

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Canterbury Air Regional Plan (pCARP)

BETWEEN

LINCOLN UNIVERSITY AND AGRESEARCH

AND

CANTERBURY REGIONAL COUNCIL

Local Authority

**STATEMENT OF EVIDENCE OF MELANIE FOOTE
ON BEHALF OF LINCOLN UNIVERSITY AND AGRESEARCH**

PLANNING

Dated the 18th day of September 2015

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INTRODUCTION

1. My name is Melanie Karen Foote.
2. I am a Consultant Planner with Resource Management Group Ltd (RMG), an urban and environmental planning consultancy, based in 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.
3. I have over 14 years' experience as a planner working in local authorities and private consultancies within New Zealand and in the United Kingdom. Over this time I have prepared and processed a variety of resource consents, plan changes, notice of requirements, as well as preparation of, and submission on plan changes, and the associated preparation and presentation of evidence at hearings.
4. I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014 and I agree to comply with it. My experience as an expert is set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

BACKGROUND

5. Both Lincoln University and AgResearch have significant assets and operational interests with respect to land within the greater Christchurch Area in particular near Lincoln. Both organisations have respective Campuses and several research farms. **Appendix One** contains a map showing the landholdings and interests of both AgResearch and Lincoln University within the wider Lincoln Area.
6. There is a strong interrelationship between research activities undertaken by AgResearch and Lincoln University. As such there is significant investment underway between Lincoln University, Crown owned research entities (including AgResearch) and commercial

enterprise to further develop the research capability and capacity at Lincoln. This coalition is currently termed the 'Lincoln Hub' and will seek to maximise the national and regional benefits from research infrastructure in the immediate Lincoln area.

7. In terms of the Lincoln Hub's functions and responsibilities the importance is of national and regional significance.
8. Current activities undertaken on the research farm landholdings are summarised in the table attached as **Appendix Two**.
9. As a result of the Land and Water Plan controls relating to nitrogen discharge, many dairy farms are likely to move to cow barns, feed pads and/or stand-off pads in an effort to better manage nutrient losses. Such feed barn and feed pads results in cattle spending less or even no time on pasture. Effluent from the barns and pads is captured and stored via ponds or tanks. Lincoln University and AgResearch propose to undertake future research and testing around such facilities with the likely focus towards improving the productivity of dairy farms while minimising environmental impacts on water quality and the like.
10. Future research activities by AgResearch and Lincoln University are likely to be similar to that undertaken by Massey University where barns accommodating dairy cattle could be constructed for feeding and resting with testing and research undertaken. Further the housing of cattle could be for a number of research activities (including post-surgery recovery, evaluation of livestock under controlled feeding situations and the like).
11. Lincoln University proposes a major redevelopment of the Ashley Dene property located south of Rolleston as shown on the Map contained in **Appendix One** and are likely to construct uncovered stand-off pads to carry out research into reducing the environmental footprint of dairying. Future research may also include covered barn structures too.

EXECUTIVE SUMMARY/SCOPE OF EVIDENCE

12. My evidence addresses the submissions of AgResearch and Lincoln University to the pCARP. I have assumed that the Commissioners are familiar with the detail of the submissions, and rather than repeating in full the key point of contention is with regard to Rule 7.66. This rule proposes substantial setbacks for structures accommodating cattle with virtually the full extent of the local Lincoln and AgResearch land holdings being affected. As a consequence the ability to undertake new research related activities in the future around stockholding areas could be difficult. AgResearch and the University are concerned that Rule 7.66 may severely restrict their ability to efficiently use, manage and develop their research facilities in the vicinity of Lincoln.

13. In preparing my evidence I have reviewed:
 - The relevant provisions of the pCARP;
 - The relevant national documents and statutory provisions of the Resource Management Act 1991 (RMA);
 - The relevant provisions of the Canterbury Regional Policy Statement, (CRPS)
 - The Resource Management (National environmental Standards for Air Quality) Regulations 2004. (NESAQ)
 - The section 32 report;
 - The Original submissions and further submissions by Lincoln University and AgResearch;
 - The Section 42a Report from the Canterbury Regional Council on the pCARP.

PLANNING AND STATUTORY CONTEXT

14. I am sure that the Commissioners have received evidence and legal submissions on the statutory framework of the pCARP and the context in which it should be considered. For that reason, I do not intend to provide a detailed discussion on those matters.
15. I will comment , however, that in my view both Lincoln University and AgResearch are of local, regional and national importance for the following reasons;
 - 15.1 The significant investment underway as part of the Lincoln Hub project will further develop research capacity and capability and consequently seeks to maximise the benefit to New Zealand from research infrastructure in the immediate Lincoln Area.
 - 15.2 Lincoln University has continued to develop as a nationally and internationally renowned University specialising in commerce and management, primary production and, natural resources, science, engineering and social science. Lincoln University is recognised as New Zealand's specialist land based university.
 - 15.3 AgResearch's purpose is to enhance the value, productivity and profitability of New Zealand's pastoral, agri-food and agri-technology sector value chains to contribute to the economic growth and beneficial environmental and social outcomes for New Zealand. This sector is the backbone of New Zealand's economy and its continued success is essential to this country's living standards.

