



PUBLIC AGENDA

FOR THE MEETING OF

DISTRICT PLAN COMMITTEE

TO BE HELD AT THE

SELWYN DISTRICT COUNCIL OFFICES,

COUNCIL CHAMBERS

ON WEDNESDAY 28 FEBRUARY 2018

COMMENCING AT 8:30AM

Committee Members

Independent Chair

Tim Harris (Environmental Services Manager)

Selwyn District Council

Mayor Sam Broughton

Councillor Mark Alexander

Councillor Jeff Bland

Councillor Debra Hasson

Councillor Murray Lemon

Councillor Malcolm Lyall

Councillor Pat McEvedy

Councillor Grant Miller

Councillor John Morten

Councillor Bob Mugford

Councillor Nicole Reid

Councillor Craig Watson

David Ward (Chief Executive)

Te Taumutu Rūnanga

Hirini Matunga

Environment Canterbury

Councillor Peter Skelton

Te Ngāi Tūāhuriri Rūnanga

Tania Wati

Project Sponsor

Jesse Burgess

Phone 347-2773

Project Lead

Justine Ashley

Phone 027 285 9458

Agenda Items

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Standing Items			
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Specific Reports			
6. Quarterly Biodiversity Working Group report	17-30	Written	Andrew Mactier
7. Preferred Option Report – Emergency Services	31-97	Written	Vicki Barker
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9. Proactive Zoning for Ellesmere and Malvern Townships	416-431	Written	Ben Rhodes
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Standing Items

1. APOLOGIES

Councillor Peter Skelton – Environment Canterbury

2. DECLARATION OF INTEREST

Nil.

3. DEPUTATIONS BY APPOINTMENT

Nil.

4. CONFIRMATION OF MINUTES

Minutes from the meeting of the District Plan Committee on 6 December 2018.



**District Plan Committee meeting
held on Wednesday 06 December 2017 at 9.00am
at Selwyn District Council,
Rolleston**

Present: The Mayor, Councillors M Alexander, D Hasson, M Lemon, M Lyall, J Morten, G Miller, B Mugford, J Bland, N Reid, C Watson, Mr D Ward (CEO SDC), Tania Wati (Te Ngāi Tūāhuriri Rūnanga), Hirini Matunga (Te Taumutu Rūnanga) and Councillor Peter Skelton (Environment Canterbury).

In attendance: Chairperson – T Harris (Environmental Services Manager), J Burgess (Planning Manager), M Rachlin (Strategy and Policy Planner), B Rhodes (Team Leader – Strategy and Policy), E Hodgkin (Project Manager, District Plan Review), R Love (Strategy and Policy Planner), C Friedel (Senior Strategy and Policy Planner), J Ashley (District Plan Review Project Lead), M Washington (Asset Manager), S Hill (Business Relationship Manager), E Sim (Communications Advisor – Engagement), Rodney Yeoman (Market Economics), Hilary Riordan (Student Planner), Felicity Price (Communications Consultant), note taker T Van Der Velde (District Plan Administrator).

Standing Items:

1. Apologies

Apology received from Councillor Pat McEvedy

2. Declaration of Interest

Nil.

3. Deputations by Appointment

Nil.

4. Confirmation of Minutes

Moved – Councillor Mugford / Seconded – Councillor Alexander

‘That the Committee accepts the minutes of the 27 September 2017 as being true and correct’.

CARRIED

5. Outstanding Issues Register

Nil.

6. Chairman’s Report

Chair welcomed Tania Wati representative of Te Ngāi Tūāhuriri Rūnanga to Committee.

‘Councillor Reid in at 9.04am’

Chair spoke to his Report. The District Plan Review has been underway for two years now with the establishment of the District Plan Committee, a Senior Advisory Panel and the Project Team, including a Supplier Panel made of 22 consultants.

Chair noted significant challenges over the last two years – one particular struggle has been the challenge of attracting and retaining Planning staff.

Chair noted it is a nationwide issue in terms of recruiting with a shortage of Planners. The Management team are in a constant mode of recruiting and retaining planners – has been a major issue and will be going forward.

In process now of bringing baseline assessments to table and developing preferred options to report to committee.

The Council in the last two years had struggled with maturity of internal processes and capacity around areas such as procurement and project management, however these are now in place and we are beginning to make progress.

Councillor Miller touched on problem with recruiting and retaining staff and questioned who is managing budgets and the oversight of spend?

Chair discussed reporting to the Committee on a monthly basis excluding this month. There will be an update on budget at next Committee meeting.

Ms Hodgkin spoke of the procurement process in place where Council is negotiating project price with Suppliers. As sits we have used under thirty percent of budget sitting slightly under forecasted 33% and we are monitoring every invoice that comes

in which is being double checked by accounts and Project Manager.

Councillor Watson questioned with the challenge of recruiting staff -Where would you think we sit on meeting target for timeline?

Chair responded there is always a risk with losing staff. We are on target – not much we can do about it as nationwide issue in regards to recruitment. At the moment we have two vacancies yet we are on course.

Moved – Councillor Lyall / Seconded – Councillor Alexander

‘That the committee notes the report’

CARRIED

‘Chair gave overview of runsheet to explain Public Excluded items returning to Public Meeting than back into Public Excluded’.

7. District Plan Review Programme Planning

Ms Hodgkin spoke to her Presentation noting RCP Consultants have assisted in preparation of the District Plan Review (DPR) Programme of work against different topics. The work has been broken down to different phases and stages, and grouping of work streams. The DPR Programme, associated tasks and timings goes hand in hand with the Community Engagement Implementation Plan.

Ms Hodgkin talked Committee through Proposed DPR Phases, DPR Topic Categories and Durations, noting Baseline assessments involve a lot of technical work. Topics have been categorised into small/simple, medium, large/complex and from that have worked out how many weeks each phase will take for each category, building worst case scenarios into timeline.

Ms Ashley spoke to her presentation noting since the start of the DPR process a lot of legislative amendments that have come into effect. Ms Ashley broke down the different phases for the Committee noting Baseline assessments have been fairly enormous tasks. Most Baselines have reached the positions where they have a recommendation and preferred option and once District Plan Committee (DPC) have endorsed this approach, we can move into engagement phase. We will be working on communications and engagement to try and streamline the work streams along the way. Ms Ashley noted timings are very critical.

Ms Ashley discussed steps of having Mahaanui Kurataiao Ltd review and comment on all baseline assessments and provide guidance on what will need Nga Rūnanga review and endorsement. The project team are also working with Isovist to draft into the e-plan as we go so we are able to test before finalising. The Proposed District Plan will be brought to DPC for endorsement prior to Council elections, in June 2019.

Ms Hodgkin discussed Breakdown of engagement types including internal SDC, partners (Environment Canterbury and Mana Whenua via Mahaanui Kurataiao Ltd), key stakeholders, targeted landowners and the general public.

Councillor Watson questioned why there is no full public engagement for certain topics such as the 'Keeping / Boarding of Animals' due to them being fairly emotive topics. Ms Hodgkin responded that a number of District Wide topics will be aligned with the consultation and engagement on the Zone chapter. For example, 'Family Flats' will be part of the rural consultation, in order to avoid going to rural land owners about five or six topics.

In response to a question from Councillor Alexander about leaving certain topics (Keeping / Boarding of Animals) out of the District Plan and a suggestion to have them as Bylaws as an alternative, Ms Ashley responded that DPC will have an opportunity to assess these options at the preferred option phase and identify whether it belongs in the District Plan.

A discussion was held around the National Planning Standards template with Mr Burgess confirming Jessica Tuilaepa in the DPR Project team is working closely with Ministry for the Environment (MfE) as part of the pilot programme providing and receiving feedback.

In response to a question from Councillor Skelton about talking to Regional Councils about progress Ms Ashley confirmed there is a contact person at Environment Canterbury (Ecan) and we have a good relationship with Ecan.

A discussion followed to clarify that Biodiversity was part of the Vegetation and Ecosystems Topic and keeping Selwyn Waihora Zone Committee up to date, as they may have particular aspects of the DPR that they wish to comment on. Councillor Lemon stands on that committee, so there is potential to use him to keep them appraised of certain topics. There is potential to keep other committees informed as well such as West Melton.

