

Baseline Report

Mushroom Farming and Composting (RU013)

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1.0 Introduction

The focus of this scope of work is on mushroom farming and composting in the rural area, where composting is either in association with mushroom farming or in isolation. This scope does not look at domestic composting within residential areas, but it does address commercial composting within residential and business zones. Domestic residential composting will be addressed within other scopes of work as part of the District Plan Review.

The manufacturing of compost has the potential to cause discharges of offensive and objectionable odours and to a lesser extent, dust emissions beyond the boundary of the site. This odour (and potentially dust) can have a significant effect on the amenity of an area, and any sensitive activities nearby. Mushroom farming activities have more typical effects as expected from an industrial operation such as building size, noise, lighting glare, and traffic considerations.

Under the Operative Selwyn District Plan mushroom farming is not specifically identified as an activity or directly dealt with but is captured by the general rules and through its classification as a 'rural based industrial activity'. While composting is not defined within the District Plan, the activity of composting is through rules dealing with the importation of organic materials on to a site for the purpose of compost manufacture.

There are only a few sites within the Selwyn District known to the Council that grow mushrooms and/or manufacture compost, with compost being manufactured in Greendale (Greendale Mushrooms and Meadow Mushrooms) and Rolleston (Recovery Park and Southern Horticulture), and mushroom growing occurring in Prebbleton and Greendale.

2.0 Operative Selwyn District Plan

2.1 Objectives and Policies

The Operative District Plan's objectives and policies do not address mushroom farming or composting directly, but the Plan does contain general provisions that cover these activities.

Objectives and Policies addressing waste substances may not be relevant to this scope as for something to be defined as a waste substance then it needs to be worthless, useless, etc. Whereas compost has a value and use, and cannot be referred to as a waste substance.

2.2 Definitions

'Composting' and 'Mushroom Farming' have not been expressly defined within the District Plan, but there are other definitions that may apply, as discussed below.

The definition of 'solid waste' may apply to the compost once it has been through a growing cycle as it then becomes useless to the mushroom farming activity. However, the material still has high levels of

nutrients and in most cases is on sold to gardening centres and nurseries. Based on this, at no point in the compost lifecycle, while being used by a mushroom farming operation, can compost be considered to be solid waste, and as such these provisions are not relevant to this activity.

Green waste may apply to the material brought onto a composting site prior to the composting process beginning, given the definition states that green waste includes any compostable vegetative material, not material that has already been composted.

The process of composting and growing mushrooms is defined as a 'Rural Based Industrial Activity' in the Plan. In summary a rural based industrial activity is *any industrial activity that involves the use of raw materials or primary products which are derived directly from the rural environment*. The materials making up the compost includes plant materials, hay, poultry manure, and other such things. These materials originated from the rural environment and are used to make compost, which in turn is used as the production bed for mushroom growing.

While composting and mushroom farming operations are primary agricultural producers, these types of activities are considered to be more intensive than a typical agricultural activity, given the amount of buildings and the processes involved. As such, it is considered that a 'rural based industrial activity' definition is appropriate.

2.3 Rules

2.3.1 Township Volume

Mushroom farming and composting are not expressly defined in the Township Volume. Composting is specifically addressed under rule 1.1.3.2(j), which renders composting within a Living Zone as non-complying. Mushroom farming is not specifically addressed, but could be considered to be an 'industrial activity' which also has a non-complying status within the Living Zone (rule 1.1.3.2(f)).

Rule 9.3.1 allows for the disposal of solid waste as a permitted activity in the Living Zone if that waste is green garden waste which is composted on the site it is generated on. However, given the large quantities of compost required for mushroom farming, they do not rely on green waste originating from the same site. Green waste is brought to the site from other sources. Therefore, this rule is irrelevant to this activity.

Rule 9.4.2 states that any processing, composting, or disposal onto any land of any organic matter in a Living Zone shall be a non-complying activity unless provided for by rule 9.3.1. This is a reiteration of rule 1.1.3.2(j). As previously stated, as mushroom farm operations cannot provide enough green matter for composting from their own site, they are required to bring in material from off-site. This means that any mushroom farming activity that includes composting on site, and is located within a Living Zone is a non-complying activity under this rule.

Rule 13.1.7.2(e) addresses composting activities occurring within Business 2 and 2A zones, rendering them as a discretionary activity. This rule would not apply to mushroom farms which bring in ready to go compost rather than manufacturing it on site as the rule only applies to activities which have on-site composting processes.

As per Rule 13 of the Township Volume, mushroom farming with no associated composting (industrial activity) is either permitted or non-complying depending on the Business Zone type. This section is an example of confusion within the Operative District Plan, given the amount of different types of Business Zoned Land, and the format of this section.

