period Marshall Day present as night time and what actually appears in the Plan it would be ideal if this ambiguity was removed.

- The limitation on railway movements at night is sought to be achieved via a requirement that “the number of night time rail movements does not exceed 2 per any 24 our period”. Mr Trevanthan observes that this may actually result in more sparse rail movements than a simple control that there be no more than 2 rail movements during any night time period. Mr Trevanthan notes that it would be difficult for council to monitor, as to determine compliance on any given night one would have to know what time the last movement occurred the previous night.

78. Three submissions raised noise issues and these will be addressed as follows.
79. The Jenkins/Douglas submission raises concerns with noise for the operation of the factory and loading and unloading of the train. The application states there will be a doubling of rail movements and that night time movements will also occur up to two per night. However Mr Trevanthan considers given the expected noise levels are less than 40 dB<sub>LAEQ</sub> at the Jenkins dwelling he does not consider noise emissions associated with the trains will be unreasonable in this location.
80. The Jenkins submission also expresses concern regarding the increase in truck movements and traffic including on Auchenflower and Bleakhouse Roads. Mr Trevanthan notes there is no comment in the Marshall Day report regarding noise from vehicles external to the site. Within previous assessments as part of the resource consenting Marshall Day have discussed noise from State Highway 73 but not from these two roads. Mr Trevanthan notes that if the traffic on these roads were to double this would result in an increase of 3dB if there is already other traffic on these roads. Mr Trevanthan states if traffic noise increase remains below 3dB, then he considers that noise effects will be acceptable and would not require any further assessment.
81. The Buttle submission raises concern their property is located within the proposed Noise Control Boundary which will impact on the development opportunities of the site. The submission considers that the noise assessment does not address noise effects for outdoor living areas and consequently impacts on human health and amenity effects.

82. Mr Trevanathan has reviewed this submission and notes even for new dwellings constructed on the portion of the Buttle property within the NCB, noise levels will not exceed those permitted by the District Plan for dwellings within rural areas during the daytime. Mr Trevanathan notes the only exception to this may be in the vicinity of the Fonterra entranceway however in this location any new dwellings would also be subjected to uncontrolled traffic noise from the State Highway.
83. Both the Jenkins and Eaves submission raises concerns regarding existing noise from contractors and trucks in the surrounding area. Mr Trevanathan notes this appears to be the type of activity which could be expected in a rural area from time to time. He notes further that the Selwyn District Plan has expectations for noise generated by activities of a limited duration required by normal agricultural activities and also for mobile machinery (provided the noise levels are not unreasonable). It is therefore expected that provided contractors take reasonable steps to minimise effects on residential locations, this noise would be acceptable.

## **ODOUR**

84. Odour has been raised as an issue in the submission from the Buttle's who are concerned that the proposed Plan Change fails to consider odour effects resulting from the expansion of the existing activities. Given this submission Andrew Curtis (Technical Director Air Quality at Aecom) has been engaged to provide a review around the adequacy or otherwise of the PC50 with respect to air quality matters. Mr Curtis's review is attached as **Appendix Five**.
85. Mr Curtis has considered whether the Proposed Plan Change ought to include a requirement to control outdoor amenity issues and it is his opinion that having specific amenity requirements within the proposed plan change would not provide any additional amenity protection over and above that contained in the resource consents. Mr Curtis considers this because in condition 3 of Resource Consent CRC 156761 essentially controls amenity issues, with clause:
- a) Requiring that there are no offensive odours or spray drift from irrigation of waste water, and clause;
  - b) Requiring that there are no offensive odours from the operation of the processing plant beyond the consented areas.

86. Mr Curtis considers that these are the same tests that would likely be applied by the District council, if some form of amenity control were included in the proposed plan change. Therefore given ECan has the responsibility under Section 3091)(f) of the RMA to control the discharge of contaminants to air, Mr Curtis considers this is being achieved via the existing resource consents held by Fonterra and that no further controls are required.
87. A number of submissions raise concerns about compliance with existing consents, citing this as a reason for requiring greater controls within the Proposed Plan Change. Mr Curtis has reviewed the ECan compliance record, and agrees that there are a number of complaints made primarily with regard to odour, with most of these occurring during 2012 and 2013. The bulk of these appear to be associated with the wastewater irrigation, and it is understood Fonterra have made significant changes to the Dissolved Air Flotation process (DAF's) and the flushing regime used on the irrigators, to reduce the potential for water to become odorous.
88. Overall I concur with Mr Curtis's comment and consider that odour is a matter that is best dealt with by the Regional Council at the time any resource consent is sought from the Regional Council and that no further controls are required as part of the Plan Change.

## **REGIONAL COUNCIL MATTERS/SERVICING**

89. Existing servicing arrangements for stormwater, water take and use, air discharge, discharge for wastewater (domestic and treated) all have existing consents from the Regional Council. The applicants note that any additional requirements will require either a variation to the existing consents or a new consent. At the time of any expansion an assessment of any proposed activities will be in the context of the relevant statutory plan and their objectives and policies at the time.
90. Given the long term development of the proposed DPMA will occur over decades it is not practical to deal with servicing in an integrated manner at this stage of the process. I concur with the applicants that applying for new consents on an as needed basis represents the most practical process given the long term nature of the development and likely advances in technology that are likely to occur over time.

## ECONOMIC

91. The applicants have provided an Economic Assessment by Brown, Copeland and Co Limited which takes into account the economic context of the dairy industry with the Selwyn District and the impacts of Fonterra's activities on the economy including the impacts of the proposed expansion provided for by the plan change. This economic assessment has been peer reviewed by Geoffrey Butcher and his assessment is contained in **Appendix Ten**. In summary Mr Butcher considers:
- The economic impacts identified by Mr Copeland are reasonable and err on the conservative side;
  - His analysis of how the economic impacts will contribute to economic well-being is consistent with general economic thinking;
  - His comments on why the expansion is likely to be an efficient use of resources is consistent with Mr Butcher's understanding of the expansion of the dairy industry in Canterbury;
  - Mr Butcher considers whether these factors will lead to an overall efficient use of resources will depend on other environmental effects associated with the expansion and he considers the Commissioner will be in the best position to make that assessment based on other evidence on non-market effects and the social environment.
  - If it is judged that the overall expansion of the plant at Darfield is likely to enable more efficient use of resources, then implementing the proposed Plan Change is likely to be consistent with the purpose of the RMA in encouraging a more efficient use of resources.
92. Overall I concur with the assessment provided by Mr Butcher and consider that any adverse economic effects are considered acceptable.

## **CULTURAL**

93. The plan change includes a Cultural Impact Assessment prepared by Dyanna Jolly on behalf of Te Taumutu Runanga and Tūāhuriri Runanga. The application notes there are no statutory acknowledgement areas, silent file areas or Waahi Taonga areas identified in the District Plan that could be directly affected by the plan change.
94. Overall both Runanga support the proposed plan change but raise the following issues through the submission process;

### **Te Ngai Tu Ahuriri Runanga**

- Seek assurance that the recommendations outlined in the CIA will be appropriately provided for through provisions of the proposed Private Plan Change.

### **Te Taumutu Runanga**

- Reiterate the recommendations made in the CIA;
  - The Landscape Plan for the DPMA should reflect a commitment to reinstate indigenous biodiversity values on the landscape and use of native species that were originally found in this part of the Canterbury Plains.
95. Overall I consider that the proposed plan change will not significantly impact upon any cultural values provided that the ODP controls are maintained and sought by the applicants as part of the Plan change. It is noted that the applicants have committed to seek to provide all the information outlined in the CIA, hold regular hui to discuss issues, share information and provide updates to the Runanga. Therefore I consider any cultural effects to be acceptable.

## **LIGHTING**

96. Outdoor lighting has the potential to result in adverse light spill on the surrounding area. The application notes that the existing site was designed with the use of a number of light suppression measures to assist with reducing light spill, glare and to maintain the 'sky appearance' at night. These measures include directing lighting away from neighbouring properties and roads, and screening of headlight glare from vehicles within the site by way of maturing landscaping planting along the site boundaries and entranceway.



97. The existing DPMA introduced as part of Plan Change 43 provides for a maximum permitted light spill of 3 lux (vertical or horizontal) at the site boundary. This is the same limit as provided for by the existing rural zone rules within the Selwyn District Plan. The applicant notes this is also the same light spill limit placed on the site as part of existing resource consents.
98. Overall any effects associated with lighting are considered to be acceptable.

## **POSITIVE EFFECTS**

99. The full development of the DPMA as proposed by the plan change has a number of positive effects. The plan change would result in increased employment opportunities with a large number of additional full time equivalent staff employed on site as part of the fully developed proposed DPMA. These positions would be primarily skilled positions such as manufacturing plant operators, management and administration.
100. The economic benefits of the development of the DPMA have been quantified in the applicant's economic analysis and overall will have significant economic benefits on both the regional and national economy.

## **PROPOSED PLAN CHANGE PROVISION AMENDMENTS**

101. The Proposed Plan change seeks to amend the existing rules within the District Plan to introduce a specific ODP as a new Appendix. It is noted no changes are proposed to the existing Objectives or Policies of the Plan. The application contains the full text of the proposed provisions and amendments and summarised as follows:

### **ODP Appendix**

102. A new ODP is proposed to be inserted and referred to Appendix 26B (the Synlait ODP is referenced as Appendix 26A). All rules that presently reference the ODP within Appendix 26A have been amended to also refer to Appendix 26B.

### **Landscape Planting Rule**

103. An amendment is sought to the permitted rule regarding the provision of landscaping. The applicants consider that there is some confusion over the applicability of the permitted rule as it only applies where new buildings are to be erected that will increase the capacity for milk processing or storage within the DMA. This requirement also seeks that landscaping be undertaken in accordance with the ODP and with staging and removal specified within Appendix 26A. However the Rule E26.1.6 then goes on to state that landscape planting is a controlled activity under Rule 26.2.1 and 26.2.2.

Rule E26.1.6 states:

*Landscape Planting*

*E26.1.5 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 26 A 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.*

*E26.1.6 Landscape planting required by rule 26.1.5 is a controlled activity for which consent is required in accordance with Rules 26.1.5 and 26.2.2.*

*Note: Neither Rule 26.1.5 nor rule 26.1.6 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.*

104. I agree with the applicants that while landscaping is listed as a permitted activity, it is essentially only applicable where the processing capacity is increased and can therefore only be a controlled activity. The intent of the permitted landscaping rule is to recognise the existing landscaping mitigation that was required to be put in place by way of existing resource consents and to ensure its retention and maintenance. The applicant's note there is an exception to this rule for the Darfield site which requires a strip of shelterbelt screening to be established after the Central Plains Water canal is constructed through the site. This strip of landscaping will screen the gap in the existing perimeter planting that will be created by the canal. Given this landscaping cannot be established until CPW has been completed the applicants propose a permitted rule be inserted to address this.

