

In the matter:

**of a submission on the Proposed
Canterbury Air Regional Plan clause 6
of the First Schedule of the Resource
Management Act 1991 by Selwyn
District Council**

to:

Environment Canterbury

BRIEF OF EVIDENCE OF JESSICA TUILAEPa

QUALIFICATIONS AND EXPERIENCE

- 1 My full name is **Jessica Barbara Tuilaepa**
- 2 I hold the degrees of Bachelor of Commerce, from the University of Otago and a Master of Environmental Policy from Lincoln University. I am a graduate member of the New Zealand Planning Institute.
- 3 I am currently a Strategy & Policy Planner at Selwyn District Council. I have been employed by the Council for 5 years. I have 6 years planning and resource management experience working as both a local government planner and as a consultant.
- 4 I have read the Code of Conduct for Expert Witnesses and agree to comply with it. I confirm that I have complied with it in the preparation of this statement of evidence.
- 5 In preparing my evidence I have reviewed:
 - The Operative Canterbury Regional Policy Statement;
 - The Summary of Decisions Requested Report;
 - The relevant Section 42A reports;
 - The submissions prepared by over 20 of the other submitters to the Proposed Canterbury Air Regional Plan and
 - The National Environmental Standard for Air Quality (NESAQ).

BACKGROUND and SCOPE OF EVIDENCE

- 6 I have been asked to prepare evidence on behalf of the Selwyn District Council (SDC).
- 7 SDC provided draft comments on the proposed Canterbury Regional Air Plan (pCARP) prior to notification, as well as a submission and further submission on the notified version of the proposed Plan, which provide the basis for this evidence.
- 8 In preparing my evidence I have considered the statutory context within the Resource Management Act (RMA) that influences the development of a Regional Plan. This includes Sections 63-70, Sections 30, 31, 32 and the overarching Sections 5, 6, 7 and 8 (Part 2).
- 9 I have organised my submission into the following sections: definitions, objectives, policies, rules, schedules and conclusions.

DEFINITIONS

- 10 The submission lodged by SDC sought to ensure that the definitions used are consistent with the RPS provisions and sought the following relief relating to specific definitions:
- Free Range Poultry Farming,
 - Intensive and Extensive Pig Farming,
 - Public Amenity Area,
 - Sensitive Activity,
 - Stock Holding Area,
 - Urban and
 - Low Emitting Enclosed Burner.
- 11 The submission also sought a new definition for 'bulk solid materials' be added.
- 12 The section 42A report has addressed SDC's concerns with the definitions in a number of locations. In particular the following recommendations are now supported:
- Low Emitting Enclosed Burner,
 - Public Amenity Area,
 - Sensitive Activity,
 - Stock Holding Area and
 - Urban.
- 13 However SDC remains concerned about the definitions for free range poultry farming and intensive and extensive pig farming.
- 14 The definition of "free range poultry farming^[CW1]" does not include a recommended maximum bird number. It refers to an industry standard, but makes no specific reference to which standard it means.
- 15 SDC sought to amend this definition to included specific reference to industry standard document to avoid confusion and/or at a maximum number of birds per hectare to ensure ground cover is retained. Reference that anything that is not free range therefore becomes intensive. After taking into account the complexity this may create SDC can now **support** the definitions of free range and intensive poultry farming as notified.
- 16 The submission identified that the inclusion of a definitions for "intensive pig farming" and "extensive pig farming" are supported. However, I **do not fully support** the recommended wording of the definitions.

Extensive pig farming

- 17 The submission sought to amend the definition by both renaming it from “extensive pig farming” to “free range pig farming” and include reference to either an industry standard or a specific density of pigs per hectare, to provide more certainty as to if this definition applies.[CW2]
- 18 The s42a report comments that not all extensive pig farming is necessarily free range pig farming, which is what I originally interpreted it to mean. The purpose of the ‘extensive’ definition is to differentiate low density pig farming from high density, more intensive pig farming. Extensive could still be free range, but it does not have to be.
- 19 I support the decision not to rename the definition from Extensive to Free Range – given that not all extensive farming is necessarily free range, and I support the intention of the definition being to differentiate between high and low densities, however, I question the decision to leave out a reference to a specific industry standard or density.
- 20 There is a risk if you refer to an industry standard, without specifically referencing it, the industry could in theory change the standard and the result could be completely contrary to what the rule may be trying to achieve.
- 21 The definition assumes that where there are less pigs per hectare the anticipated environmental effects are significantly less. The reason I still seek for the definition to be amended to refer to a specific density is that the Selwyn District Council has dealt with an issue where an applicant specified the density as being 12 pigs per hectare, as their entire farm was 20 ha in area, but in reality the density was 24 p/ha as a lesser area was used by the pigs. At the very least the definition should clarify density p/ha is the area used by the pigs, not the area of land owned by the farmers. The potential environmental effects vary greatly and I don’t believe the definition provides clarity for all parties to determine is an activity is extensive or not. (Recommendation R-T2.1 Extensive Pig Farming).