Mr Matunga commented about adding another column in the Summary Programme that looks at issues for Mana Whenua to trigger Council of what might be relevant to Mana Whenua. Ms Ashley responded that all Baseline reports will be sent to Mahaanui as a gateway and in regards to internal work there is review of the Iwi Management Plan and Project Team is well versed in that space.

The Mayor commented about the number of times Council want to engage with public with suggestion if we are doing something at one location we should be covering all aspects rather than meeting with people regularly. Ms Hodgkin clarified that they have tried really hard to align timing so when they do have consultation it is for the whole zone for example the rural community and business community will find out at the same time. Part of that would be how communication is managed.

'Councillor Morten left the room 9.41am'

The Mayor asked Ms Hodgkin and Ms Ashley how confident they are that by next Christmas all public consultation would be completed. Ms Hodgkin answered we are on course, it largely comes down to risks that the Chair mentioned in his report.

Ms Ashley Highlighted how the workload can be streamlined with 'Simple' work streams where no substantial change (can be rolled over) from Operative District Plan is being recommended is approved by the Senior Advisory Group but still provided to DPC for noting. Medium to Complex will be reviewed by Senior Advisory Group but approved by the Committee.

'Councillor Morten in 9.44am'

A discussion was held about the portion size of the plan to be rolled over and the importance for everyone involved in the process to have a full understanding of the plan with a balanced view. Ms Ashley indicated it has been 20 years since the plan was last drafted with a lot to be update so is difficult to put a percentage on portion to be rolled over. Ms Ashley reinforced that the Project Team will certainly report back to the committee and that any concerns can still be raised.

Ms Hodgkin conversed about the Summary Programme essentially mapping out worst case scenario and allowing time for Runanga to follow their approval process signifying to the committee that it is a balancing act.

Ms Ashley indicated that the date we are working towards for Council endorsement is June 2019 before Local Government Elections. Actual date for formal notification is February 2020 so there is a bit of wriggle room built in but trying to achieve that June 2019 date.

In response to a question from Councillor Hasson about rural character included in rural subdivision and how the DPR team are going to differentiate that in the Regional Policy Statement (RPS), Ms Ashley responded that all will be addressed in the Baseline report.

Ms Ashley spoke to her presentation and discussed the table looking at DPC programme with June 2018 looking really full. Appreciating that June is a busy month for Long Term Plan (LTP), the Project Team will therefore try and move ahead of time or make up some time in July 2018.

Councillor Alexander asked for clarification of what the Kāianga Nohoanga Zone work stream entailed. Mr Matunga explained that it is essentially the same as Papakāinga, however Papakāinga, is more of a Northern term and Kāianga Nohoanga is Ngāi Tahu term.

In response to a question regarding to the potential an overlap with proposed and operative plan Ms Ashley responded that when proposed plan is notified the provisions have effect but has little weight at first while it is subject to being challenged and then has more weight after final decisions on submissions have been released.

Moved – Councillor Lyall / Seconded – Councillor Alexander

‘That the Committee:

1. Notes the presentation;

2. Endorses the recommended ‘DPC Noting and Approvals’ procedures, being that:

- For “Simple” work streams and where no substantial change from the operative District Plan is being recommended, the preferred option and/or draft provisions be approved by the Project Lead /Senior Advisory Group then provided to the DPC for noting;*
- For “Simple” work streams where there is a substantial change from the operative District Plan being recommended; and for “Medium” and “Complex” work streams, the preferred option and/or draft provisions be reviewed by the Project Lead / Senior Advisory Group then provided to the DPC for approval.’*

CARRIED

8. Communication and Engagement Implementation Plan

Mr Hill acknowledged Felicity Price (Communications Consultant) for working with team to pull Community Engagement Implementation Plan together.

Mr Hill spoke to his presentation discussing document hierarchy. In September 2017 the Committee signed off high level Engagement Framework and now looking at Implementation plan stage, then will work through to topic engagement plans. One-on-one engagement continues with Key Partners and Key Stakeholders. Preparing for more detailed engagement with stakeholders and targeted landowners and the public.

During the 2018 Engagement period a window has been left open to allow the LTP to be focused on.

Mr Hill discussed a list of Primary Key Messages that will allow the Project team to be clear with the Community about timeframes, encourage people with their thinking and give opportunity for people to engage.

Mr Hill touched on Engagement Risks noting it is important to capture the right Key Stakeholders, not over consulting the community and making engagement timely to fit in with the LTP. Mr Hill also noted making it an engaging experience making sure people understand the relevance of the District Plan Review and the impact on their daily lives encouraging for awareness of issues and being ahead of the game as much as possible while mitigating risks.

Resourcing in-house staff and consultants to make sure resourced appropriately

Implementation Plan Outcomes includes Database up to date and try not to miss anyone out. Feedback is rich in its content and relevant and meaningful. A lot of resources into upskilling our teams to make the best use of the tools. Good recording, storage and systems that are being worked on now.

Next steps for Implementation plan mid to late January launching the DPR website. Engagement tools include: Social media, Engagement HQ, letters, e-mails, and website.

Communications for National Policy Statement - Urban Capacity is being led by the Greater Christchurch Partnership however will ensure alignment between this process and the DPR programme.

Councillor Alexander commented that a Key Stakeholder seemed to be missing in the form of developers who are currently at the frontline working with the District Plan seeing what works and does not work. Councillor Alexander indicated he would like to hear from the Key Developer Group who can inform the Committee of issues.

Mr Rhodes responded that a 'Housing Working Party' has been established which includes developers and housing parties, this has continued on and we are receiving feedback of the issues.

Councillor Alexander continued to comment that he would like to hear first-hand from developers and hold a forum. Chair responded that there is a risk if committee engages in one sector we run the risk of other sectors wanting to engage with them.

Councillor Hasson commented in regards to notable trees, she wanted to highlight the difficulties of baseline assessment being done in-house without visiting sites to make sure co-ordinates are correct (as mapping is not always correct).

Ms Hodgkin responded that there have been consultants and sub-contractors contracted to do this work. Ms Ashley added that we will be calling for nominations for Heritage Items and Notable Trees in February.

The Mayor commented the plan is comprehensive and messaging is key, but also expressed his concern over Rural and Residential timing noting people in the community care about all aspects rather than a particular part.

Ms Hodgkin responded a lot came down to a number of factors including timing, capacity, internal and external. In terms of messaging this will be consistent but agreed that this can be looked at further as logical case for aligning all public consultation processes.

In response to a question from The Mayor about community events and bundling community drop in sessions. Mr Hill responded that we will certainly look at those opportunities and people will self-engage.

Moved – Councillor Watson / Seconded – Councillor Lyall

‘That the Committee:

1. Notes the presentation;
2. Endorses the ‘Communication and Engagement Implementation Plan’ for the District Plan Review process.’

CARRIED

9. Resolution to Exclude the Public

Moved – Councillor Hasson / Seconded – Councillor Mugford

Recommended:

1. *'That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
10.	Environment Canterbury Flood Investigation Report	<i>Good reason to withhold exists under Section 7</i>	Section 48(1)(a)
12.	Overview of Selwyn Growth Model		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

10&12	Maintain the effective conduct of public affairs through: (i) the free and frank expression of opinions by or between or to members or offices or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty; (ii) The protection of such members, officers, employees and persons from improper pressure or harassment.	Section 7(2)(f)

2. *That appropriate officers remain to provide advice to the Committee.*

CARRIED

The meeting moved to Public Excluded at: 10.30am

The meeting adjourned for a 10 minute break at 10.33am

The meeting reconvened to Public Excluded at 10.43am

Moved – Councillor Alexander / Seconded – Councillor Lyall

The meeting reconvened to Public at: 11.07am

CARRIED

11. Issues and Options Update for Flood and Coastal Hazard Risk Investigations

Mr Rachlin Spoke to his report and presentation 'Technical Investigations of Flood Risk and Coastal Hazards', to provide Key Recommendations for flood risk to approve a District Wide rain on grid model, which is to be developed and run by DHI. In addition SDC will need to go to Ecan and ask them to carry out improved rain on grid flood modelling.