105. In the Synlait case a controlled activity rule was inserted whereby any increase in processing capacity of a site that would introduce more buildings or storage area required that staged landscaping was undertaken to provide an appropriate level of mitigation. The wording of the controlled activity rule is:

*Landscape Planting Required by Rule 26.1.6*

*E26.2.1 An application for controlled activity consent under rule 26.1.6 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 dead, diseased or dying plants and the methodology for the removal of exotic planting.*

*E26.2.2 Under Rule 26.2.1 the council shall restrict its control to the following matters:*

- (a) The matters in respect of which information is required by Rule 26.2.1:*
- (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 mitigation of landscape effects; and*
- (e) The effect of not removing exotic species which have achieved uniform height of 10m on cultural values.*

106. Proposed amendments to the controlled activity rule above are sought by the applicants due to the confusion over the existing landscape provision. The applicant's note amendments were initially sought to clarify that the permitted rule was to apply to existing landscaping only whereas the controlled activity status was to apply where additional landscaping mitigation is required in stages as outlined in the ODP's in conjunction with increased milk processing capacity being created on the DPMA sites. The proposed amendment is outlined below:

E26.1.5B Existing landscape planting as shown on the Outline Development Plan in appendix 26B shall be maintained in general accordance with the landscape provisions of the that Outline Plan. 'Future screen planting' as shown on the Outline

Development Plan in Appendix 26B shall be implemented within 12 months of the Central Plain Water Canal becoming operational through the site”.

Note: Neither rule 26.1.5. **A or B** not Rule 26.1.6 apply to any planting within ~~a the~~ Dairy Processing Management Area for the purposes of amenity or enhancement and which is additional to that envisaged by the Outline Development Plan.

107. For clarification the controlled activity rule only applies to the Synlait site as the Fonterra site does not require additional landscape planting as it expands given the landscaping mitigation planted at the time the site was developed is now maturing and becoming increasingly effective at providing screening.
108. Overall I consider the minor amendments proposed are acceptable.

### **CONSIDERATION OF ALTERNATIVES, BENEFITS AND COSTS – SECTION 32 ASSESSMENT**

109. The Council has a duty under s32 of the RMA to consider alternatives, benefits and costs of the proposed plan change. The s32 analysis is a process whereby initial investigations, followed by the consideration of submissions at the hearing, all contribute to Council’s analysis of the costs and benefits of the proposed amended and new provisions in the Commissioners final decision. In summary s32 requires the following matters to be considered and evaluated:
- The extent to which objectives (purpose) of the proposal are the most appropriate way to achieve the purpose of the RMA;
  - Whether the provisions in the proposal are the most appropriate to achieve the objective (purpose) of the proposal by:
    - Consideration of other practicable options for achieving recognition of the existing dairy plant and its continued use and expansion
    - Assessment of the efficiency and effectiveness of the provisions in achieving the objective of the proposal. This includes identifying the benefits and cost of the environmental, social and cultural effects including opportunities

**Are the objectives (purpose) of the proposal the most appropriate way to achieve the purpose of the RMA?**

110. The proposed plan change does not seek to change any of the existing objectives or policies contained within the District Plan therefore as per section 32(6)(b) references to 'objectives' means purpose of the proposal.
111. As stated in the application the purpose of the plan change is to recognise the existing Fonterra dairy plant and to provide for its continued efficient use and for future development and expansion. Therefore the evaluation is required to consider the extent to which recognition of the existing dairy plant and its continuing efficient use and expansion best achieves the purpose of the Act. The applicant has undertaken a full assessment within the application and I concur with this assessment.

**Are the provisions in the proposal the most appropriate to achieve the objective of the proposal by identifying if there are other reasonable practicable options for achieving the proposal.**

112. The provisions of the proposal are outlined in detail with the application along with a full text version of the proposed changes and the proposed ODP. I concur with the applicant's that the other practical options for achieving the purpose of the proposal includes the following:
- Maintain the status quo: i.e. maintain the current zoning and continue to apply for resource consents as required.
  - Developing new plant in an alternative location whereby the activity is more permissive; for example an industrial zone.
  - Waiting for Selwyn District Plan Review and seek the introduction of the DPMA for the Fonterra site either through a request to Council to implement or adopt a new zone as part of the Notified Plan or through the submission process.
113. The applicant has discussed and assessed in detail the options above within the application and I concur with the conclusion that the plan change request is the most reasonably practicable option to achieve the objective of the proposal as it provides a strategic approach and specificity in the management of effects that are not replicated as part of the other options.

114. With regard to the assessing the efficiency and effectiveness of the proposed provisions in achieving the objective of the proposal. I concur with the applicant's assessment that the plan change provisions would be the most efficient and effective in achieving the objective of the proposal, i.e, recognition of the existing dairy plant and its continuing efficient use and expansion.

## **PART II MATTERS**

115. The RMA requires the Council to manage the use and development of physical resources in a way, or at a rate, that will enable the community to provide for its social, economic and cultural wellbeing while avoiding, remedying, or mitigating any adverse effects of activities on the environment (Section 5).
116. It is my opinion that PC50 would achieve the purpose and principals of the Act.
117. There are no "Matters of National Importance" listed in Section 6 that are considered to be of specific relevance to PC43.
118. Council must "have regard to" the following "other matters" (s7) when considering the appropriateness of PC43.
- (b) The efficient use and development of natural and physical resources
  - (c) The maintenance and enhancement of amenity values
  - (f) Maintenance and enhancement of the quality of the environment
119. Overall in my view, the proposed DPMA will achieve a number of positive economic outcomes whilst ensuring any adverse effects are adequately avoided, remedied or mitigated. The establishment of the DPMA will provide for the continued growth of the dairy processing operation by providing an appropriate framework. Further it provides certainty around future development for all parties.
120. The proposed DPMA, and proposed rules as proposed to be amended provide sufficient controls and provide certainty to all parties to ensure any adverse effects are adequately

avoided, remedied and mitigated thus is able to satisfy the relevant other matters as detailed above in Section 7.

121. There are no known sites of significance or specific cultural values affecting the development and Iwi have been consulted as part of the RMA process. The Treaty of Waitangi has been considered in preparing and assessing the PC50.
122. In conclusion, it is my opinion that PC50 will achieve the purpose of the RMA.

## **RECOMMENDATION**

123. Plan Change 50 seeks to introduce a new ODP known as Appendix 26B along with some proposed amendments to the existing rules around landscaping and around introducing a specific ODP.
124. My recommendation on submissions are set out in **Attachment Two**.

I agree within the intent of the Plan Change and it is my recommendation that PC50 be accepted as notified.





**Proposed Plan Change 50 -  
Fonterra Limited request the introduction of a Dairy Processing Management Area over the Fonterra Milk Processing Plant 2.5km north of Darfield  
Summary of Decisions Sought**

**Introduction**

The period for making submissions to Plan Change 50 to the District Plan closed on 27 September 2016. This is the second stage of the public submission process where people have the opportunity to make further submissions.

Further submissions give the opportunity for the public to either support or oppose the submissions received and summarised or aspects of these submissions. Please note it is not another opportunity to make fresh submissions on the Plan Change itself, as a further submission can only relate to a submission which has already been lodged.

The further submission Form 6 is available at all Council offices and online at: <http://www.selwyn.govt.nz/services/planning/planning-forms/form-6-further-submissions>. It is noted that all specific provisions identified in submissions are referenced in the following summary in *Italics*, with all deletions referenced by strike through and additions underlined.

**Summary**

**Summary of Decisions Sought**

| Sub No. | Submitter  | Submitter Details   | Wishes to be Heard | Support/ Oppose | Decision Sought                           | Decision No | Summary of Submissions   |
|---------|--|---|--------------------|-----------------|---|-------------|--|
| 1       | Dean Douglas and Sain Jenkins                            | 832 Auchenflower Road, RD1, Darfield  | Yes                | Oppose          | Decline                                   | D1.1        | Noise associated with the operation of the factory and loading/unloading of the train is already loud and will become more frequent  |
|         |  |   |                    |                 |   | D1.2        | Increase of traffic/trucks on the road will increase dust effects and increase traffic noise.  |
|         |  |   |                    |                 |   | D1.3        | Wastewater from plant is used in irrigators on adjacent properties resulting in unacceptable discharge of odours. Increase of plant operations will result in increased use of irrigators and therefore odour.   |
|         |  |   |                    |                 |   | D1.4        | Fonterra has failed to consult with neighbours   |
|         |  |   |                    |                 |   | D1.5        | Expansion of plant will increase vehicle movements impacting on safety   |
|         |  |   |                    |                 |   | D1.6        | Devaluation of property due to eye sore of factory and increased odour.  |
|         |  |   |                    |                 |   | D1.7        | Fonterra refuses to work in and assist neighbours and local contractors.   |
| 2       | Georgina McKeever Eaves                                  | 13 Bleakhouse Road, Racecourse Hill, RD 1, Darfield   | No                 | Oppose          | Decline                                   | D2.1        | Smell, noise and dust from contractor trucks in grass cutting season   |
|         |  |   |                    |                 |   | D2.2        | Increase in the number of dairy farms in the area meaning an increase in the use of irrigators.  |
|         |  |   |                    |                 |   | D2.3        | Devaluation of property  |
| 3       | Synlait Milk Ltd   | C/- Locality Ltd, 18 Snowdon Road, Fendalton, Christchurch 8052                             | Yes                | Support         | Approve                                   | D3.1        | The introduction of a DPMA is appropriate and will assist with the efficient use of an existing resource.  |
|         |  |   |                    |                 |   | D3.2        | PC50 is requested to be made operative as notified.  |
| 4       | Te Ngai Tu Ahuriri Runanga Inc.                          | C/- Amy Beran, Environmental Advisor, Mahaanui Kurataiao Limited, PO Box 3246, Christchurch | Yes                | Support         | Approve, subject to additional mitigation | D4.1        | Supports granting of the private plan change, provided activities are undertaken in ways that respect the receiving environment and do not adversely affect Ngai Tahu cultural values, customs and traditional relationship with land and water.         |
|         |  |   |                    |                 |   | D4.2        | Supports granting of the private plan change, provided the recommendations in the Cultural Impact Assessment will be appropriately provided for through provisions in the proposed plan change.  |
| 5       | Te Taumutu Runanga                                       | PO Box 3214, Christchurch   | Yes                | Neutral         | Neutral                                   | D5.1        | Te Taumutu Runanga supports communities ability to grow, however it needs to be undertaken in a sustainable way considering effects on the environment and cultural values. In its current form Te Taumutu Runanga is unable to support the application. |
|         |  |   |                    |                 |   | D5.2        | The submission reiterates the recommendations sought in the Cultural Impact Assessment.  |
|         |  |   |                    |                 |   | D5.3        | The landscaping plan for the Dairy Processing Management Area should reflect a commitment to re-instate indigenous biodiversity values and use native species that were originally found in this part of the Canterbury Plains.                          |
| 6       | Charlie Buttle (The Bach Trust) & Charles & Susan Buttle | C/- Aston Consultants, PO Box 1435, Christchurch 8140 Attn Fiona Aston/Liz Stewart          | Yes                | Oppose          | Decline                                   | D6.1        | The plan change is contrary to the Resource Management Act, including Part 2 and s.32.   |
|         |  |   |                    |                 |   | D6.2        | Property is located within the Noise Control Boundary which this will impact upon the development opportunities of the site.   |
|         |  |   |                    |                 |   | D6.3        | The Assessment of Environmental Effects is inadequate, incomplete and incorrect.   |
|         |  |   |                    |                 |   | D6.4        | The Assessment of Environmental Effects and Plan Change 50 provisions fail to consider potential odour effects resulting from the expanded operations permitted by Plan Change 50.   |

| Sub No. | Submitter | Submitter Details | Wishes to be Heard | Support/ Oppose | Decision Sought | Decision No | Summary of Submissions  |
|---------|-----------|-------------------|--------------------|-----------------|-----------------|-------------|---|
|         |           |                   |                    |                 |                 | D6.5        | The Assessment of Environmental Effects is inadequate in respect to the assessment of landscape and visual effects.   |
|         |           |                   |                    |                 |                 | D6.6        | The Noise Control Boundary extends into the southern portions of the adjoining Buttle farm property. The Noise Assessment does not assess noise effects for outdoor living areas and consequently impacts on human health and amenity effects. The effect of the Noise Control Boundary will transfer developments costs associated with the expansion to adjoining landowners. |
|         |           |                   |                    |                 |                 | D6.7        | Plan Change 50 anticipates the doubling of heavy vehicle and rail movements. The Traffic Assessment only considers effects on the operation of SH73/Fonterra site intersection. There is no assessment of increased vehicle movements on the amenity of neighbouring properties.  |
|         |           |                   |                    |                 |                 | D6.8        | Plan Change 50 will enable development which as the potential to generate significant adverse effects which will not be adequately avoided, mitigated or remedied. This includes (but not limited to) reverse sensitivity, traffic and vibration, noise, landscape and visual and odour effects.  |
|         |           |                   |                    |                 |                 | D6.9        | Plan Change 50 is contrary to the objectives and policies of the Selwyn District Plan, the Regional Policy Statement, the Natural Resources Regional Plan and the Proposed Canterbury Air Regional Plan.  |
|         |           |                   |                    |                 |                 | D6.10       | The Plan Change 50 s.32 Assessment is inadequate and incomplete in that it does not assess the cost and benefits of the plan change on neighbouring properties and it does not meet the requirements of s.32.   |