Intensive Pig Farming

- 22 I disagree that threshold is to low[CW3] and that numbers need to be raised. If people with pet pigs or those supplying meat to friends and family are not operating at a scale to classify them as being extensive pig farming operation then should be subject to these rules. I **do not support** the amendments being made to the Intensive Pig Farming definition (Recommendation R-T2.1 Intensive Pig Farming).

OBJECTIVES

- 23 The submission sought relief to the following Objectives;
- Amend Objective 5.4 to provide for a decrease in amenity for significant activities (Recommendation R5.4) and
 - Amend Objective 5.7 to recognise the importance of local infrastructure (Recommendation R-5.7 and R-5).

- 24 The section 42A report has recommended changes that are generally appropriate and do address the key areas of concern raised by SDC.

POLICIES

- 25 SDC's submission sought the following specific relief relating to Policies 6.1, 6.7, 6.8, 6.10, 6.11, 6.12, 6.15, 6.16, 6.17, 6.18, 6.19, 6.24, and 6.26 and the inserting two new policies.
- 26 The section 42A report has addressed the concerns raised by SDC in all but one policy (Policy 6.7).

Policy 6.7

- 27 The submission seeks to amend Policy 6.7 so that it was consistent with CRPS Policy 14.3.5 (1) or delete Policy 6.7 and replace it with the following:
- “Take account of reverse sensitivity implications associated with existing activities when making decisions with respect to authorising land use changes, to ensure that any changes proposed will allow discharges from the existing activity to continue at the level that prevailed at the time that the changes were approved, or can reasonably be mitigated to reduce the adverse effects.”*
- 28 Policy 6.7 signals an expectation that where there is a zoning change in a District Plan and there is an emission to air in the locality which causes adverse effects for the new activities, the discharging activity will either *“reduce the effects or relocate.”* The Section 32 Report indicates that this Policy does not encourage or condone reverse sensitivity, and that it sits within the context of the Canterbury Regional Policy Statement (CRPS).
- 29 Policy 14.3.5 of the RPS states *“(1) Avoid encroachment of new development on existing activities discharging to air where new development is sensitive to these discharges, unless any reverse sensitivity effects on the new development can be avoided or mitigated.”*
- 30 It would appear that the RPS places the onus on the new development to absorb the reverse sensitivity effect, while Policy 6.7 places the onus on the existing activity, which is expected to *“reduce the effects or relocate.”*
- 31 Amending Policy 6.7 would clarify who the onus is with. I **do not support** Recommendation R6.7 is to retain the notified wording of the Policy.
- 32 The s42A indicates the intention of Policy 6.7 is to provide a tool for managing legacy reverse sensitivity issues and that while it is accepted that receiving environments may have changed around lawfully established land use activities and that everyone has the right to have access to air of a certain quality, the focus should be on

mitigating effects, rather than requiring activities to relocate. Especially when people moving next door to said activity, are aware that air quality may be compromised at times.

Proposed New Policy XXX

- 33 The submission seeks to add an additional policy to address emergency situations where generators are required, which states:

“To provide for the on-going management and operation of critical and regionally significant infrastructure during times when electricity supply is compromised due to a supply crisis, or a natural hazard emergency through allowing the use of diesel generators.

- 34 The s42a considered a new policy is unnecessary and instead have amended Rules 7.57 and 7.58 to accommodate this issue. I withdraw the request for the insertion of a new Policy regarding generators in emergency situations subject to rewording of Rules 7.57 and 7.58 in Recommendations R-7.57 and R-7.58

RULES and SCHEDULES

- 36 The submission sought the following specific relief relating to Rules 7.3, 7.4, 7.5, 7.10, 7.13, 7.29, 7.31, 7.54, 7.55, 7.56, 7.57, 7.58, 7.66, 7.67, 7.68 and 7.7 and Schedules 2, 3 and 7.
- 37 The section 42A report has recommended changes that are generally appropriate and do address the key areas of concern raised by SDC.

CONCLUSIONS

- 38 Overall it is my conclusion that the Proposed Canterbury Air Regional Plan should be changed to:
- 39 The definition for **extensive pig farming** should be amended to either make reference to the specific industry guidelines or a density of pigs p/ha (based around the actual area occupied by the animals). The definition of **intensive pig farming** should be retained as originally notified.
- 40 The wording of **Policy 6.7** should be amended to better align with the RPS and provide more certainty.
- 41 Otherwise the changes recommended are generally appropriate and do address the key areas of concern raised in the submission.

Dated: 17 September 2015

Tuilaepa

Jessica Tuilaepa