THE ISSUES

Section 7 Rules – Rural Discharges to Air

Rule 7.66

16. Rule 7.66 provides for discharges from structures accommodating cattle for more than 12 hours at a time as a permitted activity (subject to conditions), with proposed setbacks designed to manage odour effects. Rule 7.67 provides a restricted discretionary activity path when the setbacks cannot be achieved or other mitigation or remedy is required to manage effects.
17. The proposed setbacks require a 500m setback from a property boundary and 1500m from “*any land zoned for Urban Use*”. I acknowledge that there is a potential issue around odour from structures accommodating cattle and the associated management of effluent with odour effects influenced by scale and wind direction and the like. However the proposed setbacks are substantial and as a result have significant implications for AgResearch and the University.
18. The proposed setbacks are marked on the map contained in **Appendix One** in the context of both the University’s and AgResearch’s landholdings in the vicinity of Lincoln township. As can be seen the proposed 1500m “urban use” setback and 500m boundary setback would encompass the entire land holdings of the properties in the vicinity of Lincoln township. The 500m property setback would encompass the entire Ashley Dene property with the exception of two small central areas (approximately 2.8 and 1.1 hectares). Consequently the proposed setbacks would potentially inhibit the ability to undertake future research with regard to both covered and uncovered cattle stock holding areas on all the landholdings. The necessity for a resource consent for any future structures housing cattle as part of research activities could potentially result neighbouring properties being deemed adversely affected as part of the consenting process. This poses a risk from an

operational and financial perspective as the notified resource consent path is likely.

19. The 500m setback from all property boundaries is considered to be overly restrictive in the rural environment given the environmental results and activities anticipated within the rural environment.
20. I have reviewed the Section 42A and the Section 32 report and can see no justification for the actual setback distances proposed. Further there is no discussion around the likely implication regarding how the Council proposes to manage the consenting process including identifying potentially affected parties. This poses significant uncertainty as to how such applications will be processed and are more likely to be notified. The rules proposed give little certainty to the University and AgResearch around future research activities associated with stock holding area accommodating cattle. From a regional perspective the imposition of these setbacks rules would likely trigger the need for a resource consent for nearly all stockholding structures housing cattle for more than 12 hours at a time.

Rule 7.68

21. Conditions 4 and 5 detail specific requirements for pH and dissolved oxygen in liquid or slurry effluent and it is accepted that these parameters are in accordance with the Dairy NZ Technical Note: Odour Management of Storage Ponds. However the University and AgResearch are concerned that the way the rule is worded Conditions 4 and 5 would also apply to raw effluent prior to treatment which would not be able to meet conditions 4 or 5. Clarification is required whether this is the intent of this rule for the conditions to apply to raw effluent.

CONCLUSION

22. My evidence addresses the submissions of the Lincoln University and AgResearch to the pCARP. Of which the key issue relates to the setback proposed under Rule 7.66 and the wording/intent of Rule 7.69.
23. To conclude, it is my view that the proposed setbacks will severely affect the future ability of both the University and AgResearch to undertake research related activities around structures accommodating cattle for more than 12 hours and note the absence of any justification for the specific setback distances proposed within the Council Officers S42A and Section 32 Reports.

Melanie Foote

18th September 2015

Appendix One: Ag Research and Lincoln University Land Properties and the pCARP Setback for Structures Housing Cattle