## Attachment Two

## Officers recommendations on submissions

|  |          |  |
|--|----------|--|
| Dean Douglas and Sian Jenkins                              | Rejected | <ul style="list-style-type: none"> <li>Submission rejected with regard to noise. A specific noise control boundary has been proposed with set noise limits which will provide adequate protection.</li> <li>Submission is rejected with regard to increased dust and traffic noise from increase in traffic/trucks. The current intersection is anticipated to operate with a high level of service provided cumulative volumes of traffic does not exceed 170 vehicle movements per any 30 minute period. Fonterra proposed to manage shift patterns to contain the use of the vehicle access to within the 170 veh/30min threshold.</li> <li>Submission rejected with regard to the wastewater irrigation and associated odour effects. This matter is controlled by the regional Council and through any future resource consent applications as required.</li> </ul> |
| Synlait Milk   | Accept   | <ul style="list-style-type: none"> <li>Submission accepted.</li> </ul>   |
| Georgina McKeever Eaves                                    | Reject   | <ul style="list-style-type: none"> <li>Submission rejected with regard to noise, dust and odour from contractor trucks in grass cutting season. Noise is dealt with sufficiently through the proposed noise control boundary and noise limits. Dust and odour are controlled through the Regional Council and relevant construction noise standards.</li> <li>Submission rejected regarding property devaluation as this is not a RMA matter.</li> </ul>   |
| Te Taumutu Runanga   | Accept   | <ul style="list-style-type: none"> <li>Submission points accepted</li> </ul>   |
| Te Ngai To Ahuriri Runanga Inc.                            | Accept   | <ul style="list-style-type: none"> <li>Submission point accepted.</li> </ul>   |
| Charlie Buttle (The Bach Trust) & Charles and Susan Buttle | Reject   | <ul style="list-style-type: none"> <li>Submission rejected with regard to odour as any odour effects will be dealt with at the time and future expansion activity is proposed. All activities resulting in odour are subject to the same test required i.e. no odour shall be objectionable and offensive...</li> <li>Submission is rejected with regard to the noise control boundary potential impacting on the development opportunities of the site. The proposed NCB will not prevent residential</li> </ul>  |

|  |  |   |
|--|--|---|
|  |  | <p>development on site and requires noise compliance in closer proximity to the plant compared to the District Plan provisions.</p> <ul style="list-style-type: none"> <li>• Submission point concerning landscape and visual effects being in adequate is rejected. A detailed assessment has been provided by the applicant and peer reviewed by Mr Head which is deemed appropriate.</li> <li>• Submission point regarding doubling to traffic movements and rail movements is rejected as the traffic assessment provided in the application reviewed by Mr Mazey considered traffic effects to be acceptable.</li> </ul> |
|--|--|---|

**Attachment Three**      Letter form the Buttles' (Submitter)

21 December 2016

**For: Ben Rhodes**

Selwyn District Council  
PO Box 90  
Rolleston 7643

By email - [benjamin.rhodes@selwyn.govt.nz](mailto:benjamin.rhodes@selwyn.govt.nz)

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Christchurch 8013

PO Box 13831  
Christchurch 8141  
New Zealand

[al.nz](http://al.nz)

#### **Plan Change 50 (16006140)**

- 1 We act for Charlie and Sue Buttle.
- 2 Our clients have lodged a submission in relation to Plan Change (**PC50**) to enable Fonterra Limited to extend their existing dairy factory operation at Darfield.
- 3 We understand that a pre-hearing evidence exchange timetable is currently being contemplated by the Commissioner.
- 4 As outlined in our client's submission, there are a number of deficiencies in the proposal. In particular, the AEE fails to address odour and associated amenity effects arising from PC50, and no technical evidence has been obtained to address this issue.
- 5 Our clients have previously raised with the Council the need for further information and adequate assessment of effects, particularly relating to odour. It is our view that a standard timeframe will not allow adequate time for submitters and potentially council officers to consider and respond to odour effects arising from PC50 if no further information about effects is provided prior to the evidence exchange.
- 6 We understand that the Council does not consider it appropriate to issue a Request for Further Information on the grounds that the statutory time frame for lodging such a request prior to notification has expired. It is our view that the decision maker is entitled to commission a report and/or seek further information as is necessary. We also note that section 37(1)(a) of the Resource Management Act 1991 allows territorial authorities to extend prescribed statutory time limits when they have expired.
- 7 It is our view that it is incumbent upon a decision maker to address this in accordance with sound resource management practice.
- 8 We also request that ample time is built into the proposed timeframe to enable parties to respond to this information prior to the hearing.

9 Can you please place this letter before the Commissioner for his consideration.

Yours faithfully  
**Anderson Lloyd**

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

**Jen Crawford**  
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e [jen.crawford@al.nz](mailto:jen.crawford@al.nz)

**Attachment Four**

Applicant memo in reply to submitter letter



[Click here to enter text.](#)

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*under:* the Resource Management Act 1991

*in the matter of:* an application to the Selwyn District Council to change the Selwyn District Plan ('PC50') - including proposed amendments to the 'Dairy Processing Management Area'.

## Memorandum of counsel on behalf of Fonterra Limited

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Dated: 25 January 2017

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REFERENCE: B G Williams (ben.williams@chapmantripp.com)

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## MEMORANDUM OF COUNSEL ON BEHALF OF FONTERRA LIMITED

May it please the Commissioner

### Introduction

1 This memorandum has been prepared by Fonterra Limited (*Fonterra*) in relation to the hearing of submissions on plan change application 50 (*PC50*).

2 Within this memorandum Fonterra respectfully seeks:

2.1 to briefly address the request in a letter (Crawford/Rhodes, dated 21 December 2016) provided on behalf of a submitter (Charlie and Sue Buttle) that alleges "*technical deficiencies*" in the plan change application mainly relating to odour and amenity effects (the *Buttle letter*); and

2.2 directions around the pre-exchange of evidence.

### Response to submitter request

3 In the Buttle letter it is alleged that:

"As outlined in our client's submission, there are a number of deficiencies in the proposal. In particular, the AEE fails to address odour and associated amenity effects arising from PC50, and no technical evidence has been obtained to address this issue."

4 In light of the Council's position (i.e. that it does not consider it appropriate to issue a request for further information) the letter goes on to note that "*the decision maker is entitled to commission a report and/or seek further information as is necessary.*"

5 Fonterra (like the Council) does not consider such a request or report appropriate or necessary.

6 In particular:

6.1 although it is accepted that amenity more generally (and conceivably odour as it relates to amenity) are a relevant consideration for a District Council, any activity that relates to the discharge of contaminants is strictly a Regional Council matter;

6.2 in this instance (and as the Commissioner will be aware), PC50 seeks to vary the Rural Zone rules specific to 131 hectares of rural land through the introduction of a proposed Dairy Processing Management Area. Importantly, this site already contains the existing Fonterra Milk Processing Plant, established under various resource consents which form part of the 'environment' against which PC50 is to be assessed.

6.3 the existing Fonterra consents include resource consent CRC156761 (to discharge contaminants to air) which for example includes condition 3:

3. (a) There shall be no odour, particulate or water droplet emissions from the operation of the waste water irrigation or any other associated activity which is objectionable or offensive beyond the boundary of any property where the activity occurs.
- (b) The discharges, including construction activities, shall not cause particulate matter or odour that is objectionable or offensive beyond the boundary of the milk processing plant site.

Similar conditions requiring no objectionable or offensive odour beyond the site boundary exist in the consents for domestic waste water (CRC156755), the irrigation of contaminants to land and air (CRC171149 and CRC171115) and the storage of clean process water (CRC156615). The Selwyn District Council consent (115199) makes no mention of odour or air discharge – again consistent with these being properly Regional Council matters; and

6.4 were those consents to be replaced or varied in the future then the expectation is that similar conditions would be imposed as informed by (for example) the Objectives 5.6 to 5.9 and Policy 6.5 to 6.7 (which include the same expectation of managing air discharges in relation to adjacent land uses to *inter alia* “avoid” offensive and objectionable effects).

- 7 Accordingly, it is Fonterra’s position that it is not necessary to have a detailed understanding of odour to determine PC50. Not only is it properly a matter for the Regional Council but the existing consents already protect surrounding land uses from the discharge of odour that is offensive or objectionable (and it is anticipated that will remain the position in the future).
- 8 This approach is consistent with the consultation that has been undertaken with the Regional Council (as recorded in section 10 of the *Statutory Analysis and Section 32 Evaluation Report* (the *Plan Change Report*) where it is noted that the Regional Council has no concerns with air quality arising from the plan change.
- 9 For completeness it is noted that amenity more generally and the position re air discharges is discussed in the Plan Change Report and the *Landscape and Visual Assessment* (prepared by Andrew Craig) provided with the application. These will be supplemented by evidence at the hearing – but in all cases all parties and the Commissioner should already have a sufficient understanding of the activities that currently do and could occur on the site.

### **Pre-exchange**

- 10 Although there are a limited number of submitters in relation to PC50, the nature (including the existing consent framework) and effects of the activities on the existing site are relatively complex.
- 11 In addition it appears that there are a number of issues that have been raised by submitters that are either unclear or will presumably be further detailed in evidence (the best of example of this being concerns around odour and the potential future residential activities referred to in the Buttle submission).
- 12 In order to ensure the hearing advances as efficiently as possible and to ensure that issues are comprehensively addressed, Fonterra respectfully asks for a timetable providing for the pre-exchange of evidence. On the basis of hearing starting on or around 22 March, this would have:
  - 12.1 Officer Reports being available **1 March**;
  - 12.2 Fonterra providing its evidence on **8 March**;
  - 12.3 Submitters providing their evidence on **15 March**;
  - 12.4 the Hearing commencing **22 March** (with Fonterra providing any further rebuttal at that time).
- 13 On the basis of the Buttle letter it appears that pre-exchange is already contemplated by submitters and we suggest it will be of very real benefit to all those involved in the hearing process.
- 14 Fonterra does not seek caucusing as between experts and does not consider it would be constructive in the circumstances.