Rule 21.3.1 does allow for the disposal of solid waste as a permitted activity within a Business Zone if the waste is green garden waste which is composted on the site which it is generated. As previously stated, a mushroom farm is unlikely to produce enough green waste to satisfy their composting needs, and therefore this Rule is not wholly relevant to this activity.

2.3.2 Rural Volume

Rule 9.2.1.2 states that any activity which involves the composting of organic material, where that material is brought onto the site is a discretionary activity. This would allow the Council to assess the potential effect from the discharge of odour or dust on the amenity of the area.

On review of the Operative District Plan there appears to be a gap within the rules which deals with the storage of compost within the rural area. As the composting process does not cease when stored, given that the material will continue to breakdown even when the operator is not using active processes to manufacture compost, rule 9.2.1.2 will continue to apply.

The second part of rule 9.2.1.2 provides for an exception from the rule where material is brought onto the site for the purpose of composting pigs.

Based on the site investigations carried out and discussions with the mushroom growing industry, the odourous part of composting is when anaerobic processes occur during manufacture, or when the compost is disturbed. It is generally considered that at other times, the green waste product and the final compost product is largely benign in odour. An additional effect arising from compost manufacture can be from a dust discharge. However, this effect is more easily mitigated than odour through appropriate management techniques such as storing the compost in a building, under covers, and keeping it moist.

Rule 9.5.1 states that any 'rural based industrial activity' shall be permitted if it meets the site coverage (100 m²) and staff number (2 FTE) conditions. However, a mushroom farming operation is unlikely to meet these conditions. Therefore, the activity will be a discretionary activity under rule 9.5.2 if one of the associated conditions are met. The most relevant condition being if the site is located within the Outer Plains area. If the site is located within the Inner Plains area then the activity will be non-complying.

As well as the activity rule described above, the general rules for aspects such as noise, lighting, transport, building bulk and location etc. will apply to both mushroom farming and composting operations.

Relevant definitions and rules have been attached as **Appendix A**.

3.0 Review of consents with composting components

3.1 169 Telegraph Road (Marshland Mushrooms)

A mushroom farm with on-site compost production is operating on this site. It was established through notified resource consent R302427 in 1997. The granting of the consent was appealed to the

Environment Court (C114/97 P&I Chamberlain & Co Ltd v Selwyn District Council 30/10/1997), which resulted in slight amendments to the consent conditions.

This application also encompassed consents from the regional council, including an air discharge permit to discharge compounds produced through the manufacture of compost.

The main point of contention throughout this consent process was the potential effect of odour through the manufacture of compost. It was considered by the court that the operation is occurring within a rural area, where odours such as this are expected to occur, especially when there are other similar activities in the vicinity of the property such as poultry farming, dairy farming, and another compost production facility.

A further resource consent (155613) was applied for and granted to build a cool store with a blast chiller for the storage of mushrooms. The main areas of non-compliance with the district plan were; bringing materials onto the site for composting, the area of the building, and the operation having more than two full time staff.

3.2 578/606 Springs Road, Prebbleton (Meadow Mushrooms)

Meadow Mushrooms established themselves on this site in the 1970's and have applied for numerous consents over time:

- R304052 – To erect peat storage shed over the existing stockpile area
- R305226 – To erect a canopy over dispatch area in non-complying position
- R306201 – To extend canopy and storage sheds
- R307137 – To replace two peak heat buildings within existing processing plant

Discussions with a Meadow Mushrooms representative revealed that composting no longer occurs on this site as this is all carried out at their Coaltrack Road site (noted below). However, there is the potential for an odour issue to occur when the compost is brought onto the site and packed into the grow beds one day a week. It was also stated that in the near future, the Prebbleton site will be vacated, but no timeframe was provided. Given this intention to leave the site, there would be no benefit in creating special planning provisions for the site.

3.3 591 Coaltrack Road/ Stranges Road (Meadow Mushrooms)

This site is used by Meadow Mushrooms as their compost manufacturing site and was established through resource consent R300802 (1994). Compost is manufactured on site and is then taken to mushroom growing sites at other locations within Canterbury, including their Prebbleton plant. This consent authorised the processing of 500 tonnes of compost per week. Additionally a discharge consent was also obtained from the Canterbury Regional Council for the discharge to air of contaminants as part of the composting process.

R300802 has been subjected to a change of conditions through R305369 which varied the composting management plan to allow the activity to comply with a regional council discharge consent.

Resource consent 085210 sought to redevelop and expand on RC300802 to increase the amount of compost being produced from 500 tonnes to 1200 tonnes per week.