With regard to the coastal hazard mapping, Mr Rachlin advised that an update had not been received from the Department of Conservation (Doc) in regards to DoC and MfE guidance on climate change and implementing Policy 24 of the New Zealand Coastal Policy Statement. As such, a date for publication has still not been set.

Mr Rachlin therefore recommends taking an interim position and that the coastal hazard lines in the Regional Policy Statement be incorporated into the Proposed District Plan until such time as the guidance is available. This work would fall outside the DPR timeframes.

The Project team has sought further guidance from Ecan on the likely cost of commissioning a coastal hazards study.

Councillor Hasson questioned if there was any way that we can share our costs with ECan. She commented that as Ecan would require access to this sort of Coastal Hazards information for their own use could they look at contributing towards it.

Mr Rachlin responded that Ecan have provided a lot of technical assistance in terms of funding the flood modelling undertaken to date to determine the high hazard areas. It is therefore SDC's responsibility to fund the modelling of surface level flooding. In terms of coastal matters, Mr Rachlin advised that once we receive DoC guidance we have to make a worst-case assumption of what is required.

Councillor Lemon asked for clarification in regards to flood investigations for the Waikirikiri Hawkins and Hororata Rivers? He commented about the issue at this winter's rain event where rain fell in different area than expected and whether this will be factored into the modelling? Mr Rachlin responded we are mindful of these factors and any modelling will incorporate different scenarios for testing.

Councillor Skelton commented that the DPR provides an opportunity to update the coastal hazard lines. Mr Rachlin agreed, however he did not support SDC expenditure (approximately \$70,000) on coastal hazard mapping in the absence of guidance from DoC regarding the scope of this work.

'Councillor Lemon left at 11.19am'

Councillor Miller sought confirmation that the recommendation would include modelling for the LII River. He also commented that for the Upper Plains flooding it would be wise to engage CPW (Canterbury Plains Water Ltd.).

Mr Matunga queried whether the flood modelling work would be incorporated into the Kaianga Nohoanga work stream. Chair responded that yes, there will be a match up.

'Councillor Lemon in at 11.22am'

Moved – The Mayor / Seconded – Councillor Lemon

'That the Committee:

Flood-risk:

- 1. Approves the development of a district-wide rain on grid model that is to be run by DHI and requests that Environment Canterbury:*
- 2. carries out a revised modelling of flooding from the Halswell/Huritini River as an update to report R12/68;*
- 3. agrees a programme of flood investigation for the Upper Selwyn, Hawkins, Waianiwaniwa and Hororata Rivers;*

as part of the programme of flood risk investigations and associated programme of variations/plan changes to incorporate flood mapping into the Proposed District Plan.

Coastal hazards:

4. *Confirms that, as an interim measure, the coastal hazard lines contained in Appendix 5 to the Canterbury Regional Policy Statement be incorporated into the Proposed District Plan.*
5. *That the Proposed District Plan manages development seaward of these coastal hazard lines up to the boundary with the Coastal Marine Area instead of the Regional Coastal Environment Plan.'*

Moved – Councillor Mugford / Seconded – Councillor Morten

CARRIED

The meeting moved to Public Excluded at: 11.25am

Moved – Councillor Alexander / Seconded – Councillor Hasson

CARRIED

The meeting reconvened to Public 12.00pm

CARRIED

The meeting concluded 12.02pm

5. OUTSTANDING ISSUES REGISTER

Nil

Subject	Comments	Report Date / Action	Item Resolved or Outstanding
-	-	-	-

Specific Reports

6. Quarterly Biodiversity Working Group report

Author:	Andrew Mactier, Strategy & Policy Planner
Contact:	3472802

Purpose

To provide the Committee with an update on progress of the Biodiversity Working Group, including the identification of two matters for the Committee's consideration.

Recommendation

"That the Committee notes the report."

"That the Committee approves the recommended amendments to the Biodiversity Working Group Terms of Reference."

Attachments

'Quarterly update on the Biodiversity Working Group' report, dated 13 February 2018

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 13 February 2018

TOPIC NAME : Natural Environments Topic: Vegetation and Ecosystems

DESCRIPTION: Quarterly update on the Biodiversity Working Group

PREPARED BY: Andrew Mactier – Strategy and Policy Planner

EXECUTIVE SUMMARY

<i>Purpose of report</i>	To provide a regular update on the progress of the Biodiversity Working Group (the Working Group), which has identified the following matters: A. That Te Taumutu and Te Ngāi Tūāhuriri Rūnanga have advised they have insufficient resources to enable their regular and ongoing participation in the Working Group; B. That minor amendments to the Working Group Terms of Reference are required.
<i>Recommendation</i>	1. That the Committee receives the report; 2. That the Committee approve the recommended amendments to the Terms of Reference.
<i>DPC Decision</i>	



Introduction

The District Plan Committee approved the establishment of a 'Biodiversity Working Group' (the Working Group) at its meeting on 26 July 2018. The purpose of the Working Group is to meet on a regular basis to discuss and resolve issues associated the protection and management of ecosystems and indigenous biodiversity and to ultimately make recommendations to the District Plan Committee on a preferred planning framework for the proposed District Plan when that is notified.

At its meeting on 27 September 2018 the District Plan Committee (the Committee) endorsed the Working Group Terms of Reference, which included provision for reporting back to the Committee at 3 monthly intervals, along with a process for updating the Terms of Reference should the need arise.

This report is the first opportunity to report back to the Committee on progress made by the Working Group, and to present recommended amendments to its Terms of Reference.

Overview of meetings held to date

Since its establishment the Working Group has had one meeting and one field trip, with a second field trip scheduled to occur on 21 February 2018.

The first meeting was held in Darfield on 1 November 2017. The main focus of this meeting was:

- To introduce the members of the Group;
- Provide a high level overview of the District Plan Review process and timings;
- Introduction and discussion on the Working Group's purpose, how the Working Group process relates to the wider Plan Review process, and an introduction and discussion on the Working Group Terms of Reference;
- A presentation and discussion on the statutory and planning context that the working group is working within; and
- Various administrative matters, including timing and location of future Working Group meetings and field trips, and requests from the Working Group that a 'State of the Environment' report¹ and a 'Monitoring and Enforcement' report² be prepared and presented to the Working Group at future meetings.

The first field trip occurred in the late afternoon of 29 November 2017, and included visits to a number of sites of ecological significance in the Rolleston, Bankside and Dunsandel areas. The purpose of the field trip was to show Working Group participants examples of what is and is not considered to be 'significant' indigenous biodiversity, various management and protection mechanisms, and for the Group to share their thoughts on the management and protection of indigenous biodiversity in a less structured and formal setting.

¹ In this case, the State of the Environment report relates to the change in indigenous biodiversity in the District over time (since decisions on the Operative District Plan).

² This is intended to be a high level report setting out the Council's approach to monitoring and enforcement of District Plan provisions relating to indigenous biodiversity, the number of complaints over the life of the operative Plan (and how they have been resolved) and the identification of any issues associated with the process

The field trip was followed by a 'debrief' and discussion about sites visited, issues associated with management and protection of indigenous biodiversity, along with a discussion on the number, timing and location of subsequent field trips.

The Group agreed that two extra field trips would provide the Working Group participants with sufficient background information and understanding of the 'state of the environment'. The first of these would occur on 21 February 2018, visiting landowners and sites of ecological significance in the area around the Rockwood Range, High Peak Valley and Snowdon Station area.

The third and final field trip is anticipated to be on 21 March in the area around Castle Hill/ Flock Hill/Craigieburn Stations.

Other Matters

1 Te Taumutu and Te Ngāi Tūāhuriri Rūnanga Participation

Te Taumutu and Te Ngāi Tūāhuriri Rūnanga were each invited to nominate representatives to the Working Group. At a November 2017 hui with representatives of Te Taumutu and Te Ngāi Tūāhuriri Rūnanga (ngā Rūnanga), Council officers were advised that due to resourcing constraints ngā Rūnanga would be unable to provide regular and ongoing participation in the Working Group process.