Dated 25 January 2017



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Ben Williams  
Counsel for Fonterra Limited

**Attachment Five**

Air quality review, Andrew Curtis (Technical Director Air Quality)

## Memorandum

|              |   |      |                  |
|--------------|---|------|------------------|
| To           | Melanie Foote   | Page | 1                |
| CC           |   |      |                  |
| Subject      | Air Quality Review of Private Plan Change 50 Fonterra Darfield Processing Management Area |      |                  |
| From         | Andrew Curtis   |      |                  |
| File/Ref No. |   |      | Date 27-Feb-2017 |

As requested I have prepared this memo to set out my thoughts on the adequacy or otherwise of the Private Plan Change 50 (PC50) with respect to air quality issues.

### 1.0 Current Regional Consents

In the Canterbury region the primary responsibility for control of discharges to air lies with Environment Canterbury (ECan). Based on my review of the ECan database Fonterra hold three air discharge consents for the site:

- CRC 171164 which covers the discharge of wastewater, clean process water to land, and any odours that may be associated with them. (expiry 2045).
- CRC156761 which covers discharges to air from the coal fired boilers and the milk powder dryers. (expiry 2045)
- CRC 165424 which covers discharges to air from small waste-oil fired heaters. (expiry 2048)

From my review of these consents they all contain a condition that requires that the discharges to air *"not result in odour, which is noxious offensive or objectionable beyond the property boundary"*

For the site related consents, the "property boundary" appears to be the land that is owned by Fonterra and is a larger area than that encompassed by the proposed Dairy Processing Management Area (DPMA) to the northwest. However to the east southeast of the processing plant the "property boundary" and the DPMA appear to coincide. This means that in order to comply with the site resource consents, odours beyond that boundary must not be considered *"noxious offensive or objectionable"*. This does not mean that there is a requirement for no odours beyond the boundary.

These consents and the above condition appear to be consistent with what has been granted to other Dairy factories in Canterbury.

### 2.0 Requirement for Regional Consents

The original air discharge consents for site were obtained under the then operative Natural Resources Regional Plan (NRRP), with the boilers required to obtain consent under Rule AQL27 as Discretionary activities, and Milk Drying and treatment covered by Rule AQL57 also as a Discretionary Activity.

The NRRP has now been superseded by the Canterbury Air Regional Plan, with the large scale fuel combustion carried out by Fonterra as Discretionary Activity under Rule 7.24, and Milk treatment and drying a Discretionary Activity under Rule 7.63. Therefore any change to site operations resulting in additional air discharges would require a new consent or a change to the existing consents

The requirement to obtain regional consents is not dependent on the land use zoning, and based on my experience with discretionary activities, a change in the land use status would make little difference to how the Regional Council might consider any future application, as compliance is typically required either immediately at or beyond the property boundary (not the zone boundary) or at the nearest sensitive receiver, which would continue to be the existing residences, or potentially any new residences that may be built in the future.

### **3.0 Air Quality Requirements in the District Consents**

There is nothing in the operative Selwyn District Plan, from an air quality perspective which would impact on the operation of Fonterra, or any other milk processor, or large coal fired boiler operator.

There is a requirement in Sections 9.9 and 9.10 of the Plan to consider odour and dust effects from expanded or new intensive farms.

This appears to be primary associated with Objective B3.4.2, and a desire to manage as far as possible reverse sensitivity effects. This also appears to be dealt with by Policy B3.4.3.

There is also a specific policy (B3.4.5) which enables the implementation of Dairy Processing Management Areas. The rules associated with this policy (Appendix 26, Section E26.1) do not specifically deal with air quality.

Therefore based on my review, any air discharges associated with the Darfield site are controlled wholly by the resource consents issued by ECan.

### **4.0 How are Dairy Processing Sites dealt with in Other Regions?**

I have undertaken a review of the air quality consent requirements and land use for other large dairy processing sites in the South Island.

The Synlait site, near Dunsandel is located in a DMPA in the Selwyn District Plan, essentially identical to that proposed by Fonterra. The site has a set of resource consents from ECan which are very similar to those held by Fonterra.

The Fonterra Clondeboy site near Temuka, is located on land zoned Industrial H in the Timaru District Plan, which is the same zoning applied to land in Industrial in Washdyke and allows for the operation of a range of heavy industrial activities. The site also holds resource consents from ECan for air discharges.

The Fonterra Studholm site, in Waimate District is located in a Business 3 zone, and holds a resource consent from ECan for discharges to air.

The Oceania Dairy site in the Waimate District is located in the Rural zone, where activities of this type are specifically allowed, and holds a resource consent from ECan for discharges to air.

The Fonterra Edendale plant in the Southland District, is located in an Industrial Resource Area. The site has a specific Development Concept Plan. This is very similar concept to the DPMA requirements in the Selwyn District Plan, except that there is also a requirement to meet general Amenity requirements including odour, also set out in the plan. The site holds a resource consent for its discharges to air from the Southland Regional Council.

In essence this review has indicated that the proposal by Fonterra for a business type zone around its Darfield site is consistent with land zoning that has been applied to the majority of other dairy factories in Canterbury and Southland.

### **5.0 Should the Proposed Plan Change include a requirement to control amenity issues?**

Having reviewed all of the information on the proposed plan change, and in particular the area of land which it applies to, and the "property boundary" which applies to the air discharge consents held by Fonterra, it is my opinion that having specific amenity requirements within the proposed Plan change would not provide any additional air quality related amenity protection over and above that contained in the resource consents.

This is because Condition 3 in Condition CRC 156761 essentially controls air quality amenity issues, with clause (a) requiring that there are no offensive odours or spray drift from irrigation of waste water, and clause (b) requiring that there are no offensive odours from the operation of the processing plant, beyond the consented areas. These are the same tests that would likely be applied by the district council, if some form of amenity control were included in the proposed plan change.

Given that ECan has the responsibility under Section 30 (1) (f) of the RMA to control the discharge of contaminants to air, I consider that this is being achieved via the resource consents held by Fonterra, and that no further controls are required.

## **6.0 Compliance with Consents**

A number of the submissions raise concerns about compliance with the existing consents, citing this as a reason for requiring greater controls in the proposed Plan change. This was also raised as a matter in our discussion with representatives of Mr Buttle.

I have viewed the ECan compliance record, and agree that there are a number of complaints made primarily in regard to odour, with most of these occurring in 2012 and 2013. The bulk of these appear to be associated with the wastewater irrigation, and I understand that Fonterra have made significant changes to the DAF's and the flushing regime used on the irrigators, to reduce the potential for water to become odorous. There are no complaints recorded after 2015 by ECan.

Concerns were also raised about odours from the milk dryers, although as far as I can see there have been no complaints made that might be associated with this odour.

While I accept that there may have been some odours from the operations, I have not seen any evidence that Environment Canterbury has determined that the odours resulted in a non-compliance with the consent.

In any event I am not sure that compliance, or not, with the resource consents is an issue that should be considered in relation to the proposed Plan change, as there is no control that I am aware that might be included in the proposed Plan change, over and above the controls already in the resource consents which could have prevented the odours from occurring, or resulted in a different outcome. i.e. Fonterra implementing process changes to prevent the odours occurring again.

Andrew Curtis  
Technical Director Air Quality  
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**Attachment Six**

Expert caucusing notes, 23 February 2017

## FONTERRA PRIVATE PLAN CHANGE 50

### EXPERT CONFERENCING

23<sup>rd</sup> February 2017, 11.00am RMG Meeting Room

#### Attendees:

Melanie Foote MF (Consultant Representing SDC)

Dean Chrystal DC (Planner for the applicant)

Richard Chilton RC (air Quality Scientist)

Nicola Rykers NR (Planner representing Synlait)

Liz Stewart LS (Planner representing a submitter the Buttle's)

Donovan Van Kekem DV (Air Quality Scientist, representing a submitter the Buttle's)

Andrew Curtin (Air Quality Scientist, representing the Council)

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| ISSUES DISCUSSED   |    |
|--|----|
| EXTENT OF DEVELOPMENT  |    |
| <ul style="list-style-type: none"><li>Concern that the Plan Change provides no certainty around the maximum level/scale of development.</li></ul>  | LS |
| <ul style="list-style-type: none"><li>Built form is set by the ODP envelop (max height and location). Any building outside specified ODP area or any building over height will trigger the requirement for a resource consent.</li><li>Noted: can't specify exactly the maximum level of development as Fonterra don't know what the future development will entail and don't know what future activities will be.</li></ul>                             | DC |
| ODOUR  |    |
| <ul style="list-style-type: none"><li>Considers that odour needs to be considered as part of the land use considerations by the District Council at the time of the Plan Change.</li></ul>   | DV |
| <ul style="list-style-type: none"><li>Noted the Regional Council is the higher authority with regard to odour matters from industrial or trade activities (such as Fonterra's) and that odour amenity related effects are a consideration that is considered by the Regional Council.</li><li>Expansion is limited by geographic space and the plan change proposes an overlay and rezoning rather than being activity specific at this stage.</li></ul> | RC |

|  |       |
|--|-------|
|  |       |
| <ul style="list-style-type: none"> <li>Reviewed how dairy processing sites are dealt with in other places. Generally they are all dealt with in a similar manner so what is being proposed is not unique and is consistent with other dairy processing factories.</li> <li>In AC's opinion, the Buttle's are not going to be any worse off with the proposed DPMA as irrespective of zoning the same test will always apply i.e., that any odour shall not be offensive and objectionable.</li> </ul>  | AC    |
| <ul style="list-style-type: none"> <li>The District Council is not the statutory assessor of odour but rather the Regional Council is.</li> <li>By putting the proposed zoning in place will not remove any future right for the Buttle's to be involved in subsequent statutory process/s for any future regional consent application/s. The nature and scale of future activities are unknown. Consequently, the types of effects that may be generated and the types of technology or best practice that may be applied to mitigate effects is similarly unknown at this point in time. On this basis it is difficult to assess potential unknown odour effects. .</li> </ul> | NR    |
| <ul style="list-style-type: none"> <li>If the plan change goes ahead that the ability of the Buttle's to develop their land in accordance with the provisions of the Operative Plan will not be compromised (except within the Noise Control Boundary where additional controls on dwellings will apply).</li> </ul>   | DC    |
| <ul style="list-style-type: none"> <li>Notes they consider there is an objectionable odour beyond the boundary at present and concerned that any expansion will increase the odour effects. Consider the driers may be causing the odour issues.</li> </ul>  | DV    |
| <ul style="list-style-type: none"> <li>Odour complaints date back to 2012 and 2013 and no recent complaints upheld.</li> </ul>   | AC    |
| <ul style="list-style-type: none"> <li>At the time expansion activities undertaken that involve odour, these will require a new consent from the Regional Council at that time.</li> </ul>   | RC    |
| <ul style="list-style-type: none"> <li>Wastewater plant unsure what is proposed re expansion of irrigation.</li> </ul>   | LS    |
| <ul style="list-style-type: none"> <li>A new air discharge consent will be required if any plant expansion is required and expansion of the irrigation is required above what is already consented. During our site visit Fonterra noted the irrigation is not currently operating at the permitted maximum so there is capacity under existing consent.</li> </ul>  | AC/MF |
| <b>OTHER MATTERS</b>   |       |
| <ul style="list-style-type: none"> <li>Concerned traffic/rail full development extent is not adequately assessed.</li> </ul>   | LS    |
| <ul style="list-style-type: none"> <li>Until exact nature of future development activities are known the full extent of any traffic etc. cannot be quantified. It is a possibility that there may not even be in an increase.</li> </ul>   | DC    |

|   |              |
|---|--------------|
|   |              |
| <ul style="list-style-type: none"> <li>Noted that any changes to access from that shown on the ODP will require a resource consent.</li> </ul>  | NR           |
| <ul style="list-style-type: none"> <li>Landscaping: ODP does not specify the type, height or maintenance schedule.</li> <li>DC will review to see if these details can be included as part of the ODP and review what was approved as part of the Synlait ODP.</li> <li>There is no provision in the Plan Change for a departure from the landscape rules to be considered as a restricted discretionary activity. DC to review.</li> </ul> | LS<br><br>DC |
| <ul style="list-style-type: none"> <li>Signage: concerned that some of the consent conditions around colour of corporate logo etc are not being carried through as part of the plan change.</li> <li>DC to review existing consent conditions and whether these can be carried through as part of the plan change.</li> </ul>   | LS<br><br>DC |
| <ul style="list-style-type: none"> <li>There is lack of clarity with respect to the status of the creation of additional access routes and Rule E26.1.2?</li> </ul>   | LS           |

#### UNRESOLVED MATTERS:

At the conclusion of the meeting we arrived at a position that we agree to disagree position around odour matters and the extent of the development.