Breaches of the District Plan included earthworks volume, heights of buildings, vehicle accessway, composting materials brought from offsite, floor area, staff numbers, and vehicle movements.

Resource consent 085210 has been subjected to three changes of conditions:

- 085433 - Amendment to the site plan to include the erection of a barn.
- 095144 - Amendment to change the colour and reflectivity rating of the structures.
- 175646 - Amendment to the plans to include a lab, spawn store, chiller pad, and other amendments to existing structures.

Additionally, Resource Consent 095052 was obtained for the storage and use of hazardous substances.

3.4 Broadfields Mushrooms, Waterholes Road

Consent R303846 (2000) was granted for the conversion of a poultry farm facility for mushroom production. The consent authorised up to 200 m³ of materials to be composted on site at any one time. This operation has since ceased.

3.5 Southern Horticultural Products, Manion Road

Southern Horticultural Products applied for and received a certificate of existing use (135037). This application sought to confirm the legality of their operation which involved the processing, storage, composting, and the supply of landscaping, garden, and nursery products.

The application stated that these operations have occurred on this site since 1989. Whilst it was stated within the application that composting activities occurred on site, no volume was specified. Moreover, no volume has been included within the decision documents, which would make things difficult to assess if the activity increased its compost production.

In 2015 an application (155188) was granted to reconfigure the existing bulk garden supply business and accessway. This saw a change to the location of the composting operation and the storage of that compost. The consent conditions restricted the composting process to only using wood materials, chicken manure, spent mushroom-substrate compost, and pig litter. A further condition restricted the volume of materials allowed to be brought onto the site to no more than was used for a 12 month period prior to the 12th of August 2015, so as to prevent an escalation in the scale of the activity. Additionally, the location of the stockpiles were stipulated, and the need to place them in a windrow.

Consents 165522 and 165697, change of conditions to 155188, saw minor changes to the original consent conditions, but did not change the restrictions of the consent in any material way.

3.6 Rolleston Resource Recovery Park:

The recovery park located on the peripheral of the Rolleston Township has an authorised composting operation occurring. This activity is authorised through consent R307600 (2005) which is an Outline

Development Plan allowing composting in a small volume (amount not specified), and within an enclosed unit. No other details about the composting component were included with the application or decision documents.

4.0 Canterbury Regional Council Plans

4.1 Canterbury Regional Policy Statement (RPS)

Chapter 5 Land- Use and Infrastructure, Chapter 6 Recovery and Rebuilding of Greater Christchurch, and Chapter 14 Air Quality, are considered to be the most relevant section of the RPS.

The provisions within Chapter 5 and 6 seek to ensure the protection of existing rural production activities from reverse sensitivity effects while managing the location of these types of activities and the potential for significant adverse effects to occur. The objectives and policies seek to avoid incompatible land-uses being based near each other to minimise reverse sensitivity issues. It is noted that the rural economy makes up a significant component of the economic and social well-being of Canterbury, and therefore needs to be protected from incompatible land uses as much as possible.

The provisions in Chapter 14 seek to maintain and improve air quality, and to protect activities with air discharges from encroachment from incompatible development. It is noted that people and communities should be free from unpleasant effects on air quality.

There are no specific definition references to composting or mushroom farming within the RPS.

4.2 Canterbury Land and Water Regional Plan (LWRP)

The LWRP contains specific provisions dealing with the storage of compost. However, these only address this activity in regard to the potential effect of the activity contaminating surface water. There are no other provisions managing this activity, and as such there is no overlap with the District Plan. The relevant provisions have been attached as **Appendix C**.

4.3 Canterbury Air Regional Plan (CARP)

The CARP contains specific mushroom farming rules as part of the intensive farming section, and industrial rules which cover composting activities.

Rules specifically mentioning mushroom farming include rule 7.65, 7.66, and 7.72. These rules primarily deal with the potential odour and dust discharge that may be caused by the activity.

Rule 7.65 provides for activities established prior to 1 June 2002 and did not require a consent to establish, as long as the discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the property, and there is no increase in the scale of the activity, as a permitted activity.

Rule 7.66 provides for activities that established prior to 1 June 2002 but cause an objectionable or offensive odour part the boundary as a restricted discretionary activity¹.

Rule 7.72 provides for mushroom farming activities that established post 1 June 2002 as a restricted discretionary activity as long as the activity does not cause an offensive or objectionable odour effect beyond the boundary.

The matters of discretion are restricted, among other things, to:

- Quantity, quality and type of the discharge to air, and any resulting effects.
- Methods to control the discharge.
- The location of the discharge.

