

**BEFORE THE SELWYN DISTRICT COUNCIL HEARINGS
COMMISSIONER**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 69

COMMISSIONER'S MINUTE 3

RESPONSE ON BEHALF OF MANMEET SINGH

The Commissioner has invited further comment from Submitters regarding final statements regarding odour, and the agreement reached between the Applicant and the Selwyn District Council. In Paragraph 12 of the Minute the Commissioner states

it is incumbent .. to determine whether the setback remains in relation to the Plan Change 69 land and if so, the appropriate width. The fact that the Applicant and Council officers may have agreed to what they consider to be an appropriate outcome is not, in any way, determinative. This is a matter I will need to carefully consider'.

Mr Singh is neutral on the agreement reached between the applicant and the Council regarding the 100m odour set back for the Plan Change 69 land. However, Mr Singh would also like the following matters to be considered:

- a) The 150m setback referred to by Ms Borrie relates to the previous operation of the wastewater plant. All odour experts are of the opinion that the setback can be reduced now that wastewater is treated and disposed of at the Pines. Mr England's evidence confirms the intent to continue to expand the Pines to serve the growing population.
- b) In respect of future activity that creates an adverse odour effect beyond the boundary, this would require consent for discharge to air. It is noted that:
 - Policies of both the Canterbury Air Regional Plan (Policy 6.13) and CRPS (Policy 14.3.5(2)) direct that effects of discharges to air are minimised by applying the best practicable option.
 - Expert evidence was presented by both the applicant and Mr Singh that supported a significant lesser set back, and even questioned whether a set back is needed at all.
 - SDC's current (on hold) application for land use consent from ECan (CRC193742) assesses that discharges to air would meet the permitted activity rule, which requires that there are no adverse effects beyond the boundary. To the extent that SDC are now reconsidering that position, Mr Singh understands consent to discharge odour has yet to be lodged for the Lincoln Wastewater Treatment Plant (Section 42A Report, Appendix F para 46);
 - The evidence of the odour experts is that for most discharges of wastewater to the pond, the pond should be able to be maintained in an aerobic state and the effects of odour beyond the site will be acceptable.
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Accordingly, there is no evidence to confirm that a setback of greater than 50m is necessary in relation to future operation of the pond. The evidence of Ms Nieuwenhuijsen was that, based on the information provided by SDC as to current use of the pond, a setback in the order of 50m would be sufficient, if any setback was required at all. It is acknowledged that further information about future use of the pond may clarify the setback required. However SDC has not articulated how future use of the pond might result in any greater odour effect or require a greater setback, or why this could not otherwise be mitigated through measures other than a setback.

The evidence of Mr Bender is that SDC and the Applicant have agreed to a 100m setback and that this would be sufficient. If the Commissioner considers that there is insufficient evidence at this stage to confirm a lesser setback as requested, and that a 100m setback is appropriate because this is agreed to by the Applicant, it should be made clear that this agreement was the only basis for imposing that 100m setback; and that the setback does not confirm the anticipated or acceptable extent of odour discharges arising from future use of the Lincoln Wastewater Treatment Plant.