
POST ENGAGEMENT PREFERRED OPTION UPDATE REPORT TO DISTRICT PLAN COMMITTEE

DATE: 21 November 2018

TOPIC NAME: Rural – RU211

SCOPE DESCRIPTION: Scheduled Sites

TOPIC LEAD: Robert Love

PREPARED BY: Robert Love

EXECUTIVE SUMMARY

<i>Summary of Preferred Option Endorsed by DPC for Further Engagement:</i>	Option 1 – That the scheduling of the Brink’s Chicken and Feedco Feedmill sites continues with appropriate amendments, while the provisions relating to Alex McDonald Merchants and Redfern Subdivision are removed from the District Plan.
<i>Summary of Feedback Received</i>	<p>A representative of Brink’s Chicken provided feedback on the preferred option report which in summary recommended:</p> <ul style="list-style-type: none">- A correction to the new title numbers to be included in the amended rule;- Inclusion of additional titles for both the Brinks Chicken site and Feedco Feedmill site;- Potential rezoning of the site to ‘Industrial’ to make future development more permissive;- The removal of the wastewater Rule 9.5.2.3 only if Rule 9.5.2.2 is amended as specified to include the titles listed under Rule 9.5.2.3;- For any option relying on existing use rights to not be adopted.
<i>Recommended Option Post Engagement:</i>	That the updated Preferred Option progresses to the ‘Drafting and Section 32 Evaluation Phase’
<i>DPC Decision:</i>	<p>“That the Committee notes the report.”</p> <p>“That the updated Preferred Option progresses to the ‘Drafting and Section 32 Evaluation Phase’.”</p> <p>“That the Committee notes the updated summary plan.”</p>

1.0 Introduction

1.1 Overview of Preferred Option Endorsed by DPC

The preferred option sought to remove superfluous and redundant references to scheduled sites and their associated rules within the Operative District Plan.

The endorsed preferred option recommended:

- a) Remove Rule 10.12 (Township Volume) – Alex McDonald Merchants Ltd site;
- b) Remove Rule 12.1.3.11 (Township Volume) – Redfern Site;
- c) Amend Rule 9.5.2.2 (Rural Volume) to reflect the changes to land title classifications (Brink's Chicken Site);
- d) Remove Rule 9.5.3.2 (Rural Volume) relating to the irrigation waste disposal at the Brink's Chicken Site; and
- e) Although not expressly stated within the preferred option, but within the subsequent assessment, the retention of Rule 9.5.2.4 (Rural Volume) relating to the Feedco Feedmill site.

2.0 Summary of Feedback Received

2.1 Landowner/Stakeholder Feedback

Brink's Chicken and Feedco Feedmill

Ben Addington from Harrison Grierson on behalf of the Egg Producers Federation of New Zealand and the Poultry Industry Association of New Zealand has reviewed the preferred option report and provided comment (a copy of the memo has been provided as **Appendix A**).

In summary the technical memo included the following recommendations:

- A correction to the new title numbers to be included in the amended rule;
- Inclusion of additional titles for both the Brinks Chicken site and Feedco Feedmill site;
- Potential rezoning of the site to 'Industrial' to make future development more permissive;
- The removal of the wastewater Rule 9.5.2.3 only if Rule 9.5.2.2 is amended as specified to include the titles listed under Rule 9.5.2.3;
- For any option relying on existing use rights to not be adopted.

3.0 Analysis of Feedback Received

3.1 Inclusion of missing title numbers for Brink's Chicken:

Analysis

The preferred option report made an error by not including all of the relevant new title numbers as part of the preferred option.

On review of the old and new title numbers, this mistake has been confirmed. Sec 38 SO 482782 and Sec 22 SO 482782 were not included in the proposed amended wording.

Previous	Current	Rule/ Attribute
Lot 1 DP 20292	Sec 22 SO 482782	9.5.2.2 – any building and/or operations expansion associated with the processing plant
	Sec 33 SO 482782	
	Sec 38 SO 482782	
Lot 2 DP 20292	Sec 34 SO 482782	9.5.2.3 – any upgrading of the existing on-site irrigation waste disposal
Lot 4 DP 22430	Sec 32 SO 482782	
	Sec 21 SO 482782	
Lot 2 DP 83245	Sec 11 SO 482933	

Table 1: Old and new title numbers

Conclusion

That any amended version of the current Rule 9.5.2.2 should include the following title numbers:

- Sec 22 SO 482782
- Sec 33 SO 482782
- Sec 38 SO 482782
- Sec 34 SO 482782

3.2 Increasing the scope of area to be covered by current Rule 9.5.2.2:

Analysis

This rule allows for the expansion of buildings or operations associated with the Brinks poultry processing plant as a discretionary activity.