The composting of organic matter is considered to be an 'industrial or trade process' which occurs on an 'industrial or trade premises'. The composting of organic matters is not expressly covered by a specific rule, and is therefore classified under rule 7.63 as a discretionary activity, or rule 7.64 as a non-complying activity. A note within this section of the plan states that composting will most likely need a consent under rule 7.63.

Full wording for the rules has been attached as **Appendix B**.

4.4 Canterbury Regional Council Engagement

A draft Baseline Report was shared with the Policy Team at the Canterbury Regional Council. Overall, their stance on the preferred option is that they do not support the intended approach to remove air discharge controls from the District Plan and have a reliance on the Canterbury Air Regional Plan.

The primary reasoning for this stance is as follows:

- Although it is unlikely that an activity would be granted consent under the CARP within a Living Zone, there is no certainty of this, as would exist if appropriate controls were retained within the District Plan.
- Disagreement about the extent of reach and guidance of the policies of the CARP to deal with these forms of activities.
- Some policy only deal with effects that are offensive and objectionable, which is a high threshold than just causing an adverse effect.
- The intent of the CARP is to only manage the effects from an air discharge rather than the appropriateness of the discharges location.

¹ A review by ECan of this Baseline Report has shown that an error exists within the CARP. Rule 7.66 should refer to compliance with condition 2 of Rule 7.65 rather than condition 1. This means that any applicable activity under Rule 7.65 which has an offensive or objectionable effect should be classified as a non-complying activity under Rule 7.80.

5.0 Mahaanui Iwi Management Plan (IMP)

In regards to the potential for adverse effects arising from mushroom farming and its associated composting activities, the IMP focuses on the effects of discharges to land and air, which are primarily controlled by the Regional Council. Overall, the relevant policies of the IMP seek to protect the mauri of the land, water, and air by avoiding inappropriate land uses and development.

Those policies from the IMP that are of particular relevance to a Territorial Authority have been summarised below.

R1.1 – To protect the mauri of air from adverse effects associated with discharges to air activities.

R1.4 – The use of indigenous planting to offset air discharges.

R2.3 – The recognition of Local Authorities that some discharges to air have adverse effects on Ngāi Tahu cultural values.

P1.1 – The use of land in accordance with the principles of Ngāi Tahu.

P2.1 – Rural land use must give the protection of resources and environmental health for future generation's priority.

P2.2 – The adverse effects of intensive rural land use on water, soil, and biodiversity resources in the takiwā must be addressed as a matter of priority.

P3.1 – P3.3 – To require that local government recognise and provide for the interests of Ngāi Tahu in planning, including the early involvement of Ngāi Tahu, and to ensure plans give effect to the Mahaanui Iwi Management Plan.

In regard to these policies, the main points of concern from mushroom farming is from the discharge of odour from any associated compost manufacture. In accordance with the IMP these types of discharges should be avoided or at least their resultant effect mitigated. This principle is consistent with the approach taken by the Selwyn District Council of adopting measures to ensure good management practice is implemented by all mushroom farming activities.

Mahaanui Kurataiao Ltd preformed a review of this Baseline Report and stated that the identified Policies above are the most relevant and appropriate ones for this activity type. Furthermore, the preferred option was stated as being consistent with the Iwi Management Plan policies and would result in the current issues in the plan being rectified.

6.0 Ministry for the Environment – Good Practice Guide for Assessing and Managing Odour 2016 & Good Practice Guide for Assessing and Managing the Environmental Effect of Dust Emissions 2016.

These guides set out the roles and responsibilities of councils for assessing and managing odour and dust discharges under the Act. Regional councils have the responsibility to manage air quality, while district councils are required to manage land uses which have the potential to discharge odour and dust which cause amenity effects, such as intensive farming. Under Section 15 of the Act unless a regional rule specifies that any non-industrial or trade premises discharge requires consent, it is permitted. District councils also have the responsibility to manage the location of sensitive activities in relation to proximity to discharges.

These requirements can and do lead to regional and district regulation overlap for intensive farming activities. Guidance states that there are two options for exercising these functions, either for the regional council to take control of managing activities that cause effects as a result of odour and dust discharges, or a combined approach where the district council manages the amenity effects arising from emissions associated with any land use, and the regional council dealing with the contaminants of any emissions. To determine the best outcome it is recommended that regional and district authorities collaborate together, as the Ministry encourages that duplication should be avoided.