**Appendix Seven**

Landscape assessment peer review, Jeremy Head (Landscape Architect)

**Proposed Dairy Processing Management Area**

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**Darfield (Fonterra Co-operative Ltd)**

**PRIVATE PLAN CHANGE REQUEST**

**PEER REVIEW**

**of:**

**APPLICANT'S ASSESSMENT OF LANDSCAPE  
AND VISUAL EFFECTS**

February 2016

Prepared for Selwyn District Council by:  
Jeremy Head  
Jeremy Head Landscape Architect Ltd.

## Introduction

### Background

This report provides a peer review of the visual and landscape assessment (prepared by Andrew Craig) accompanying a private plan change request to Selwyn District Council. Later on, the report considers the submissions received pertinent to landscape matters.

I understand the plan change introduces a “Dairy Processing Management Area” (DPMA) layer to the Rural (Outer Plains) Zone of the Selwyn District Plan. The DPMA would be located on land owned by Fonterra Co-operative Ltd plus a smaller parcel of land owned by Orion NZ Ltd (a substation site), both currently occupied by the existing Fonterra Dairy plant at Darfield. The purpose of the DPMA plan change request is to recognise the existing dairy plant, to allow for its continued efficient operation, ongoing expansion, and to provide a degree of certainty as to how the contextual environment would change with regard to potentially affected parties. I understand that due to the nature of the plan change process, the applicant is not obliged to provide design specifics, but is required to develop the site in general accordance with the Outline Development Plan (ODP) while adhering to the relevant existing and proposed District Plan standards. It is further understood that the ODP indicates anticipated maximum built form of the dairy plant which is assumed to be over several decades<sup>1</sup>.

This peer review focuses on the potential effects of the DPMA and how well these have been considered in the applicant’s landscape architect’s report.

I am familiar with the application site, and have assessed the receiving environment - which is determined by the extent of any potential adverse effects. Of relevance, I am also familiar with the Synlait plant’s development history. I prepared landscape peer reviews for Council regarding Synlait’s proposed “Drystore 3” (June 2011), “Stage 3 (part B) Drystore and Cold Store” (March 2013), “Stage 4 Dryer 3” (November 2013) and “Private Plan Change” (November 2014). This Plan Change is essentially modelled on the details of the Synlait Plan Change and resulting approved DPMA at Synlait’s Dunsandel site.

I have familiarised myself with this plan change application and the landscape and visual assessment report component. I understand that landscaping established as conditions of consent during earlier sequences of development is partly relied upon as mitigation of landscape and visual effects for the Plan Change proposal. From my site inspection I can attest that this earlier mitigation planting – particularly benefitting travelers on SH73 is indeed becoming effective.

### Scope

As mentioned, I will provide comment on the landscape matters pertaining to the application, the Outline Development Plan (ODP) and the landscape and visual assessment (LVA) report prepared by Mr Craig.

I also consider:

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<sup>1</sup> The DPMA is anticipated to include up to 6 drystores, 4 dryer towers, 4 boilers, an extended rail siding, ancillary buildings including reception building, roading and areas for wastewater and stormwater management.

- the statutory considerations arising from the Selwyn District Plan (the ‘Plan’) relating to landscape matters and rural amenity and the extent to which they have been addressed in the landscape assessment,
- the analysis and conclusions drawn on the landscape effects of the plan change,
- any gaps and shortcomings in the assessment undertaken as part of the assessment of environmental effects prepared by the applicant’s landscape architect.

and,

- submissions received.

My report agrees with the applicant’s landscape architect’s conclusions.

This review has considered the information that has been made available to date. It is possible that my reasons and conclusions may be altered in response to new information arising that becomes available prior to or at any hearing of the application.

In my opinion the central landscape issue concerns whether it is appropriate to enable further development of the type of activity currently occurring within the site and its rural context; and whether any adverse effects on landscape and amenity values are acceptable following their avoidance, remediation or mitigation. I accept that fundamentally the proposal involves the ongoing expansion of existing activity, which currently contributes to the character and amenity of the existing local environment. I am also of the opinion that the existing operation generates a level of adverse effects that are now on the way towards being satisfactorily mitigated due to the time that earlier mitigation planting has had to establish within the site.

Specifically, any potential adverse effects will result from increased building domination arising from bulk, height and site coverage; excessive reflectivity and light spill, and the potential loss of green open space from which rural amenity is derived. These are largely visual rather than landscape effects, where the latter involves changes to the setting. Consequently it is the potential adverse visual effects that require mitigation to the point where they are appropriate, no more than minor in the medium to long term and therefore acceptable.

## Review of proposed Rule

This plan change proposes to introduce a new ODP to the Plan as an appendix (26B). The applicant also proposes an amendment to only one rule in the Selwyn District Plan (Rule E26.1.5B ‘Landscape Planting’). Relevant objectives and policies remain unchanged as this plan change simply adopts those objectives and policies determined and now operative through Synlait’s plan change process. With regards to the proposed amendment to Rule E26.1.5B, the purpose of this is to recognise one significant difference in this site compared to the Synlait site. Namely that the Central Plains Water canal is proposed to cross the Darfield DPMA. In practical terms, and hence the rule, this means that any planting in the vicinity of the canal construction envelope will be deferred until the canal is built (included in the rule wording as *“Future screen planting’ as shown*



on the Outline Development Plan in Appendix 26B shall be implemented within 12 months of the Central Plains Water Canal becoming operational through the site” - which is appropriate in my view.

## Review of landscape and Visual Assessment (LVA)

Key issues arising from my review are:

- The effectiveness of the landscape mitigation measures shown in the ODP.
- With regard to implementing the ODP and achieving the intent of largely existing statutory provisions, consideration of the current health and likely projected growth rates of existing shelterbelt and specimen tree planting whose purpose is to screen views from off-site vantage points, particularly from SH73.
- Consideration of the measures taken to mitigate more than minor adverse effects on rural character and amenity values of the area so as to achieve as best as possible the outcomes anticipated by the relevant objectives and policies.

Part 4 of the LVA *'The Landscape of the Existing Environment'* describes the contextual landscape which includes the existing dairy plant and which Mr Craig asserts is 'quite prominent' by dint of it being the largest physical element present. He also mentions that this prominence will diminish over time as mitigation planting continues to grow. From my own observations, some of this planting located alongside SH75 is approaching 2-3m in height at which point it is already beginning to screen parts of the interior of the site. Mr Craig summarises the existing environment as 'rural', 'moderately modified', 'geometrically patterned', 'pastoral and cropping landuse (largely)', 'no significant natural features within range of the dairy plant', 'a working landscape' and 'includes a scenic road and rail route'. Mr Craig's landscape description and conclusions reached are in accordance with my own observations of the site and its context. From my past involvement with the Synlait plan change, I would add that in this case by comparison, the greater proximity of the plant to the alps and foothills helps reduce its apparent size by the juxtaposition of a much larger and attractive natural feature.

The LVA then goes on to discuss whether there are any landscape constraints or impediments to the various activities proposed arising from the plan change. Landscape constraints are considered broadly as landscape elements that are physically immovable or culturally or naturally significant (or all of the above) and where any proposed addition to the landscape would affect these in an adverse way – either through their removal in full or in part or through their being overwhelmed by any new development nearby. He concludes that there are none. That also accords with my own observations and understanding of the area. The existing dairy plant and the DPMA is located within a broad area of flat rural landscape well separated physically from any notable landscape features.

At section 5 the effects on the landscape of the plan change are addressed under *'landscape effects'* which are defined as changes to the landscape that may not necessarily be seen, but are known; and *'visual effects'* which are considered from several selected key vantage points where the changes to the site would be directly observed including from roads and nearby dwellings. This is standard practice. Amenity is discussed firstly in the context of the Plan where dairy plants are included as expected elements in the rural area. And so it is concluded that expectations of levels of amenity must be tempered by what is permitted and in this case already occurring in the

baseline working rural environment. Mr Craig also states that the plan change will give rise to increased levels of visual dominance through additional buildings combined with less open rural landscape, intrusion of views to significant features such as the alps, and diminished view quality and outlook. I agree with this. Mr Craig states that these effects are already occurring now and so following the plan change it will simply be a case of “*more of the same*” [with regards to landscape effects]. A study is then made of the existing visual effects of the plant. Several key viewpoints are considered and further described by way of photographic attachments. The descriptions of the views from these selected areas accords with my own observations as do the conclusions reached. The purpose of this is to test what the *additional* effects might be from these same viewpoints when the site is fully developed as per the ODP. A conclusion is reached by Mr Craig where the effects will be similar in that the additional buildings will be located within an area that is already developed for similar activity, will be no taller than the existing buildings located centrally in the site and will appear similar stylistically. I agree with this in principle. I will add that the extent of *large* buildings on site will grow or in other words spread out from the existing core of the facility in a ‘pyramidal’ form as is shown in Mr Craig’s figure 1, page 3 of his report. Of note, the extent of the (more or less) currently developed part of the site<sup>2</sup> is set aside as the ‘height control area’ within the broader DPMA where presumably smaller buildings may be located. The ‘height control area’ is in itself a large area. The existing ‘tall’ buildings (dryer towers) visible in photograph 4 occupy a relatively small area now. A conclusion is reached where there would be nil *landscape* effects as the site is already modified by the existing plant, but there would be discernable *visual* effects generated by the increase in large buildings and allied structures. This is a fair and balanced conclusion in my opinion.

At 5.2 Mr Craig asks “*What are the actual landscape and visual amenity effects?*” He takes pause here and provides a summary of his findings to date and provides a bullet point list, which includes such things as levels of view intrusion, screening, setbacks, shading, nature of views, and prominence vs dominance. The findings are balanced and conclude that the current plant can be seen, but that generally it is well located (via generous setbacks) and is well screened or buffered by existing vegetation patterns on and off site. This is evident in the series of site photographs provided and accords with my experience of the current plant. It is only *glimpsed* from SH75 courtesy of boundary planting and other vegetation off site. However, the plant is seen more easily from the lesser used back roads. Over time these views of the plant will decrease as screen planting matures (see ODP). In both instances generous setbacks from site boundaries reduce the plant to being prominent, rather than dominant in the rural setting now.

The next section compares the proposed with the existing and concludes that the effects of the proposal will be much the same as what currently exists. His conclusion rests on several facts; that among other things the activity will be located in much the same area, earlier screen planting is not affected and will continue to grow taller, setbacks are ‘more or less’ maintained and building heights will be no taller than what exist now. In a balanced view, Mr Craig does acknowledge that despite the above positive points, the visual effects *will* be greater than those existing chiefly due to an overall increase in visual bulk, but as intimated earlier the proposal does not introduce anything ‘new’ to the area.