As an alternative, Te Taumutu Rūnanga has suggested that a presentation be given to the Working Group on the position of ngā Rūnanga in relation to indigenous biodiversity within its Takiwā. Council officers are working with Mahaanui Kurataiao Ltd to develop the details of this approach and anticipate discussing this with the Working Group at one of the upcoming field trips, with a view to scheduling time for such a presentation into the Working Groups schedule of workshops.

An invitation has also been extended to staff from Mahaanui Kurataiao Ltd to attend Working Group meetings in lieu of ngā Rūnanga representatives attending.

2 Amendments to the Working Group Terms of Reference

At the same November 2017 hui, ngā Rūnanga identified that parts of the Working Group Terms of Reference are heavily focused on the protection aspects of section 6 of the RMA (i.e. s.6(c)) and could be enhanced so that the document also reflected other provisions of the RMA that recognised:

- section 6(e) – the relationship of Maori and their culture and traditions with their ancestral lands,

water, sites, wāhi tapu, and other taonga; and

- section 6(g) – the protection of protected customary rights;
- section 7(a) kaitiakitanga; and
- section 8 – Treaty of Waitangi

Amendments incorporating these other aspects of Part 2 RMA are outlined in the updated Terms of Reference as set out in **Attachment 1**.

The proposed amendments recognise that achieving the purpose of the Act is not only about the protection of indigenous biodiversity as set out in section 6(c) but includes, among other matters, the recognition of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and the protection of protected customary rights.

Incorporating these matters into the Terms of Reference for the Working Party may involve some additional work as part of identifying ngā Rūnanga position and values in relation to the management and protection of indigenous biodiversity. However, this work is anticipated in any case, either through the work currently being carried out as part of the 'Sites and Areas of Cultural Significance' topic, or with the proposed presentation by ngā Rūnanga to the Working Group described earlier in this report. It is also anticipated there would be some additional consideration at the time of integrating the draft provisions relating to indigenous vegetation into other district-wide work streams.

Overall it is not anticipated that the proposed amendments to the Terms of Reference will increase the time and costs to the wider DPR project. In addition, such amendments better address ngā Rūnanga expectations in recognising the matters set out in sections 6(e), 6(g), 7(a) and 8 of the Act and recognises that such matters need to be integrated across all DPR topics.

For these reasons, it is recommended that the Terms of Reference be amended to include reference to sections 6(e), 6(g), 7(a) and 8 of the Resource Management Act 1991.

Summary of Recommendations to DPC

The Project Team recommends that:

- 1 the Committee receive the information relating to progress of the Biodiversity Working Group.
- 2 the recommended amendments to the Working Group Terms of Reference be accepted.

ATTACHMENT 1: AMENDED BIODIVERSITY WORKING GROUP TERMS OF REFERENCE

The proposed Selwyn District Plan



Terms of Reference

Ecosystems & Indigenous Biodiversity

Working Group

Context

Indigenous biodiversity and ecosystems issues are broad and varied and are of interest to a wide range of stakeholders. The Resource Management Act 1991 ('the Act') is the key legislative driver for this topic; the Act identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance (section 6 of the Act). Relevant provisions of the Act that apply to this topic include:

Section 6 “matters of national importance”:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

...

(c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

(e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;*

(g) *the protection of protected customary rights*

Section 7 “other matters” to which particular regard must be had:

(a) **kaitiakitanga**

(d) *intrinsic values of ecosystems*

(h) *the protection of the habitat of trout and salmon*

Section 8 - Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 31 “functions of the District Council”:

(b) *the control of any actual or potential effects of the use, development, or protection of land,*

including for the purpose of—

(iii) the maintenance of indigenous biological diversity

The Canterbury Regional Policy Statement 2013 (CRPS), which the District Plan must give effect to, includes Chapter 9 Ecosystems and Indigenous Biodiversity which sets the following objectives:

- *halting the decline of Canterbury’s ecosystems and indigenous biodiversity;*
- *restoration or enhancement of ecosystems and indigenous biodiversity;*
- *protection of significant indigenous vegetation and habitats.*

The CRPS provides the criteria for determining significant values and also sets methods for District Plans, including:

- *they **will** include objectives and policies to identify and protect significant natural areas;*
- *they **may** include methods to identify and protect significant natural areas;*
- *they **will** include appropriate rule(s) that manage the clearance of indigenous vegetation.*

The issues associated with this topic traverse a range of matters, including the wider question of whether the operative District Plan framework for managing indigenous biodiversity and ecosystems is adequate. In particular they relate to the identification and management of areas identified as having significance under section 6 of the Act³ and the protection of indigenous biodiversity outside those areas identified as being significant.

Biodiversity Working Group

At its meeting on 26 July 2017, the District Plan Committee endorsed the establishment of a Biodiversity Working Group (the Working Group). This Working Group will comprise a number of key stakeholders along with 2-3 landowners who are either directly affected, or who have an active interest in the issues associated with protection and management of ecosystems and indigenous biodiversity.

The purpose of the Working Group is to:

- bring stakeholders together early to seek a common path forward;
- review and understand the technical, social, cultural and economic complexity of issues associated with the protection and management of ecosystems and indigenous biodiversity within the context of the Selwyn District Plan Review;
- inform and guide the District Plan Committee on the preferred approach for managing ecosystem and indigenous vegetation issues for inclusion within the proposed District Plan when that is notified..

The main features of the Working Group are that:

- it is a relatively intensive, facilitated collaborative planning process;
- it will receive information from and ask questions of the technical experts and specialists from across a range of relevant disciplines;
- the participants must have time to adequately prepare for and attend approximately 8-12 meetings of approximately 2- 4 hours each;
- participants will contribute their ideas.

The benefits of the Working Group are:

- credibility of a group drawn from a range of stakeholders;
- ability to have a range of voices in the room, bringing new ideas and innovations – resulting in greater uptake of policy on the ground;
- an ability to create real solutions that can be implemented, leading to outcomes.

³ In the Selwyn operative District Plan the term used is “Significant Sites” (see Appendix 8 of the Township volume). Many other plans use Significant Natural Areas (SNAs), whilst Christchurch City Council uses Significant Ecological Site (SES) and Ashburton District Council uses Area of Significant Natural Conservation Value (ASCV).

Ultimately the District Plan Committee must understand the issues fully in order to make informed policy decisions. The Working Group is a step along the way, helping to crystallise the issues from a mixed stakeholder perspective, and offering carefully considered views about how to proceed, while recognising that final decisions rest with the District Plan Committee. The Working Group is one way to lessen the burden on the District Plan Committee with some well-thought out ideas.

Working Group Membership

The Working Group will be made up of the following members:

• Councillor Murray Lemon (Chair)	Selwyn District Council
• ~~To be confirmed~~	~~Te Taumutu Rūnanga~~
• ~~To be confirmed~~	~~Te Ngāi Tūāhuriri Rūnanga~~
• To be confirmed	Federated Farmers
• Jennifer Miller	Forest & Bird
• Scott Pearson	Fish & Game
• Ken Murray	Department of Conservation
• Hamish Rennie	Waihora Ellesmere Trust
• Peter Graham	Landowner
• James Guild	Landowner
• Jenny Ladley	Landowner (University of Canterbury)
• Sam Leonard	Environment Canterbury
• Ben Rhodes	Selwyn District Council

Working Group meetings will be chaired by the Councillor representative.

Working Group coordination, technical assistance and advice will principally be provided by:

- Andrew Mactier, Strategy & Policy Planner, Selwyn District Council
- Stephanie Styles, Planning Consultant, Boffa Miskell

Additional technical assistance and advice to the working Group will be provided by:

- Andrew Spanton, Biodiversity Coordinator, Selwyn District Council
- Consultant ecologists (as required)
- Other technical experts (as required)
- Tina Van Der Velde – District Plan Administrator (secretarial)

Working Group Members – Skills and Competencies

The Working Group members should bring the following skills and attributes to the process:

- the ability to participate productively in a group process, including communication skills (listening and acknowledging what has been said and stating views succinctly and clearly);
- the ability to consider issues from multiple viewpoints and to seek options cooperatively and in an open minded manner;
- the capacity to synthesise information (cultural, technical and social);
- a commitment to finding an agreed way forward that addresses the social, cultural, economic and environmental values.