Whilst it is recognised that in the first instance any significant odour and dust effects should be internalised within the site generating the discharge, this may not always be practical or reasonable to do so. Separation distances between the discharge point/site and neighbouring land uses can be an effective tool to allow the discharge to dilute to a point when any effect is below the threshold to require action. Whether a discharge has an offensive or objectionable effect requires an overall judgement that considers the frequency, intensity, duration, offensive/character, and location of the odour impact (FIDOL factors).

7.0 Options

7.1 Status quo

While being the simplest and most cost effective option, this option would not rectify the existing issues surrounding these types of activities. The district plan review provides an opportunity to analyse the existing planning framework and to improve the effectiveness and efficiency of the planning controls. Therefore, this opportunity should be utilised to improve the current situation, and as such this option is not recommended.

7.2 Retain controls within the District Plan but with amendments

This option seeks to retain some form of planning control for composting and mushroom farming activities within the district plan, as outlined below. However, this option would see amendments to the current planning framework to make them fit for purpose, increasing the effectiveness and efficiency. Furthermore, the current structure of the rules will need to be amended to reflect the incoming National Planning Standards.

7.2.1 Mushroom Farming

Under this option mushroom farming will be a non-complying within a Living Zone, and a permitted activity within the Business (industrial) and Rural Zones subject to certain permitted development standards. Standards could include factors such as if the activity involves composting, size of the building, noise generation, etc. If a standard is not met then the activity will become a restricted discretionary activity. Overarching objectives and policies will need to accompany the rules package to help guide development into an appropriate location. For instance policy should direct that activities involving odour discharges should be avoided in Business Zones which can contain incompatible uses such as food vendors, gyms, and offices. Policy should also direct odour producing activities to avoid being located within the Rural Inner Plains area due to the number and concentration of sensitive activities within this area.

Indicative rule structure:

Permitted Rule #	Conditions
Mushroom Farming	Mushroom farming is a permitted activity if all of following matters are met: i: meets the permitted development standards contained in Appendix X; and ii: is not located within a Living Zone or Business (Commercial) Zone.
Restricted Discretionary Rule #	
Mushroom Farming	Any activity that breaches condition i. is a restricted discretionary activity with the matters of discretion being restricted to those listed in Appendix Y. <i>(Note this will include a matter to assess the amenity effect from any odour discharge)</i>
Non-Complying Rule #	
Mushroom Farming	Any activity that breaches condition ii. is a non-complying activity.

There is a potential issue of inconsistency between the district and regional plans. This arises through differing activity classifications, for instance a non-complying activity status in the Living Zone (District Plan), and restricted discretionary within the CARP. However, it is considered that having a more stringent activity classification in the district plan will not be inconsistent with the regional plan as the two rules deal with different aspects of the activity. The CARP only deals with the discharge of a contaminant from a mushroom farm, and the district plan addresses the physical structure and operational aspects of the farm. Mushroom farming under the district plan is seen as an industrial activity, which has aspects that would render it inappropriate for placement within a Living Zone. Additionally the relevant objectives and policies of the CARP seek to protect sensitive sites from discharges, which would mean that any discharge of contaminant from a mushroom farm within a Living Zone would be unlikely to be approved. Therefore, based on these assessments the intent of this option and the CARP are consistent even if they do not share the same activity classifications.

7.2.2 Composting

Firstly, all reference to composting within this option and the following option is in reference to composting of a commercial scale and purpose, where organic material has been brought onto the site to be composted. These options are not intended to capture domestic composting and when drafted the wording used will reflect this intent.

This option recommends that any composting activity be a non-complying activity within any non-Rural Outer Plains area, with activities within this area being restricted discretionary.

The reasoning for these classifications has been examined in previous sections. However, in essence composting activities carry with it a significant odour and dust discharge that, depending on the characteristics of the activity, can have an adverse effect on the amenity of an area. Therefore, the location of such an activity needs to be carefully managed to both ensure that the amenity effects from any odour and/or dust discharge is managed in relation to sensitive activities, thus reducing the likelihood of reverse sensitivity effects.

Indicative Rule Structure:

Restricted Discretionary Rule #	Conditions
Composting	The composting of organic material not from the same property within the Rural Outer Plains Zone is a Restrict Discretionary activity with matters of discretion being restricted to those listed in Appendix Y. <i>(Note this will include a matter to assess the amenity effect from any odour or dust discharge)</i>
Non-Complying Rule #	
Composting	The composting of organic material not from the same property within any zone other than the Rural Outer Plains Zone, is a Non-Complying activity.

7.2.3 Definitions

To assist in improving plan clarity and effectiveness this option recommends the inclusion of a ‘mushroom farming’ and a ‘composting’ definition. This option would reduce any confusion caused when making assessments under the district plan. Ideally any mushroom farming definition would link the activity with being a ‘rural based industrial activity’.