Presently this only includes land described (old titles) as Lot 1 and 2 DP 20292. Feedback received requested that an extension to this discretionary development potential onto land described (old title) as Lot 4 DP 22430. This title only allowed for the upgrading of the existing on-site wastewater irrigation system, rather than for the development of any building or operation associated with the poultry processing plant (excluding the wastewater system).

By adopting this requested amendment it would give the land owner the ability to extend the physical development of the plant onto open land only used for the irrigation of wastewater, albeit via a discretionary activity resource consent process.

Conclusion

It is not recommended that this request be adopted as the purpose of scheduling sites is to recognise and provide for existing activities, rather than facilitating expansion onto undeveloped land.

3.3 Rule retention of Brink's Chicken land titles either no longer owned or as listed under Rule 9.5.2.3.

Analysis

The preferred option would see the removal of Rule 9.5.2.3 (wastewater disposal) as this is primarily a Canterbury Regional Council issue, other than the actual built form of any wastewater infrastructure. In

2016 a consent was granted for an upgraded wastewater storage, treatment, and disposal system, which only breached a recession plane condition. If this structure was needing to be altered the land owner would have two avenues open to them, either a change of conditions, or through Rule 9.5.2.2 given the location of the infrastructure on the main site. Both of these avenues would render the activity as discretionary. Given this situation, Rule 9.5.2.3 is effectively redundant.

This would see the removal of all titles associated within the wastewater irrigation rule. Feedback has stated that they wish to see the retention of these titles within the new plan in order to protect the growth potential of the existing operation. However, the retention of these titles within the plan would not actually enable the growth of the existing facility, as the concerned parcels of land only dealt with the on-site irrigation system, rather than for the expansion of buildings or operations related to the processing plant.

The second component of this issue is that it was requested that the land that is no longer in the ownership of Brinks, or used by them, be retained within the Proposed District Plan in order for the land to act as a buffer. These parcels are now owned by NZTA through their land acquisition process as part of the Southern Motorway development. Although not all of the land acquired may be used for the motorway it would be inappropriate for the parcels to be captured by these rules while not under the ownership or use of Brinks.

Conclusion

It is not recommended to adopt the amendments suggested by this party as it would mean the District Plan would contain superfluous provisions, which would run contrary to the overarching philosophy to reduce plan size and complexity.

Additionally, the preferred option would not take away any development right held by the land owner.

3.4 Rezoning of the Brink's Chicken site to Industrial

Analysis

It was requested that the land currently occupied by Brink's Chicken be rezoned to Industrial.

Limited evidence has been provided to support the rezoning proposal, and as such there is insufficient information available to enable this matter to progressed as part of the District Plan Review process. It is also noted that any new business zoning within the Greater Christchurch Area would need to align with the Regional Policy Statement and the Future Development Strategy that is being developed under the National Policy Statement for Urban Development Capacity workstream. The landowner does however have the opportunity to pursue a rezoning request through a submission on the notified Proposed District Plan, where a comprehensive s32 evaluation would need to accompany the submission.

Moreover, the current use is supported by the current framework and will do so until such time as the operation ceases.

Conclusion

Based on the information available, it is not recommended that the site is rezoned from Rural to Industrial as it would involve significant cost to the Council without obtaining a substantially better planning outcome.

4.0 Recommended Option Post Engagement

The Project Team recommends that:

- The Preferred Option previously endorsed by DPC is amended as follows:
 - Amendment to Rule 9.5.2.2 to read as follows:

Previously read:

Any building and/or operations expansion or addition associated with the poultry processing plant of Brink's Chicken, 175 Manion Road, Weedons that occurs within land parcels Sec 33 SO 482782 and Sec 34 SO 482782;

Amended to:

Any building, ~~and/or~~ operations, expansion or additions associated with the poultry processing plant ~~of Brink's Chicken, at 175-177~~ Manion Road, Weedons that occurs within the land parcels described legally as Sec 33 SO 482782, Sec 22 SO 482782, Sec 38 SO 482782, and Sec 34 SO 482782;

Clean Version:

Any building, operations, expansion or additions associated with the poultry processing plant, at 175-177 Manion Road, Weedons that occurs within the land described legally as Sec 33 SO 482782, Sec 22 SO 482782, Sec 38 SO 482782, and Sec 34 SO 482782;

- The preferred option will also be amended to include the removal of Rule 9.5.2.3
- The updated Preferred Option described above progresses to the 'Drafting and Section 32 Evaluation Phase'.

Appendix A: Technical Memo (29/05/2018) from Ben Addington (Harrison Grierson)