A further contribution of a Working Group member is their credibility and standing in local communities and their ability and authority to 'make things happen'. This fosters effective engagement with local communities throughout the District Plan Review process, and generates respect for the Working Group's guidance on decisions and implementation of policy changes.

There will be a requirement that the Working Group members can commit the necessary time and effort to understanding the issues, considering the input from the engagement processes, and having discussions about the best ways forward.

Working Group Duration, Frequency and Attendance

The Working Group will be set up with the clear expectation of a finite process, to finish when the Working Group makes its recommendations to District Plan Committee. This process is estimated to take approximately 8-12 months from the first meeting of the Working Group.

It is expected that members of the Working Group will each be available to attend at least 90% of meetings and will have read the background material and workshop agenda documentation supplied prior to workshop attendance.

Expected frequency of meetings is no more than monthly with meetings expected to commence at approximately 3pm and run through to approximately 6.30pm. The Working Group's schedule of meetings/workshops, venue(s) and start time will be discussed and confirmed at the first Working Group meeting, which is anticipated to be in late October or early November 2017.

Key Working Group Operating Principles to Guide Participation and Input

Some key principles to guide effective participation and input among Working Group members include:

- collaborate with other members of the Working Group;
- patience and listening ability;
- respect for the ability to present alternative views and approaches;
- restraint from being judgmental on input of others;
- be outcome focused with a continual focus on the Working Groups common goal;
- putting issues on the Working Group table;
- early warning of emerging issues that could impact on the work of the Working Group;
- ensuring all Working Group members have base level of information and understanding of relevant matters;
- make decisions by consensus. If consensus cannot be reached, a report on the points of disagreement will be provided to the District Plan Committee, along with the points of major agreement;

- being brave and having a willingness to engage and participate in discussions that may be out of their comfort zone;
- doing what you say you will do and not undermining the process;
- commitment to evidence based approach to guide and inform policy development;
- agree to recommend provisions that give effect to the Regional Policy Statement and are not inconsistent with any relevant Regional Plan;
- ensure recommendations are practical and capable of being implemented;
- in making recommendations, be aware of limited agency resources and the need to budget for actions;
- make a recommendation to the District Plan Committee on a preferred approach for managing ecosystem and indigenous vegetation issues for inclusion within the proposed District Plan in as timely a manner as is practicable, but no later than 28 November 2018.

The application of these principles will give rise to:

- building trusting relationships through well run processes, positive behaviours such as providing feedback, adequate information, time and support, active listening and space to understand the issues;
- achieving quality engagement and maintenance of open, honest and transparent communication;
- development of evidence based approaches involving understanding of the problems, how they may be addressed and encouragement of innovative solutions;
- sustaining the momentum through acknowledging achievements, reinforcing the positives focusing on the outcomes and asking "can we move on"?

Working Group Scope

The Working Group will have the role of working through the relevant issues and making recommendations to the District Plan Committee on:

- a) A preferred approach for managing ecosystem and indigenous vegetation issues for inclusion within the proposed District Plan when that is notified;
- b) Any non-regulatory actions that could assist Selwyn District Council meeting its statutory obligations concerning ecosystems and indigenous biodiversity.

The Working Group will also provide informal advice to staff regarding communication/consultation with landowners that have significant natural areas on their properties.

Any recommendations by the Working Group to the District Plan Committee shall give effect to the Canterbury Regional Policy Statement and the New Zealand Coastal Policy Statement and any other relevant statutory document, have regard to the Mahaanui Iwi Management Plan, and shall not be inconsistent with any relevant Regional Plan or any other relevant statutory document.

Working Group Deliberations and Decision Making

This project uses a collaborative decision making framework for deliberations and decisions. Collaboration describes the process of working intensively with a range of stakeholders in each aspect of a decision making process, including the development of alternatives and the preferred solution(s).

Working Group members will base their decision making process on the following framework.

When the group has discussed the issue fully and a clear proposal is put forward for resolution, the proposal is tested with the whole group to see the level of agreement. The three possible responses to the question about agreement with the proposal are:

- I agree;
- I stand aside (don't agree but understand and can live with the proposal);
- I disagree with the proposal.

The Working Group will strive for unanimous agreement. The Chairperson will have an active role in assisting the group to decide upon when a sufficient level of agreement has been met, and in ensuring all voices are heard throughout the decision making process

If, when tested, all members agree with the proposal, then a unanimous agreement is said to be achieved and the proposal is accepted. If unanimous agreement is not achieved:

1. Those who have concerns must articulate them.
2. If the concerns are shared, then the proposal may be modified to alleviate them or the concerns explained away to the concerned member's satisfaction.
3. The proposal (either original or modified) is again tested for unanimous agreement. If all members agree with the proposal then a unanimous agreement is said to be achieved and the proposal is accepted.
4. If the proposal is not agreed unanimously but there are no members who disagree, i.e. some members choose to stand aside, then an agreement is said to be achieved and the proposal is accepted.
5. If the proposal is not agreed unanimously and there is at least one member who disagrees with the proposal then the group has to decide whether the level of disagreement is sufficient to warrant:
 - a) further modifications to the current proposal;
 - b) disagreement and thus rejection of the proposal. This will result in further discussion, another potential solution and new proposal;
 - c) Agreement and thus acceptance of the proposal.

Those who disagree must articulate their concerns and genuinely work with other group members to see whether these concerns can be alleviated through modifications to the proposal, or through increased understanding as a result of more information.

Communications

The Chairperson, with guidance and assistance from the Council's Communications and Engagement team, will be the sole point of contact with the media. Other arrangements may be negotiated with the Chairperson as the process requires.

A detailed communications and engagement plan will be developed during the course of the Working Group process and is anticipated to include the following phases:

Phase 1: Biodiversity Working Group; involving representatives of key stakeholder organisations and landowners. This group will also input to an engagement plan for subsequent consultation and engagement.

Phase 2: Landowners

- Owners of property identified as containing confirmed SNAs; and
- Owners of property identified as containing potential SNAs that are still to be assessed to determine ecological significance (in accordance with Policy 9.3.1 of the RPS).

Phase 3: Stakeholders

- Organisations represented on the Biodiversity Working Group, additional to any engagement through the Working Group process (it is acknowledged that further details on what these member groups require will become clearer as the Working Party process evolves); and
- Consultation with community and interest groups known to have a particular interest in issues associated with the protection and management of indigenous vegetation and ecosystems, including Te Ara Kakariki, The Waihora Ellesmere Trust, the Environmental Defence Society, the Waimakariri Environment and Recreation Trust.

Phase 4: General public.

Phases 2-4 will be determined through the working group process, in conjunction with Council's Communication and Engagement team.

Reporting

Brief written reports will be provided to the District Plan Committee by the Vegetation and Ecosystems topic Technical Lead (Andrew Mactier) as progress is made on the Working Group process, to report both on areas and points of major agreement and progress, as well as any areas or points of major disagreement. It is anticipated that such reporting will occur no less than every 3 months.

Updates to Terms of Reference

It is anticipated that various matters will arise during the Working Group process (including during the establishment of the Working Group) that may require amendments to these Terms of Reference (ToR). On the basis that the District Plan Committee will be kept fully informed of progress and issues arising during the Working Group process (including any amendments to the ToR), the Working Group Chairperson will be authorised to update the ToR where required.

7. Preferred Option Report – Emergency Services

Author:	Vicki Barker, Barker Planning
Contact:	021 354366

Purpose

To brief the Committee on the findings of the Emergency Services Baseline Report, which sought to better understand the requirements of emergency services establishing and operating in Selwyn District, the effects they generate, and the effectiveness of the current operative District Plan provisions.

Recommendation

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Emergency Services for further development (Section 32 and Drafting Phase).”