7.2.4 Recommendation

Central Government guidance states that any duplication between a district and regional plan should be avoided. This option would result in an overlap between the two plans when assessing any odour or dust discharges and could potentially see an operator needing to apply to both the regional and district council for a consent covering the discharge of odour and/or dust. This duplication increases time and costs to the Applicant, with little (if any) environmental gain. For this reason this option is not recommended.

7.3 Remove provisions where an overlap exists with Regional Plan provisions

This option considers that where provisions overlap with regional plan provisions, then provisions within the district plan should be removed or left as a permitted activity. District plan provisions addressing other non-regional council related provisions should remain but albeit in an altered format to improve effectiveness and efficiency.

As previously discussed Central Government guidance advises that where possible, duplication between authorities should be avoided. As the CARP addresses the discharge of odour and dust through controlling the discharge of contaminants from mushroom farms and composting activities, then the district plan is not required to address these issues. To do so would create duplication resulting in time and cost inefficiencies.

7.3.1 Mushroom Farming

Any discharge of contaminant to air from a new mushroom farming activity is required to obtain a consent from Environment Canterbury as a restricted discretionary activity, or if the effect is objectionable or offensive, as a non-complying activity.

Therefore, to avoid duplication it is recommended that mushroom farming be permitted in the Proposed District Plan subject to certain permitted development standards (building coverage, noise, lighting etc.). Any breach of this rule would see the mushroom farm activity be classified as a restricted discretionary activity with the matters for discretion being related to the standard breached. The matters of discretion will not include scope to assess the amenity effects from any odour or dust discharge. Furthermore, adequate policy protection would need to be included in the Proposed District Plan to ensure that mushroom farming and composting do not locate in areas near sensitive activities.

Indicative Rule Structure:

Permitted Rule #	Conditions
Mushroom Farming	Mushroom farming is a permitted activity if all of following matters are met: <ul style="list-style-type: none"> i. Meets the permitted development standards listed in Appendix X; and ii. is not located within a Living Zone or Business (Commercial) Zone.
Restricted Discretionary Rule #	
Mushroom Farming	Any activity that breaches condition i. is a restricted discretionary activity with matters of discretion being restricted to those listed in Appendix Y. <i>(Note that the matters for discretion will not include the ability to assess amenity effects from an odour or dust discharge)</i>
Non-Complying Rule #	
Mushroom Farming	Any activity that breaches condition ii. is a Non-Complying Activity.

7.3.2 Composting

Any discharge of contaminant to air from a composting activity is required to obtain a consent from Environment Canterbury as a discretionary activity, and if it causes an objectionable or offensive effect then it is non-complying. Given these provisions, there is no requirement for the district authority to assess the amenity effect of the odour/dust discharge from a composting activity. This situation is the same as that described for mushroom farming.

This would render any composting activity as a permitted activity, subject to permitted development standards.

On review of the relevant objectives and policies of the CARP there would be adequate coverage within these provisions to ensure that inappropriate development near sensitive sites could not occur. For instance Policy 6.1(a) states that discharges do not cause diverse² effects on human health and wellbeing, and Policy 6.9 states that any new discharge to air should be appropriately located and adequately separated from sensitive activities. Moreover, this assessment should take into account any land use anticipated by a District Plan, which includes the future receiving environment (as defined by case law). The objectives of the CARP also provide additional protection through, but not limited to, Objective 5.2 which provides for the protection of ambient air quality for the health and wellbeing of the people, Objective 5.6 which states that amenity values of the receiving environment are maintained, and Objective 5.9 which states that offensive and objectionable effects on the environment are generally avoided. Therefore, despite the level of protection being reduced in the district plan, the CARP has a sufficiently robust planning framework to ensure that any adverse air quality effects associated with new mushroom farms and composting activities will be addressed through a discharge permit consenting process.

In addition to the above, current Rural Volume rule 9.2.1.2 which contains an exception for activities bringing off site material on to the property as part of the process of composting pigs shall be retained in the Proposed District Plan.

Indicative Rule Structure:

Permitted Rule #	Conditions
Composting	Composting is a permitted activity if all of following matters are met: <ul style="list-style-type: none"> i. Meets the permitted development standards listed in Appendix X; and ii. Is not within a Living Zone or Business (Commercial) Zone.
Restricted Discretionary Rule #	
Composting	Any activity that breaches condition i. is a restricted discretionary activity with matters of discretion being restricted to those listed in Appendix Y. <i>(Note that the matters for discretion will not include the ability to assess amenity effects from an odour or dust discharge)</i>
Non-Complying Rule #	
Composting	Any activity that breaches condition ii. a Non-Complying Activity.