Mr Craig then draws attention to some conditions that will help counteract the effects of increased visual bulk from any additional [large] built forms. These include the screening and

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<sup>2</sup> Included within the yellow envelope on Mr Craig’s photograph 4.

proximity that existing buildings will have towards any new ones, but also the fact that there are already buildings on site – some which are quite large which will render any additional smaller buildings largely inconsequential following the plan change by sheer contrast in scale. But the primary softening of effects of additional buildings is through the inexorable increase in the height of screen planting put in place to mitigate earlier phases of development. In fact a conclusion is reached where this planting – particularly on the site boundaries will become an effect in itself as views into the site especially from SH75 are precluded over time. Mr Craig then asserts that notwithstanding the above, views of the dairy plant (and presumably more of the same following the plan change) are not necessarily adverse. I agree with this sentiment. As far as large industrial facilities go, the Fonterra plant is not unpleasant aesthetically. This is largely due to the following, in my opinion:

- Generous setbacks from site boundaries which ensures that visual bulk is diminished through distance, rural character and open space is allowed to prevail which in turn prevents the plant ‘overwhelming’ the view.
- The buildings have relatively clean lines. The individual forms are architecturally ‘simple’ and ‘pragmatic’ and are uncluttered with fenestration. The buildings form a cohesive composition. The taller buildings are clustered centrally, with the broad, lower drystores located on the periphery.
- Similar complementary colour scheme – features are not ‘picked out’ which would distract.
- The plant appears to be well planned, tidy and orderly and does not appear to have grown in an ad hoc manner.
- Well managed intervening rural landscape around the plant including amenity plantings which are growing in an even, healthy manner.

The next section identifies potentially affected parties which includes nearby residents, road users and ‘other parties’. Road users – particularly those on SH75 are considered the greatest affected party. This is true as there are a high number of daily road users on this popular scenic route. Next are nearby residents. Other parties include skiers and such like, but these groups are well separated from the site where any affects would be negligible or nil. I agree with this. Turning back to SH75, the assessment finds that any views are generally ‘glimpses’ between gaps and over planted belts, which are growing taller and which will in a short time further preclude views. From my experience, I am comfortable with the occasional glimpse into the site now. These glimpses are the minority, but maintain a sense or ‘reminder’ of rural openness that may be lost were the entire site surrounded in a shelterbelt. The current combination of staggered planted shelterbelts and less formal copses of trees inside and outside the site is interesting as it introduces variety of form and colour and because of this, has a pleasant aesthetic quality when passing by at open road speeds. From my observations the closest residents identified have their dwellings generally surrounded in well-planted gardens presumably to provide shelter from all winds. For these reasons, the effects on these residents would be largely ‘landscape’ rather than ‘visual’ effects. Of course these visual effects are dwelling focused. The occupants may farm the surrounding land where significant views would be available to the plant, and of course there are views to the plant from the back roads as these people access their properties. However I am satisfied that the views from the dwellings are of primary concern and these are well buffered by private plantings, while the other views (from the farm areas and roads are transient in nature and would therefore be more acceptable). And over time even these views to the DPMA will be partially screened as shelterbelt type planting continues to grow.

Section 6 looks at 'landscape treatment' and goes on to describe several methods that have been employed to maintain desired landscape outcomes. New planting is not proposed as earlier planting is being relied upon to partly mitigate any effects of increased development. This is shown on the ODP and is located more or less around the full periphery of the site. I am satisfied with this for the reasons already discussed above. The existing planting must be maintained however, which is covered later under recommendations. Mr Craig considers the primary adverse effect to be avoided, remedied or mitigated is building domination. I agree with this. He then goes on to explain how this is achieved.

The first is through 'vegetative dominance' or in other words, large trees and lots of them. This vegetation is becoming established now and will become very effective over time. Mention is made of the potential use of native vegetation inside the site and alongside the canal which is sound, although it is acknowledged that this is not being proposed in this plan change. In my opinion it is the peripheral planting which is being proposed – that is to be retained and maintained that is key to mitigating any potential adverse effects of the plan change. Of course any internal native planting will provide amenity for Fonterra staff and visitors, and habitat where there is currently none.

The second method to achieve acceptable amenity outcomes is through the maintenance of rural character. This is achieved through large setbacks and a confined, concentrated built area which would provide a sharp contrast with the surrounding open, flat rural landscape. In short the plant is considered by way of an analogy as a 'single building on a farm', and as such will maintain rural character (albeit at a much larger scale) rather than as a series of buildings with farmland permeating through it, which would appear more urban and spread out. I agree with the analogy used, which works largely because of the broad setbacks which allow for a high degree of visual open space around the plant cluster which will reduce its apparent size.

The third method is 'avoiding full extent appreciation' or in other words the entire site is not seen at once. This is due to the combination of intervening vegetation, generous setbacks from vantage points, earth bunds, the reality that some buildings screen one another and the fact that the site and viewing context is flat and thus the site cannot be overlooked.

Fourthly, 'avoiding building domination' which is closely related to the various points of avoidance and mitigation mentioned above. Clarification is made that while the plant would not be dominant it will nonetheless be 'prominent' and due to its size, form and reflective colours will be clearly visible due to its contrast with the surrounding environment. I agree with this distinction.

The final spoke in the wheel of how desired landscape outcomes is reached is through 'coherence'. This is attributed to stylistic consistency, proportions and compactness which occurs now. The ODP will allow for a similar pattern of built forms – although broader in site coverage. In effect the existing 'pyramid' effect where the taller buildings are clustered in the centre will broaden out – i.e. the pyramid will have a flatter top, but would be no taller than it is now. This can be seen in Mr Craig's Figure 1 on page 3.

Mr Craig then sets out the relevant objectives and policies to landscape and discusses each in turn. Suffice it to say that I am in agreement with his review and conclusions reached with regards to statutory provisions.

At Part 9 a series of 'recommendations' are proposed. The ODP achieves the most important aspects which determine building location, setback, height and site coverage. Mr Craig refers to earlier conditions of consent regarding colour, and planting maintenance and management (for height) and recommends that these be adopted as part of the plan change and incorporated into the Plan. In my opinion, this is sufficient. As already discussed, the retention and ongoing care of the earlier planting will be key to the mitigation of effects arising from increased buildings and potential building dominance.

## **Review of submissions**

### **Submission by Dean Douglas and Sian Marie Jenkins (and supported by Georgine McKeever Eaves):**

This submission included only a little on landscape/visual matters. The submitters' primary concern (re landscape) is regarding visual impact. It is noted that the address noted in the submission includes an established shelterbelt. This is located between the dwelling and the plan change site and is on land owned by the submitter. In addition there is a second shelterbelt located on the site between this submitters dwelling and the plan change area. Therefore I am satisfied that with two parallel shelterbelts currently in place, any potential impacts of the expanded factory will be mitigated when viewed from this dwelling.

### **Submissions by Te Taumutu Runanga and Te Ngāi Tū Āhuriri Rūnaga Inc.:**

These submissions concern native planting (or a perceived lack of on behalf of the applicant). Of note the landscape report by Andrew Craig covers this adequately in pages 13-14. Having said that, it is suggestive, rather than definitive. It does recommend that a landscape management plan be developed in consultation with Te Taumutu runanga "if" native planting were to be implemented. The submitters obviously prefer more certainty around native planting - specifically along the CPW canal realignment where native planting would be appropriate - in my view. My recommendation is that the applicant offers these submitters certainty that native planting will be proposed as part of the Plan Change. I do not agree with the submitters that native planting should necessarily 'stand out' in this context. I prefer the retention and reliance on the existing and proposed exotic planting around the site boundaries and within, that will offer better screening potential (the appropriate exotic species will be taller and faster growing than native species). In my opinion, the native planting in association with the CPW canal will provide other values attributed to increased levels of biodiversity and on-site, rather than public amenity. Over time, as this native planting establishes and contributes to screening the factory from public and private viewpoints, parts of the exotic planting around the periphery *could* be possibly removed to allow better views to the native vegetation. However this would need to be carefully determined at a much later date.

### **Submission by Charlie Buttle (The Bach Trust) and Charles and Susan Buttle:**

The following response relate to specific parts of the submission provided by Aston Consultants;

- Page 3 [para 1] concerns adverse landscape and visual effects on existing and future rural and rural residential dwellings south of the site. The submitter owns land to the south of the site, zoned L2A. However, the ODP shows a continuous belt of screen planting to the south of the DPMA which in time will provide some screening to the taller buildings. I accept that this planting will not screen the upper parts of the taller buildings from this direction as the shelterbelt is located relatively close to the “built core” of the site. However I also acknowledge that there are views now to the plant from the south.
- Page 3 [a] concerns lack of detail on the heights and location of existing buildings compared to what is proposed. While I am comfortable with the descriptions of the existing and proposed activity (including the existing central pyramidal form of built development essentially widening out) and the photographs in Mr Craig’s AEE, I accept that it would be beneficial for the layperson if photosimulations comparing the existing with a likely future development scenario were included.
- Page 3 [b] states that Mr Craig says “...the existing dairy plant is screened or on the verge of being screened...” To clarify, Mr Craig prefixes this statement with “*For the most part...*” I accept that the existing plant is not completely screened, nor will it be under the plan change. There will be glimpses of the plant through deliberate gaps in the surrounding screen and buffer planting. This is acceptable. There is no requirement in my opinion that the entire plant be screened from all views, now or in the future. In my opinion, the existing distribution of shelterbelt and buffer planting is adequate and appropriate.
- Page 3 [c] I agree that planting outside the site cannot be relied upon for screening. While this is true, in my opinion it is fanciful that in such an exposed flat rural area, the removal of shelter planting around homesteads is likely. Putting that to one side, I also note that there is adequate screen planting either established or establishing around the perimeter within the site which *can* be relied upon. From my site observations this planting is well maintained and I am confident that over time the screening potential of this planting will increase and endure.
- Page 3 [d] concerns the nature of the required planting being relied upon for additional screening (labelled in the ODP as “Future Screen Planting”). Other than this and the native planting potentially included with the CPW canal development, there is no other new planting proposed. I accept that the applicant could provide additional information on bunding design, various plant species, heights at time of planting and expected/managed (some of the planting may be mechanically trimmed) heights of planting at maturity. In addition it would have been helpful if the applicant had provided more information on existing planting being relied upon for screening (including species type, height now, and height expected/managed at maturity). Lastly, I do not agree with the last sentence in [d] where it is inferred that the presence of shelterbelts will somehow be an adverse landscape/visual effect. There is no statutory requirement to maintain views in this vicinity. Shelterbelts – sometimes located along roadsides are part and parcel of the Canterbury rural landscape and other than a requirement to locate shelterbelts where icing on roads is avoided, this type of planting is permitted.

## Conclusion

I am in agreement with the content and conclusions reached in Mr Craig’s LVA. To recap, the Selwyn District Plan anticipates the type of activity being proposed in this zone. The plant is already operational which means the plan change proposes ‘more of the same’ or in other words

something that would not be unexpected here. The additional large buildings that would be provided for have been identified as the primary generator of potentially adverse landscape and visual effects due to their prominence largely attributed to bulk, height and reflectivity and therefore contrast with their setting. This has been addressed in the ODP in terms of height control areas to minimise this effect. Due to the existing levels of mitigation including earth bunds and planting, put in place during earlier phases of development, any potential adverse effects of the plan change will be significantly reduced – particularly over time. However there will still be a degree of visual effects that cannot be mitigated. I agree with this balanced opinion.