Attachments

“Preferred Option Report for Emergency Services”, dated 19 February 2018

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19 February 2018

TOPIC NAME: Emergency Services

SCOPE DESCRIPTION: Preferred Option Report for Emergency Services

TOPIC LEAD: Justine Ashley

PREPARED BY: Vicki Barker

EXECUTIVE SUMMARY

<i>Issue(s)</i>	1. Unclear and overlapping definitions. 2. Policies which are not specific to emergency services, inconsistent district-wide and need to be better linked to the rules. 3. Unclear and/or impracticable rules. 4. The Firefighting Water Supply provisions need to be updated to reflect the pending replacement Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) and to ensure the provisions are appropriate.
<i>Preferred Option</i>	<i>That emergency services are managed by amended definitions, policies, and rules within the Proposed District Plan to provide greater development flexibility in accordance with the recommendations set out in section 7 of the Emergency Services Baseline Report.</i>
<i>Recommendation to DPC</i>	<i>That the Preferred Option for Emergency Services is endorsed for further development (Section 32 and Drafting Phase).</i>



1.0 Introduction

The Emergency Services Baseline Report sought to better understand the requirements of emergency services establishing and operating in Selwyn District, the effects they generate, and the effectiveness of the current Operative Selwyn District Plan (Plan) provisions. The key deliverable of the report was policy and rule options to manage emergency services in Selwyn District. A copy of the Emergency Services Baseline Report is attached as **Appendix 1**.

Emergency services include:

- Fire and Emergency NZ (FENZ)¹;
- The Order of St John (St John); and
- The New Zealand Police (NZ Police).

There are currently 25 emergency service facilities across Selwyn District and at least two new proposed facilities, including:

- 16 FENZ facilities, including 15 volunteer fire stations and a head office facility in the Izone. Two new facilities are anticipated, including a replacement fire station at Rolleston on the same site, and a possible new Urban Search and Rescue (USAR) base combined with a new South Island firefighter training facility at the Izone business hub;
- 4 St John ambulance facilities including stations at Rolleston, Leeston and Darfield, and a training and accommodation facility at Waddington (the Guy Dunlop Training Centre) used for youth and clinical training purposes. St John advised there are likely to be new sites and facilities, but no specific details are available at this time;
- 5 NZ Police stations including Arthurs Pass, Darfield, Leeston, Lincoln, and Rolleston. NZ Police advised that no new stations are currently proposed.

2.0 Statement of Operative District Plan Approach

Both FENZ and St John rely on zoning and relevant district-wide and zone Plan provisions (objectives, policies, rules and definitions). In most instances resource consent is required for a new emergency service facility as there are a number of rules which trigger the need for resource consent.

NZ Police is the only emergency service with designated sites (MP1-MP5). NZ Police have advised that the Minister of Police will seek to 'roll-over' these existing designations into the Proposed District Plan, possibly with minor modifications. The 'roll-over' of these existing designations will be dealt with as part of the Designations Topic. Therefore, the assessment in the Emergency Services report focusses on FENZ and St John facilities given NZ Police will continue to rely on their designations.

It is of note that neither FENZ nor St John are currently requiring authorities under the RMA and therefore are not able to designate. St John is not eligible under the RMA to apply for requiring authority status as they do not meet the requiring authority criteria in section 166 of the RMA. FENZ's ability to

¹ The Fire and Emergency New Zealand Act 2017 integrated the New Zealand Fire Services Commission and rural fire authorities to form Fire and Emergency NZ (FENZ). FENZ now replaces the New Zealand Fire Service Commission, effective as of 1 July 2017.

obtain requiring authority status is less clear as they are a Crown entity, however FENZ advised they have not pursued requiring authority status to date and are not expecting to in the foreseeable future. Therefore designations have been ruled out as a management option for both St John and FENZ.

3.0 Summary of Issues

3.1 Unclear and Overlapping Definitions

A number of issues have been identified with the wording of the 'Emergency Services' definition². For example, it is not clear whether the definition extends to head office facilities and associated emergency services training and emergency co-ordination facilities such as the St John Guy Dunlop Training Centre in Waddington and the proposed FENZ urban search and rescue facility. This results in uncertainty in an activity-based plan as to whether such an activity is considered as an emergency services facility or not.

Emergency services currently also fall within the definition of 'community facilities'. Whilst emergency services being part of the community facilities definition is not an unusual approach, the overlapping definitions can be problematic where there are provisions for both activities and determining which apply.

Other definitions such as 'Educational facility' and 'Place of Assembly' are also relevant to emergency services developments given the trend toward multi-use facilities. For example, the recently established St John Rolleston Headquarters is also used for training and community use. Where emergency service facilities have multi-purposes the overlapping of the definitions can result in a lack of clarity as to which provisions apply.

3.2 Policies not specific to emergency services, inconsistent district-wide, and need to be better linked with the rules

There are objectives and policies in the Plan relevant to community facilities (including emergency services) which recognise their importance with respect to community health and safety and wellbeing; however, there is a lack of policy direction specific to emergency services and their operating requirements. Also, some policies are not considered practical or efficient. For example, Policy B2.3.4 seeks to avoid locating community facilities on the opposite side of strategic roads or railway lines. This policy is an example of a more generic community facility related policy which does not reflect the locational requirements of emergency services which often need to locate on strategic routes to enable efficient access and fast response times.

There are also current inconsistencies between the policies in the Township and Rural Volumes of the Plan, which results in an inconsistent district-wide approach. For example, the policies in the Rural Volume recognise that emergency services may not comply with noise limits but are essential services and therefore exempt emergency services from noise compliance. This exemption is not clear in the

² *Emergency Services: means facilities and activities utilised for the protection and safety of people and property in times of an emergency and shall include New Zealand Fire Service, New Zealand Police and St Johns Ambulance.*

Township policy as it is mentioned in the explanation to the policy only, although the exemption is clear in the Township rules.

In some instances the policy direction is not well linked with the rules. For example, there are policies about emergency services being exempt from site coverage requirements in rural areas to provide greater development leniency (Policy B2.3.2), however the rules still apply a site coverage maximum.

3.3 Unclear and/or Impracticable Rules

There are a number of rules in the Plan that are considered unclear and/or impracticable with respect to emergency services which can unduly constrain operations. These rules are analysed in detail in section 4.4 of the Emergency Services Baseline Report. The key rules where amendment is recommended or where further consideration of their effectiveness (in association with other Topics) is recommended are summarised below:

Site coverage - The Living and Business zones provide for a higher level of site coverage for emergency services; however, this development flexibility does not extend to the Rural Zone rules where site coverage is less of an issue due to the larger lot sizes and lower densities (although Rural Policy B2.3.2 exempts community facilities from site coverage requirements).

Scale of activities - In the Living Zones this rule restricts the scale of non-residential activity by limiting staff numbers living off site (no more than two full time equivalent staff employed on the site live off site), the gross floor area of buildings, and vehicle movements. Note 1 to the Living Zone rule exempts Police Stations only (although they are designated in any case) and it is understood that emergency services are intended to be exempt from the vehicle movement maximums but this is not clear in Note 2 of the rule (clause referencing incorrect). It is also of note that the Rural zone rule sets maximums depending on the road classification which is a different approach (and there is no equivalent vehicle movement rule in the Business Zones). Such rules are problematic for FENZ and St John as they do not recognise operational requirements and Council's Transport Consultants consider a district-wide exemption from the vehicle movement rules for emergency services would be reasonable.

Hours of operation - Non-residential activity in Living Zones is permitted if staff are not resident on site and visits to the site only occur between 7.00am - 10.00pm (spiritual and educational activities are exempt from this rule). The rule is problematic for FENZ and St John as their staff live off site and their open hours can extend beyond those specified.

Building height - Some fire station sites have outdoor sirens mounted on either a pole or the station building and communications facilities are often required. There is a need to consider greater development flexibility for such necessary structures.

Building position (Setbacks) - Setbacks from road boundaries are required across the zones. For example, garages in the Living Zones (which includes fire or ambulance stations) require a front yard setback of 5.5m. Resource consents have been required for FENZ facilities which have not met the front yard setback due to a need to locate closer to the road boundary for efficient access. Extensive setbacks from arterial and strategic roads (10-20m) are also an issue for emergency services.