² On communication with Environment Canterbury this word is meant to be adverse rather than diverse.

7.3.3 Definitions

As per the discussion contained in Section 7.2.3, definitions should be adopted for ‘mushroom farming’ and ‘composting’.

8.0 Recommendation

Option 7.3 ‘remove provisions where an overlap exists with Regional Plan provisions’ is recommended to be the Preferred Option for further development. While some control over these activities will be retained within the district plan, namely over aspects such as scale, noise, transport, lighting, etc., while odour and dust is controlled through the CARP. The CARP has adequate objectives and policies to ensure any odour or dust discharge is appropriately located and managed.

9.0 Appendices

9.1 Appendix A: Selwyn District Plan Provisions

Rules

Township Volume

1.1 Status of Activities

1.1.3 The following activities shall be non-complying activities in Living zones:

1.1.3.2 Any of the activities listed in (a) to (o) below, irrespective of whether they comply with the conditions for permitted activities in Rules [2](#) to [11](#)

(j) Processing, composting or disposal on to land of any organic matter. (This rule does not apply to the activities set out in [Rule 9.3](#))

9.3 Waste Disposal

9.3.1

The disposal of solid waste shall be a permitted activity if one or more of the following conditions are met:

9.3.1.1 The solid waste is green garden waste which is burned or composted on the site on which it is generated;

9.4 Other Matters

Non-Complying Activities — Other Matters

9.4.2 Any processing, composting or disposal onto any land of any organic matter shall be a non-complying activity except as provided for in [Rule 9.3.1](#).

13.1 Status of Activities

13.1.7 The following activities shall be discretionary activities in Business 2 and 2A Zones:

13.1.7.2 Any of the activities listed in (a) to (g) below, irrespective of whether they comply with the conditions for permitted activities in Rules [14](#) to [23](#).

(e) Composting or disposal on to land of any organic matter

(This rule does not apply to the application of compost or organic fertilizers to fertilise gardens or land).

21.3 Waste Disposal

21.3.1 The disposal of solid waste shall be a permitted activity if one or more of the following conditions are met:

21.3.1.1 The solid waste is green garden waste which is composted on the site on which it is generated;

Rural Volume

9.2 Listed Activities

9.2.1 All of the following activities shall be discretionary activities irrespective of whether they comply with all other rules in the Plan for permitted activities:

9.2.1.2 Any activity which involves the composting of organic material, where that material is brought on to the site except where additional material such as saw dust or straw is required as part of the process of composting pigs;

Definitions

Solid Waste: includes any material which is discarded as being spent, useless, worthless or in excess, and includes liquid or gaseous waste which is stored in containers.

Green Waste: includes any compostable vegetative material, including but not limited to: weeds and garden waste, spoiled crops and tree prunings.

Industrial Activity:

means any activity involving the manufacturing, production, processing, assembly, disassembly, packaging, servicing, testing, repair, direct handling, distribution and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying and, for the avoidance of doubt, harvesting activities associated with plantation forestry. For the purpose of this definition an industrial activity is further defined as being either of the following:

(a) Rural Based Industrial Activity: means an Industrial Activity that involves the use of raw materials or primary products which are derived directly from the rural environment, including agricultural, pastoral, horticultural, forestry, viticulture and crops.

Or

(b) Other Industrial Activity: means any other Industrial Activity that is not defined as a “rural based industrial activity”, as stated in (a) above.

9.2 Appendix B: Canterbury Air Regional Plan Provisions

Relevant Objectives:

- 5.2 – Ambient air quality provides for the health and wellbeing of the people of Canterbury
- 5.3 – Competing demands for the use of the air resource of Canterbury are accommodated while unacceptable degradation of ambient air quality is avoided
- 5.6 – Amenity values of the receiving environment are maintained
- 5.7 – Discharges from new activities are appropriately located to take account of adjacent land uses and sensitive activities
- 5.9 – Offensive and objectionable effects and noxious or dangerous effects on the environment are generally avoided

Relevant Policies:

- 6.1(a) – Discharges of contaminants into air, either individually or in combination with other discharges, do not cause: diverse³ effects on human health and wellbeing
- 6.8 – Offensive and objectionable effects are unacceptable and actively managed by plan provisions and the implementation of management plans
- 6.9 – Discharges into air from new activities are appropriately located and adequately separated from sensitive activities, taking into account land use anticipated by a proposed or operative district plan and the sensitivity of the receiving environment