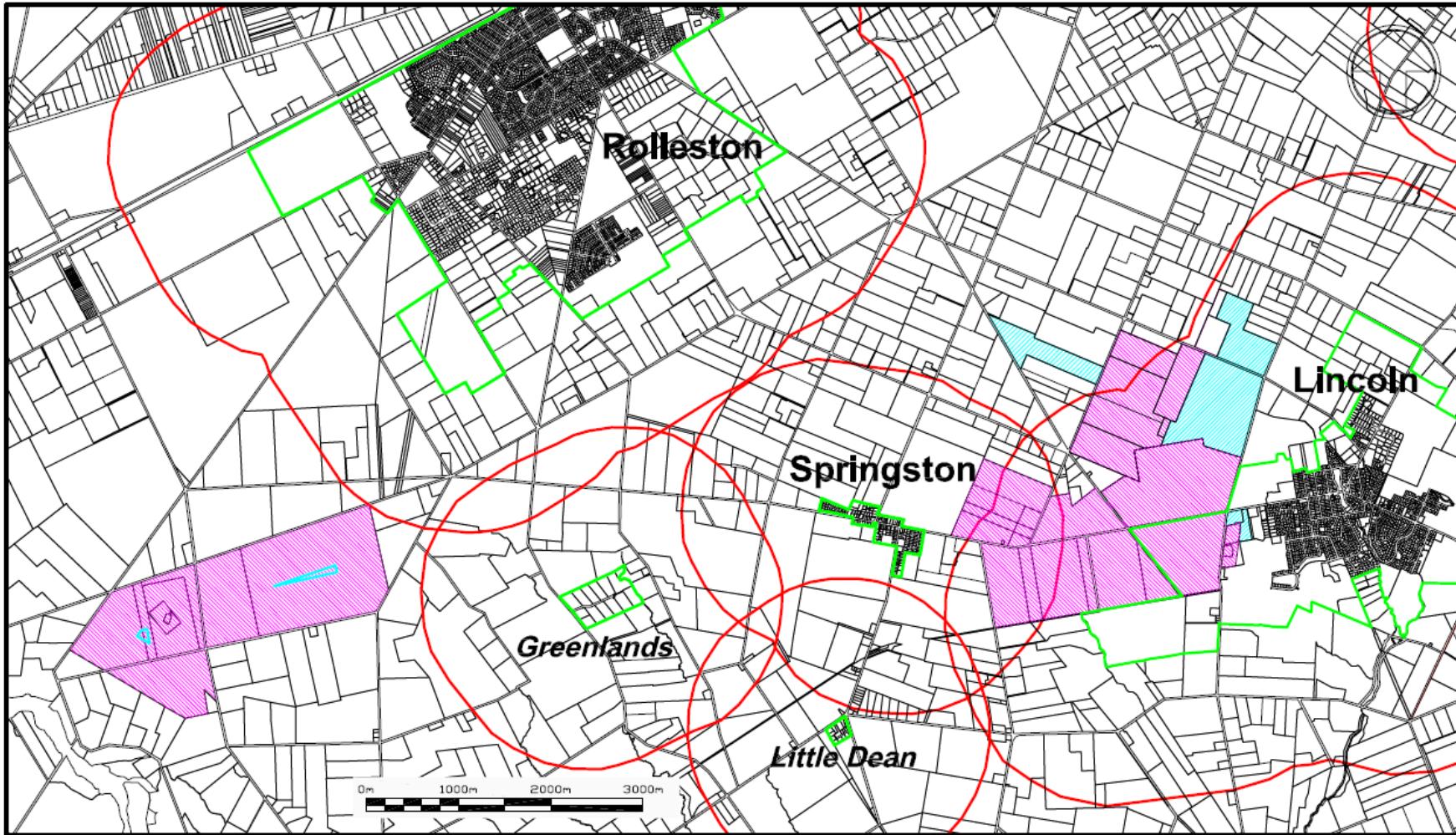


Figure 1 : AgResearch and Lincoln University Properties
Proposed CARP Setback Requirements
for Structures Accommodating Cattle

- Lincoln University
- AgResearch
- 500m Boundary Setback
- Urban Use Limits
- 1500m Urban Use Setback



ENVIRONMENTAL
MANAGEMENT
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Appendix Two: Ag Research and Lincoln University Land Holdings Description

Land areas	Current land use	Proximity	Area
AgResearch			457
AgR Central Block	Arable science	2	82
AgR North Block and Simpsons	Intensive seed production	2	67
Winchmore	Commercial farming with limited research	4	308
LU			1169
Johnson Memorial Laboratory	Land area to support intensive animal research & teaching	1	20
Iverson Fields	Teaching and post graduate research plots	1	20
Horticulture (inclu LU D block)	Horticulture & viticulture	1	21
Biological Husbandry Unit (LU B Block)	Long term committed lease to Trust	1	10
Kowhai block	Recently leased for organic research	1	16
Lincoln University Dairy Demonstration Farm	Dairy demonstration farm	2	180
Lincoln University Dairy Research Farm	Dairy research - predominantly forages and soils	2	74
Cropping farm	Leased to Plant & Food Research	2	125
Lincoln Sheep (former Fielddays site)	Sheep research	2	17
Ashley Dene	Dryland sheep	3	355
Silverwood (Hororata)	Commercial farming with limited research	4	418
PFR			96
A and Baxter's Blocks	Arable science	2	11
Central Block	Arable science	2	62
S Block	Arable science	2	23
Total area			1793