The ODP controls building height and height location in order to maintain a stepped ‘pyramidal’ form to the building composition across the DPMA. This is logical (in a landscape sense) and replicates that of the existing plant which is appropriate for the reasons discussed. A large part of the DPMA is retained as a Rural Buffer Area which maintains generous open setbacks. The majority of the proposed building envelope / ‘Height Control Area’ is currently occupied by the existing plant which now informs the existing environment in the general locality of the plan change site.

Existing establishing mitigation planting put in place for previous stages of development is relied upon to screen or buffer most views, particularly from the west on SH75 where the most affected parties are located.

Mr Craig finds that with the existing and proposed measures put in place, including adherence to the ODP - the effects on landscape character will be acceptable and appropriate. I agree with this conclusion and am satisfied that the plan change proposal is capable of suitably managing any adverse effects on landscape character and amenity.

**Jeremy Head**

Registered Landscape Architect

February 14, 2017

**Appendix Eight**

Transportation review, Andrew Mazey (SDC Asset Manager Transportation)





## MEMORANDUM

**To:** Melanie Foote, Council Planner

**From:** Andrew Mazey, Asset Manager Transportation

**Date:** 22 February 2017

**Subject:** Fonterra Plan Change 50 Transport Comments

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I have assessed the proposed Plan Change Application from a transport perspective and find there are no substantive issues with it relating to Councils adjoining local roads. I am not aware of any roading issues being brought to Councils attention since Fonterra has been operating their plant in the area, beyond what may be considered routine for low volume local roads in a rural environment such as this.

The main access to the site is via State Highway 73 across the Midland railway line. These are managed by the NZ Transport Agency and KiwiRail respectively. In my opinion the roading access from SH73 is of a very high standard while the rail level crossing incorporates all available safety features like barrier arms etc. It is noted this is a private (Fonterra) rail level crossing and is not affiliated to others on Councils roading network.

The site also has secondary roading access to Auchenflower Rd and under current consent conditions this is limited to temporary emergency use (if the main access to SH73 cannot be used or is unavailable for any reason) and for farm related activities. The latter type of use is no different to what would occur on a rural road in normal farming situations as of right.

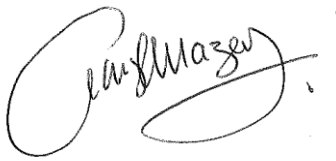
As I understand this vehicle access, and the conditions relating to it, are set to continue under the proposed PC and this is supported as being reasonable in terms of limiting undue traffic impacts on Auchenflower Road.

However I also asked the question if the proposed PC could allow additional site vehicle access points to be created without any controls or transport assessments being required. I have been advised by Councils Planner any additional access points would not be in accordance with the ODP. Therefore a resource consent would be required and assessed as a fully discretionary activity.

Furthermore any alternative use of the Auchenflower Rd access would be a restricted discretionary activity. In either event this allows any traffic effects to be assessed and conditions applied to protect the Councils and the public's interests. For example if

there was a significant increase in traffic then the unsealed road(s) could be sealed and/or other upgrades undertaken by the Applicant. I believe this then caters for the submitters concerns on this issue if the situation changes significantly in the future.

There is also a proposed rule that requires the NZTA and KiwiRail's approval when site facilities and/or operations are expanded relating to the adequacy of the main accessway to SH73 and the rail level crossing. I would suggest this is expanded to also include any secondary access and/or impacts to local roads like Auchenflower Road. By Council being part of the approval process this also provides a further level of protection to the public - plus it avoids the possibility of solving a problem with any additional use of the main access by somehow transferring it to a secondary access (and adjoining roads).

A handwritten signature in black ink, appearing to read 'Andrew Mazey', with a large, stylized loop at the end.

Andrew Mazey

**Asset Manager Transportation**

**Appendix Nine**

Acoustic assessment review, Jeremy Trevanathan (Acoustic Engineer)

17 February 2017

Ms M. Foote  
Resource Management Group  
PO Box 908  
CHRISTCHURCH 8140

Email: melanie@rmgroup.co.nz

Dear Melanie,

**Re: Proposed Dairy Processing Management Area  
Fonterra Co-operative Limited, Darfield  
SDC Plan Change Application - Peer Review of Noise Assessment**

As requested, we have reviewed the information provided by Marshall Day Acoustics Limited (MDA) in support of the above application for Fonterra Limited (the Applicant). The application is to introduce a Dairy Processing Management Area into the District Plan, to provide planning framework for the anticipated growth of the Fonterra plant.

Our review has been primarily limited to a desktop consideration of material provided by SDC which consists of the following documentation:

- Noise Assessment titled *Fonterra Darfield Dairy Management Area*, as prepared by Marshall Day Acoustics, and dated 17 September 2015.
- Plan Change Application as prepared by Planz Consultants for Fonterra Co-operative Limited and dated July 2016
- Memo titled *Fonterra Darfield Dairy Management Area: SDC RFI dated 2 August*, as prepared by Marshall Day Acoustics, and dated 2 August 2016.

## **1.0 Background**

Planz Consultants on behalf of Fonterra Co-operative Ltd have submitted a Request for Private Plan Change to the Selwyn District Council in July 2016 relating to the establishment of a Dairy Processing Management Area in Darfield, Canterbury. The intent of this proposal is to provide a framework for further development of the existing Fonterra dairy plant and includes the establishment of a Noise Control Boundary to show the extent of associated noise effects.

We have reviewed the Statutory Analysis and Section 32 Evaluation Report titled *Plan Change Application to the Selwyn District Council*, in particular those sections relating to environmental noise effects.

General details of Fonterra Ltd proposal can be found in the request for Private Plan Change, and are not reproduced here. We understand aspects of the application other than noise will be addressed in reports prepared by planning and other experts which, when viewed in conjunction with this report, will complete the section 42A report relating to the application.

## **2.0 Current noise limits and noise emissions from the site**

The site and those surrounding are located within the Rural (Outer Plains) zone as defined by the Selwyn District Plan. MDA have correctly identified the underlying Rural noise rules outlined in Rule 9.16.1 of the Selwyn District Plan, which apply at the notional boundary of

dwelling. As described by MDA, the site is currently subject to a number of noise related conditions under Consent RC115199 including:

- Condition 34 which states that construction noise shall comply with NZS 6803:1999
- Condition 41 which outlines general noise limits which are consistent with the underlying District Plan limits, apart from the use of  $L_{Aeq}$  in place of  $L_{A10}$ . These limits apply at the notional boundary of any dwelling not owned by Fonterra and include noise from rail on the site.
- Condition 45 which prohibits rail movements on the site between 8.00 pm and 7.30 am

MDA have undertaken noise measurements relating to the current operation. These measurements confirm that compliance with Condition 41 is currently being achieved by a significant margin. When the measured levels are compared to those MDA originally predicted for the site in its current state of development, generally the comparison is reasonable.

### 3.0 Proposed alternative controls

The current Plan Change proposal seeks to introduce a Noise Control Boundary (NCB) in place of the current controls.

#### *Marshall Day report*

Section 5.0 of the MDA report discusses the purpose of the NCB. We agree that the use of a NCB is a common control measure to manage noise effects and reverse sensitivity from important infrastructure. While more common for airports and ports, we agree that this is an appropriate approach for a dairy processing plant, and there are cases in New Zealand where this approach has been adopted for similar operations.

To simplify and increase the accuracy of any noise monitoring undertaken in due course, MDA have defined the NCB envelope using easily defined and recognised features and straight lines where possible. We agree that this is a pragmatic approach.

The proposed NCB is generally contained fully within, or travels along the boundary of sites owned by Fonterra, apart from an area to the south-east, where it covers a portion of the Buttle property. However the dwelling on that site is currently some distance from the proposed NCB.

MDA propose the following noise limits at the NCB:

- Night-time (2000 to 0700 hours) 45 dB  $L_{Aeq(15\text{ min})}$  and 70 dB  $L_{AFmax}$
- Daytime (0700 to 2000 hours) 55 dB  $L_{Aeq(15\text{ min})}$  and 85 dB  $L_{AFmax}$

They state that these limits would not apply to construction activities, or rail noise. Rail movements would however be restricted to only two per night.

It is complex to determine exactly how the above controls compare to the Conditions currently in place. These controls appear to be more stringent in the following regards:

- The daytime limit is reduced from 60 to 55 dB  $L_{Aeq(15\text{ min})}$
- The limits apply at the NCB boundary which is some distance from any neighbouring dwelling. Noise levels received at notional boundaries will therefore be lower again, by varying amounts.

However, the controls are less stringent in the following regards:

- The onset of the daytime period has changed from 0730 to 0700 hours
- Rail noise is excluded from compliance at any time, and there now may be two rail movements during the night time period. MDA have however demonstrated that noise from rail movements will be less than 45 dB  $L_{Aeq(15min)}$  at any dwelling not owned by Fonterra.

Overall, we agree with MDA that the controls they propose would be adequate to prevent sleep disturbance at any property not owned by Fonterra, given that the controls will ensure noise levels will be less than 45 dB  $L_{Aeq(15 min)}$ . We also consider that the controls will ensure adequate protection during the daytime with regard to outdoor living areas adjacent to dwellings.

#### *Plan Change text*

We have reviewed the proposed text changes to the Selwyn District Plan contained in Appendix 2 of the Application, and have the following comments in light of the above:

- In E26.1.17 the onset of the daytime period actually remains unchanged (at 0730 hours) consistent with the remainder of the District Plan and the current Fonterra consent (as opposed to 0700 hours as discussed in the MDA report). This appears to be desirable for consistency, in terms of integration of Plan Change 50 into the existing Plan structure.
- In E26.1.17 (or indeed anywhere in the Selwyn District Plan) there is no explicit exemption outlined for construction noise, which differs from what MDA have proposed.
- In E26.1.18 the term “night time” in the context of rail movements is not defined, and this is also not defined anywhere else in the Plan. Given the inconsistency between the period MDA present as night time and what actually appears in the Plan as discussed above, it would be ideal if this ambiguity was removed.
- The limitation on railway movements at night is sought to be achieved via a requirement that “the number of night time rail movements do not exceed 2 per 24 hour period”. We observe that this may actually result in more sparse rail movements than a simple control that there be no more than 2 rail movements during any night time period. However, it will be difficult for Council to monitor, as to determine compliance on any given night one would have to know what time the last movement occurred on the previous night.

Notwithstanding the above, we agree that like the controls proposed by MDA, those described in the Appendix 2 text would ensure an acceptable outcome in terms of noise effects.

#### *Expected noise levels*

MDA have undertaken modelling to confirm that compliance with the proposed controls can be achieved. The noise sources considered appear consistent with the worst case scale of development outlined in the Plan Change application, and the predicted noise levels appear reasonable. The analysis confirms that it is realistic to comply with the proposed controls, and that as discussed above, for some dwellings this will actually ensure noise levels are considerably below the noise limits which currently apply.

#### *Sound insulation rule*

As discussed above there are some areas of land contained within the proposed NCB which are not owned by Fonterra. While there are no dwellings currently in these areas, new houses could be constructed in the future.

An alteration to Rule 3.1.3.1.6, Part 3 has been proposed that will require any dwellings within the NCB to be designed to achieve an inside to outside reduction of 20 dB  $D_{tr,2m,nTw}$  to any bedroom.