Relevant Rules

- 7.63 The discharge of contaminants into air:
 1. that does not comply with one or more of the conditions of Rules 7.47 to 7.62, excluding condition 1 of Rules 7.47, 7.48, 7.49, 7.50 7.51, 7.55, 7.59 and 7.62; or
 2. that is from an industrial or trade premise and is not managed by Rules 7.47 -7.62; and is not a prohibited activity, is a discretionary activity.
- 7.64 The discharge of contaminants into air that does not comply with condition 1 of Rules 7.47, 7.48, 7.49, 7.50 7.51, 7.55, 7.59 and 7.62 is a non-complying activity.
- 7.65 The discharge of contaminants into air from *intensive poultry farming, intensive pig farming or mushroom farming* that was established at a permanent location on or before 1 June 2002, and where the

³ On communication with Environment Canterbury this word is meant to be adverse rather than diverse.

CRC did not require a resource consent for the discharge of contaminants into air from that activity on or before 1 June 2002, is a permitted activity provided the following conditions are met:

1. The discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with Schedule 2; and
2. From 1 June 2002 there has been no increase in the scale of the farming activity.

7.66 The discharge of contaminants into air from *intensive poultry farming, intensive pig farming or mushroom farming*, established prior to 1 June 2002 and that does not comply with condition 1 of Rule 7.65 is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The quantity, quality and type of the discharge into air and any effects arising from that discharge, including cumulative effects; and
2. The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including the odour and/or dust management plan; and
3. The location of the discharge, including proximity to *sensitive activities*; and
4. The efficient use and development of the physical resources of the existing farm; and
5. The matters set out in Rule 7.2; and
6. Any effect on the environment of not meeting the condition or conditions of the particular rule contravened; and
7. Whether the conditions of the rule, when considered as a package, remain effective; and
8. Mitigation methods available to minimise any actual or potential environmental effects on the efficacy of the package of conditions.

7.72 The discharge of contaminants into air from mushroom farming, established after 1 June 2002, is a restricted discretionary activity provided the following condition is met:

1. The discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin when assessed in accordance with Schedule 2.

The exercise of discretion is restricted to the following matters:

1. The quantity, quality and type of the discharge into air and any effects arising from that discharge, including cumulative effects; and
2. The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including the odour and/or dust management plan; and
3. The location of the discharge, including proximity to sensitive activities, wāhi tapu, wāhi taonga or places of significance to Ngāi Tahu; and
4. Any effect on the environment of not meeting the condition or conditions of the particular rule contravened; and
5. Whether the conditions of the rule, when considered as a package, remain effective; and
6. Mitigation methods available to minimise any actual or potential environmental effects on the efficacy of the package of conditions.

9.3 Appendix C: Canterbury Land and Water Regional Plan Provisions

Silage Pits and Compost

Note: Rules 5.38 to 5.40 do not apply to the storage of baled and wrapped silage, whether stored in individual bales or a continuous tube

5.38 The use of land for a silage pit or the stockpiling of decaying organic matter (including compost) and any associated discharge into or onto land where a contaminant may enter water is a permitted activity, provided the following conditions are met:

- 1. The volume of any silage pit or stockpile is less than 20 m³; and
- 2. Any liquid that drains from the stockpile does not enter a surface waterbody, other than a wetland constructed primarily to treat animal effluent; and
- 3. Any decaying organic matter does not originate from an industrial or trade process.

5.39 The use of land for a silage pit or the stockpiling of other decaying organic matter (including compost) not permitted by Rule 5.38 and any associated discharge into or onto land where a contaminant may enter water is a permitted activity, provided the following conditions are met:

- 1. The silage pit or stockpile is not sited:
 - (a) within 50 m of a surface waterbody, the boundary of the property, a bore, or the Coastal Marine Area; or
 - (b) within a Community Drinking-water Protection Zone as set out in Schedule 1; or
 - (c) within the Christchurch Groundwater Protection Zone as shown on the Planning Maps; and
- 2. Any liquid that drains from the silage pit or stockpile does not enter a surface waterbody, other than a wetland constructed primarily to treat effluent; and
- 3. Any decaying organic matter does not originate from an industrial or trade process.

5.40 The use of land for a silage pit or the stockpiling of other decaying organic matter (including compost) and any associated discharge into or onto land where a contaminant may enter water, that does not meet one or more of the conditions in Rule 5.39 is a restricted discretionary activity where the following condition is met:

1. The silage pit, stockpile, and discharge is the subject of a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A.

The exercise of discretion is restricted to the following matters:

1. The actual or potential environmental effects of not meeting the condition or conditions of Rule 5.39; and
2. The quality of, compliance with and auditing of the Farm Environment Plan.