Noise - The noise provisions do not apply to the use of sirens or warning devices associated with emergency services and retaining such a noise exemption is recommended. However, it is also

recommended that further consideration be given to whether the exemptions from the noise standards should also apply to general on-site noise.

Signage - Freestanding outdoor signs are limited to 1m² in size in Living Zones (3m² in Business and Rural Zones). This size is relatively restrictive with respect to emergency services and has necessitated resource consents. It is recommended that further consideration be given to the appropriateness of this restriction or a possible exemption for emergency services signage.

Vehicle/cycle parking - Parking for emergency services is not specifically provided for in the Plan. As a result, the vehicle parking provisions are unclear and potentially overly restrictive especially in relation to mixed-use facilities as it is not always clear which closest activity parking rates would apply. Furthermore, there is demand for on-site cycle parking and therefore the cycle parking requirements for emergency services could be made clearer.

Site access - There are rules across the zones which require sites with access to more than one road frontage to have access to the road with the lowest road classification. There are several examples of emergency service sites with more than one road frontage with vehicle access from each road. In some instances access from more than one frontage is sought by emergency services to enable responsiveness and to assist with avoiding reverse manoeuvring on or off site. Therefore this rule is considered overly restrictive and could compromise response times and overall efficiency.

Vehicle crossing widths - The maximum vehicle crossing widths (i.e. 7m maximum) are problematic in some instances as wide crossings are required for safe and efficient site access and such a width is not unexpected in association with such facilities.

Overall, the rules could be amended to better recognise emergency services importance to the community and their unique locational and operational requirements and to provide greater and more consistent development flexibility, whilst still ensuring effects are appropriately managed.

3.4 Firefighting Water Supply Provisions will need to be updated to reflect the pending replacement Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) and to ensure the provisions are appropriate

FENZ require the provision of water for firefighting purposes and seek the inclusion of standards in District Plans requiring compliance with the Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008). The FENZ Act 2017 requires FENZ to develop, consult on, recommend the approval of, and publish a new Firefighting Water Supplies Code of Practice to replace SNZ PAS 4509:2008. The timing of this new Code of Practice is uncertain at this point; however it is anticipated it will be available during the drafting of the Proposed Plan provisions and therefore will need to be considered.

Currently both the Plan and the Selwyn District Council Engineering Code of Practice (CoP) contain provisions relevant to firefighting water supply. The Plan provisions require water supply for firefighting purposes in accordance with SNZ PAS 4509:2008 in relation to subdivisions in the Living 3 zone (rural-residential) only and new building developments in certain areas (i.e. Terrace Downs). The CoP is focused on reticulated water supply provision and technical matters including firefighting flows, pressure and the spacing of hydrants being provided as per SNZ PAS 4509:2008.

It needs to be considered further whether standards should continue to be contained within the Plan (ensuring any overlap with the CoP is avoided and consistency is achieved), and whether the provisions should be applied more widely to subdivisions and new developments across the zones (both where reticulated and not reticulated). This work is reliant on and will be guided by the pending replacement Firefighting Water Supplies Code of Practice.

4.0 Summary of relevant statutory and/or policy context

As mentioned, FENZ are required to develop a new Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) which will inform the revision of the firefighting water supply provisions in both the Plan and the CoP.

The Ministry for the Environment led National Planning Standards are proposing a standard 'emergency services' definition which will need to be taken into account in developing revised definition(s).

There are no National Policy Statements, National Environmental Standards or Regional Policy documents directly relevant to this topic.

5.0 Summary of Approaches in other Districts

The Ashburton, Waimakariri and Christchurch District Plans all manage emergency services by way of zoning and district-wide and zone rules. All of the Plans define 'emergency services' and share a common thread of providing for fire, ambulance and police facilities and the safety and welfare of people.

The Waimakariri and Christchurch plans permit emergency services across the zones subject to compliance with certain standards such as maximum building height, setbacks, building coverage etc. The Ashburton District Plan permits emergency services in Commercial zones only subject to development standards and requires resource consent in the Residential, Rural, and Industrial zones.

Like Selwyn District, all of the plans reviewed include exemptions from the noise rules for warning devices/sirens. Only the Christchurch District Plan extends to exempting noise in association with activities at emergency services sites associated with emergency response and emergency response training. The Transport provisions apply to emergency services across all of the plans.

6.0 Summary of stakeholder engagement

Stakeholder engagement has been undertaken with representatives from FENZ, St John and NZ Police. Each provided valuable feedback which was incorporated in the Emergency Services Baseline Report.

Feedback was also sought from the Selwyn District Council Consents and Monitoring and Compliance Officers about any issues with emergency services establishing and operating in the district. Their feedback was also incorporated in the Emergency Services Baseline Report.

The Ministry of Civil Defence and Emergency Management (MCDEM) were contacted to establish whether MCDEM has an interest in relation to this topic. They confirmed they do not want to be involved at this stage of the District Plan Review.

Mahaanui Kurataiao Ltd and Environment Canterbury were provided with a copy of the Emergency Services Baseline Report and the Preferred Options Report and both advised they have no feedback.

7.0 Summary of Options to Address Issues

7.1 MANTAIN STATUS QUO

Effectiveness in Addressing Issues: A rollover of the current provisions would maintain the issues outlined in Section 3 and is therefore considered ineffective.

Risks: There would be a significant lost opportunity given the Plan review is underway and given the existing general management approach can be retained with amendment to improve the effectiveness of the provisions. There is also a strong likelihood that the emergency services would submit in opposition to status quo provisions.

Budget or Time Implications: This would be the most cost and time efficient option in the short-term for the Council, but such provisions remaining in the Plan would result in greater consenting costs for emergency services and in the long-term may necessitate a plan change whereby costs would be incurred in any case.

Stakeholder and Community Interests: Emergency services stakeholders.

Recommendation: Do not maintain the status quo.

7.2 SPECIFIC PURPOSE ZONE

Applying a Specific Purpose Zone in relation to FENZ or St John facilities was also considered in brief (even though this was outside of the project scope).

Effectiveness in Addressing Issues: Special zoning is not considered practical in this instance as a high threshold of information is required to develop a special activities-based zone for a significant number of facilities that vary in scale, location and function. Furthermore, as it is known that St John in particular are in a state of flux at the present time regarding future strategic growth, there is not the ability to strategically plan where it might be appropriate for future facilities to be located. Overall this approach is considered ineffective.

Risks: Such an approach would incur additional costs for the Council and could also trigger other requests for such zoning, and a possibility that the number of these zones multiply over time overly complicating the Plan.

Budget or Time Implications: This would be the least cost and time efficient option as it is a more significant departure from the current management regime.

Stakeholder and Community Interests: Emergency services stakeholders.

Recommendation: Do not proceed with the development of a Specific Purpose Zone for emergency services.

7.3 RETAIN THE CURRENT MANAGEMENT APPROACH WITH AMENDMENT

Effectiveness in Addressing Issues: Amending the existing Plan provisions is the simplest approach and would better provide for the range of existing and anticipated emergency services facilities whilst still ensuring environmental effects are adequately managed.

Risks: None identified.

Budget or Time Implications: Refining the existing Plan provisions as they relate to emergency services is considered a cost-effective approach and can be completed in a timely manner within the overall District Plan Review programme aided by responsive stakeholders who are engaged in the process.

Stakeholder and Community Interests: Aside from the emergency services stakeholders there may be some community interest, however it is anticipated that community interest would be minimal unless an existing facility is expanded or replaced or a new facility is located in close proximity to a residence.

Recommendation: Retain the current management approach with amendment.

8. Preferred Option for further engagement

The Project Team recommends that:

Emergency services are managed by amended definitions, policies and rules within the Proposed Plan and that the recommendations set out in section 7 of the Emergency Services Baseline Report, which seek to provide continued and in some instances greater development flexibility for emergency services, are endorsed by the District Plan Committee.

Further engagement is proposed to be undertaken with the identified stakeholders only (FENZ, St John and NZ Police) to seek their feedback in relation to draft emergency services provisions.