With regard to night time noise, MDA suggest that their modelling confirms highest level which could be experienced by any such dwelling would be 50 dB  $L_{Aeq}$  (otherwise noise levels would exceed 45 dB  $L_{Aeq}$  at the NCB). We agree that if this is the case, the proposed sound insulation rule will ensure that appropriate noise levels are still achieved within bedrooms.

However the MDA modelling in figure 2 of their report does suggest that in the area to the south-east of the entrance driveway at the boundary with the Buttle property (where the modelled noise level appears to be 50 dB  $L_{Aeq}$ ), noise levels could actually increase quite considerably before the 45 dB  $L_{Aeq}$  contour reached the NCB. However, in this area any new dwellings would also be subjected to considerable noise from State Highway 73. We therefore do not consider that the potential construction of any such dwelling would result in significant reverse sensitivity effects in relation to the Fonterra operation specifically. It is also unlikely to be realistic that noise levels in this localised area would ever increase, disproportionately to the emissions from the balance of the Fonterra site.

MDA have not discussed potential daytime noise reverse sensitivity effects – particularly those experienced in outdoor living areas associated with potential new dwellings in this area. While based on the reasoning outlined above daytime noise in this area of the Buttle property could be at least 60 dB  $L_{Aeq}$ , and potentially even higher in the area adjacent to the Fonterra entrance way, we do not expect this to be an issue in reality. We understand that noise emissions from the site during the daytime in reality are similar to those during night time, a local increase in noise emissions from the Fonterra entryway is unlikely to be realistic, and during the daytime traffic noise from the State Highway will again already effect the acoustic amenity in this area. We also observe that a noise level of 60 dB  $L_{Aeq}$  is consistent with the level of amenity protection generally provided by the District Plan for dwellings in rural areas, during the daytime.

When considering all of the above, we agree that the proposed sound insulation rule is adequate to control reverse sensitivity effects for any potential future dwellings within the NCB.

#### 4.0 Submissions

Six submissions were received in response to the application, with three raising noise issues.

The Buttle submission discusses noise in outdoor areas. As we have discussed above, even for new dwellings constructed on the portion of the Buttle property within the NCB, noise levels will not exceed those permitted by the District Plan for dwellings in rural areas, during the daytime. The only exception to this may be in the vicinity of the Fonterra entrance way – however in this location any new dwellings would also be subjected to uncontrolled traffic noise from the State Highway.

The Jenkins submission expresses concern that the train unloading and loading at various times is already very loud and going to become more frequent with the factory expansion. The Application states that there will be an approximate doubling of rail movements and that night time movements will now also occur (up to 2 per night). However given that the expected noise levels are less than 40 dB  $L_{Aeq}$  at the Jenkins dwelling we do not consider that noise emissions associated with trains will be unreasonable in this location.

Jenkins also states that there will be more traffic/trucks on the road including on Bleakhouse and Auchenflower Roads. There is no comment in the MDA assessment on the noise from vehicles external to the site. In previous assessments, MDA have discussed noise from State Highway 73 but not Auchenflower and Bleakhouse Roads. If the traffic on these roads doubles, then this would result in an increase of 3 dB over the existing consented activity (and less than 3 dB if there is already other traffic on these roads). Typically if a traffic noise

increase remains below 3 dB, then we would consider noise effects will be acceptable without further assessment.

Both Jenkins and Eaves have concerns regarding existing noise from contractors' activity and trucks in the surrounding area. This appears to be the type of activity which could be expected in a rural area from time to time, and we note that the Selwyn District Plan has exceptions for noise generated by activities of a limited duration required by normal agricultural activities and also for mobile machinery (provided the noise levels are not unreasonable). We expect that provided contractors take reasonable steps to minimise effects on residential locations, this noise would be acceptable.

We trust this is of some assistance.

Regards,

A handwritten signature in dark ink, appearing to read 'J. Trevathan', with a stylized, flowing script.

Dr Jeremy Trevathan

Ph.D. B.E.(Hons.) Assoc. NZPI®

**Acoustic Engineering Services**



**Appendix Ten**

Economic assessment peer review (Geoffrey Butcher, Economist)

## 1. Background

My Name is Geoffrey Vernon Butcher and I am a consulting economist. I have an MA (Hons) in economics and have 35 years of experience, including extensive experience in estimating economic impacts and in commenting on the role of economics within the RMA. I have undertaken analysis of the economic impacts of dairy farming in Canterbury including the economic impacts of dairy processing.

I have been retained by the Selwyn District Council to provide professional comment on the Economic Impact Assessment, undertaken by Mike Copeland of Brown Copeland and Co, which accompanies a request by Fonterra for a Selwyn District Plan Change. Fonterra has asked that a Dairy Processing Management Area be introduced within the Rural (Outer Plains) Zone of the Selwyn District Plan. This Plan Change seeks to insert an ODP for the Fonterra Darfield milk processing site, and essentially adopts the same provisions that are now operative within the Plan for the operation of the Synlait Plan close to Dunsandel.

I have read the Application and the accompanying Appendix 8 which contains the economic impact assessment of Mr Copeland. I have also created updated economic impact models for both Selwyn District and Canterbury, with these being based on Statistics New Zealand's Input Output model for the national economy in 2012-13. I have used these models to review the estimates of economic impacts contained in Mr Copeland's report.

## 2. Efficiency – Market Effects

Mr Copeland outlines the RMA's objectives of enabling people and communities to provide for their well-being, and to achieve this in part via the efficient use of resources. He argues that the location of a milk processing plant in Darfield is a more efficient use of resources than an expansion of the plant at Clandeboye near Timaru, and in sections 3.6, 5.1, and 5.2 of his report he argues that the proposed plan change is consistent with an efficient use of resources, at least from a market perspective.

The points he raises seem reasonable to me, although I note that the figures on potential dairy growth do not say where in the Canterbury region growth will occur and hence whether additional processing capacity would best be located at Darfield or at some other plant further north. It is my understanding that there are significant economies of scale in milk processing plants so it is quite likely that an expanded Darfield plant will be a comparatively efficient place to process additional milk. If that is not the case, then I would expect Fonterra to locate another plant at the more efficient location. In that case the requested Plan Change would have no practical effect because it enables expansion, not enforces it.

Mr Copeland states in para 3.9 that "there are private or financial benefits associated with the continuation, and any expansion, of the Darfield site", and says that these benefits are generally not relevant under the RMA, but then gives reasons in 3.10 why in fact they are relevant. I accept that such benefits are likely to exist because otherwise Fonterra would not seek to locate there, and I agree that these benefits are relevant under the RMA because in my view they are indicators of that economic efficiency which the RMA aims to encourage. This efficiency can be distinguished from any Trade Competition aspects of the location decision, which the Act specifies are to be ignored in arriving at decisions under the Act.

I agree that the proposed Plan change, which is enabling, reduces uncertainty for Fonterra and this has a significant benefit. It also reduces uncertainty for those intending to take up dairy farming by giving them confidence that processing capacity will exist.

### 3. Efficiency and Non-Market Effects - Externalities

Mr Copeland notes that non-market effects are also relevant in assessing efficiency, and in section 6.9 he describes how an increase in economic activity brings benefits to the community over and above the benefits to the individuals who undertake that activity. I think his description is fair and comprehensive, and describes the justification for estimating the likely economic impacts, expressed in terms of employment and household income, arising from any plant expansion.

### 4. Scale of Economic Impacts.

In sections 5 and 6, Mr Copeland describes the direct and total economic impacts of the Darfield plant on both Selwyn District and Selwyn region. He states that approximately half of those working in the plant reside in Selwyn and the other half in Christchurch, and that approximately 10 % of the goods and services purchased by the plant are procured within the Selwyn District. I presume that he has acquired these figures from Fonterra who are in the best position to make an informed estimate. I note that the district economic impact model which I have created, and which is not survey-based, suggests that the proportion of inputs purchased locally is likely to be even higher than 10 %, and hence I consider that Mr Copeland's figures are believable, and even conservative.

In estimating the multiplier effects, Mr Copeland has used a "typical" multiplier of 1.5 to estimate the total Selwyn District household income and employment impacts, and a multiplier of 2.0 to estimate the total Canterbury Region impacts. I have developed a District and a Regional economic model which specifically identifies the Milk Processing Industry, and I found that the district employment multiplier was 2.0 and the district household income multiplier was 1.5. The regional employment multiplier was close to 4, and the regional income multiplier was 2.1<sup>1,2</sup>.

The district and regional multipliers which I have calculated assume that the Darfield processing plant is typical of the national average milk processing plant and hence may not be particularly accurate for a particular plant. Nonetheless, they suggest that Mr Copeland's estimates of economic impacts are conservative, and the actual total impacts and associated benefits may be significantly higher than he has estimated.

### 5. Need for Capacity Growth

Mr Copeland describes expected growth in dairying, which is consistent with work I have undertaken on both dairying growth and the comparative economics of different types of farming. If the expected growth does not eventuate, then the facility expansion which the Plan Change allows will simply not occur. The Plan Change will not have imposed any particular costs.

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<sup>1</sup> All these multipliers exclude any feedback effects via farming. That is, they assume that the processing facility won't drive any additional farming activity, and that if the milk is not processed in Canterbury it will be processed somewhere else.

<sup>2</sup> The employment multiplier is much higher than the income multipliers because of the very high average wages paid in dairy processing.

## 6. Other Potential Costs

In section 7 Mr Copeland considers other economic costs which might arise including lost agricultural production, impacts on tourism and requirements for utilities. I agree that these are either not externalities, or that any externality is likely to be minor.

Although Mr Copeland says in para 8.4 that the plan change will not give rise to economic externality costs, I note that other potential negative externalities were raised during the initial resource consent hearings including noise, smell and visual pollution, and these are relevant to any assessment of whether the Plan Change is likely to lead to an economically efficient use of resources. I also note that these matters are addressed elsewhere in the consent application and those hearing the consent application will no doubt take into consideration those effects alongside the economic impacts outlined in the Copeland evidence when considering whether overall the Plan Change will lead to an efficient use of resources.

## 7. Plan Change Now or Later

There is a question as to whether economic efficiency will be improved with a plan change now which allows for expansion at a later date, as opposed to a plan change at a later date when any expansion is required.

Mr Copeland does not address that question directly. However, in section 8.1 he points out that a plan change now “will reduce the time, costs and uncertainties associated with seeking future consents for what is largely the consolidation of an existing established dairy plant”.

I agree that there are benefits to both Fonterra and the wider Darfield community from knowing now the allowable future uses of the Fonterra site. On the other hand there may be benefits of delaying the decision. The potential benefit is associated with the potential for additional information about environmental effects to become available, effects which are not currently apparent and hence are not considered in the Fonterra application for a Plan Change. The probability of significant environmental effects seems low, and unless potential additional environmental effects are identified by some other party, then I believe that approving the proposed Plan Change now is likely to contribute to a more efficient use of resources.

## 8. Conclusions

- The economic impacts identified by Mr Copeland are reasonable, and err on the conservative side.
- His analysis of how these impacts will contribute to economic well being is consistent with general economic thinking.
- His comments on why expansion at Darfield is likely to be an efficient use of resources are consistent with my understanding of likely expansion of the dairy industry in Canterbury;
- Whether these factors will lead overall to an efficient use of resources will depend on any other environmental effects associated with expansion of the facility. Commissioners will be in the best position to make that assessment once they have heard any other evidence on non-market effects on the physical and social environment.
- If it is judged that overall expansion of the plant at Darfield is likely to enable more efficient use of resources, then implementing the proposed Plan Change now is likely to be consistent with the purposes of the RMA in encouraging a more efficient use of resources.

Geoffrey Butcher. 2 August 2016