Appendix 1 - Emergency Services Baseline Report

Emergency Services

Prepared for:

Selwyn District Council

Prepared by:

Barker Planning

31 October 2017

Quality Assurance

Prepared by



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Revision	Description	Author	Date supplied to Client
1	Draft for client	Vicki Barker, Barker Planning	31 August 2017
2	Revisions to Draft following review by Justine Ashley, SDC	Vicki Barker, Barker Planning	6 October 2017
3	Revisions to Draft	Vicki Barker, Barker Planning	9 October 2017
4	Draft circulated to stakeholders	Vicki Barker, Barker Planning	10 October 2017
5	Final Draft incorporating stakeholder feedback	Vicki Barker, Barker Planning	31 October 2017

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1. Introduction and Scope

The Emergency Services Project Scope seeks to better understand the requirements of emergency services establishing and operating in Selwyn District. Emergency services include:

- Fire and Emergency NZ (FENZ)¹;
- The Order of St John (St John); and
- The New Zealand Police (NZ Police)

The project deliverables require:

- Engagement with emergency services to identify the types of existing and any potential future emergency service facilities, including the location, nature and scale of their activities, and ownership and operational needs;
- Identification of the range and scale of potential environmental effects created by emergency services, and analysis of the effectiveness of the Operative Selwyn District Plan (Plan) provisions in managing these effects;
- Reviewing the Ashburton and Waimakariri District Plans emergency services provisions;
- Reviewing the Mahaanui Iwi Management Plan to identify any relevant policy guidance; and
- Providing policy and rule options to manage emergency services in the District.

A Communications and Engagement Plan was prepared and engagement has been undertaken with representatives from all of the emergency services. FENZ, St John and NZ Police have all provided valuable feedback which has been incorporated in this report. Feedback was also sought from the Selwyn District Council Consents, and Monitoring and Compliance Officers about any issues with emergency services establishing and operating in the district, and their feedback is also reflected in this report.

The Selwyn District Council building at Rolleston is the Civil Defence Headquarters and various community halls are also used for Civil Defence Purposes. As these facilities will be addressed as part of the Council Property and Assets Project (DW016), these facilities have not been included in this assessment.

The Ministry of Civil Defence and Emergency Management (MCDEM) were also contacted to establish whether the Ministry has an interest in relation to this topic. MCDEM confirmed they do not want to be involved at this stage of the District Plan Review.

It is also of note that this project is interdependent with a number of other Projects/Topics including:

- Community and Recreation Facilities (DW003) and Council Property and Assets (DW016) - emergency services are a sub-set of community facilities which are being investigated as part of these projects;
- Noise (DW005), Lighting and Glare (DW007) and Signage (DW008) - further input will be required with respect to these topics and how they relate to emergency services in the next stage of the review;
- Transport - initial comment from Council's Transport Engineers (Abley Transportation Consultants Ltd) has been incorporated in this report, however further advice will be required with respect to the detail of several of the transport provisions relevant to emergency services during the next phase of the review;
- Subdivision (DW022) - relevant to the water for firefighting supply provisions; and

¹ The Fire and Emergency New Zealand Act 2017 integrated the New Zealand Fire Services Commission and rural fire authorities to form Fire and Emergency NZ (FENZ). FENZ now replaces the New Zealand Fire Service Commission, effective as of 1 July 2017.

- Utilities (EI001) - relevant to emergency services communications facilities, sirens and associated structures.

Given the significant cross-over with these other projects, a joined-up approach will need to continue into the next stage of the District Plan Review.

2. Overview of Emergency Services in Selwyn District

2.1 FENZ

FENZ have a total of 16 existing facilities in Selwyn District. This includes a Head Office facility in Izone, Rolleston and 15 Volunteer Fire Stations.

Two new facilities are anticipated by FENZ, including a replacement fire station at Rolleston on the same site, and a possible new Urban Search and Rescue (USAR) base combined with a new South Island firefighter training facility at the Izone business hub. The timing of these new developments is uncertain at this point in time.

The majority of the fire station sites are located in the Living 1 zone, however there are four located in Business 1 or 2 zones and two in the Rural zone.

New fire stations are designed to a national set of design guidelines² to ensure a consistent look and appropriate functionality. Within the design guidelines there is still the flexibility for stations to be designed to fit their locality, however key operational requirements which must be taken into account in their design include: sufficient height and length of fire appliance parking bays; an appliance cleaning area containment system; adequate setback from the road frontage to minimise traffic disruptions and to provide maximum visibility; office/ablutions/working and living areas for rostered staff; on-site vehicle and cycle parking.

Most stations nationwide are generally located on prominent sites on main roads or arterial routes to enable quick and efficient access and they are also typically located relatively close to the road frontage with wide vehicle crossings and sealed front yards. Each of the existing fire station sites have either a single or double bay station for fire engine storage and adjoining office/storage spaces with on-site parking.

Currently all fire station sites have sirens except for some of the rural fire stations (previously Rural Fire Authority), however it is anticipated that all fire stations will have sirens in the near future located on poles up to 12m high. Sirens are also fitted to the fire appliances as traffic warning devices.

Most sites have a freestanding sign at the front of the site and/or signs affixed to the station building.

Operating hours and staffing is generally on an 'as required' and shift basis and staff numbers at the stations in Selwyn District range from 10-32 depending on the size of the station. In relation to training, there is not a set day or time for when training activities may occur on a site, however training generally occurs once a week.

Firefighting water supply is an important operational requirement to ensure that when there is a fire, the fire service has sufficient water resources and vehicular access to the water supply.

A table outlining the FENZ facilities in Selwyn District is attached as **Appendix A**.

2.2 St John

St John have four existing facilities in Selwyn District³. The Rolleston station is the St John Headquarters and is the largest St John facility in the District. The site is zoned Living 1 and Business 1. The facility consists of an altered dwelling (300m²) and new four-bay garage (200m²). The land is Council owned and leased by St John. The buildings are used for staff offices and facilities, first aid training and ambulance storage. The station building is also available for community use for meetings

² NZFS National Property - Fire station design guidelines Part 1 – Overview, February 2015

³ Not confirmed by St John – based on initial discussion and research.

and functions and includes two meeting/training spaces - one for approximately 40 people with a kitchen and the other for approximately 20 people.

The hours of operation are 24/7 for all ambulance service operations, however with respect to the Rolleston site, the resource consent conditions restrict community use of the building to 8am -11pm 7 days. There is a mix of full-time paid employees and volunteer staff and staff numbers at the Rolleston station range from 4-8 depending on need. 10 parking spaces are currently provided at the Rolleston site and it is proposed to increase this to 19 (timing of this proposed change is not currently known). A consent condition restricts signage to no greater than 3m². St John advised there are plans to reconfigure the layout of the Rolleston Station building, however no further substantial changes are planned for the foreseeable future.

St John advised the Leeston facility is of a similar scale to Rolleston. The site contains a single level office building and an attached double garage. The site is zoned Business 1.

In Darfield, a new purpose-built Ambulance Station was developed approximately a year ago at 4 Bray Street within a site zoned Business 1. The building was developed subject to Building Consent only.

The Waddington site is known as the Guy Dunlop Training Centre, which is a training facility used for youth and clinical training purposes and is available for hire by the community. This site differs from the other St John sites in the District in that no ambulance service operates from the site. The site contains a number of training and accommodation buildings and a heritage building (H41 - Old Waddington School building) and is located in the Living 1 zone. The current accommodation capacity is for up to 106 people. St John intend to upgrade the complex in the future to better meet the needs of St John and the community. This may involve the acquisition of a neighbouring site to accommodate additional camp facilities and to increase the accommodation capacity to 120 people. It is also proposed that the future development will enable the site to function as a disaster response compound.

St John advised there are likely to be new sites and facilities but no details are known at this point in time. Growth is influenced by a number of factors - primarily funding⁴ and overall expected future population growth. St John noted the need for flexibility and leniency in the provisions to enable future growth of their operations and facilities.

The St John website includes an article dated 14 May 2017 which states that St John will receive \$100M plus of government funding to provide for double crewing of all ambulances over the next four years, and an increase in baseline funding to meet the growing demand for ambulance services (<http://www.stjohn.org.nz/News--Info/News-Articles/st-john-welcomes-government-funding-boost/>). This funding will result in increased staff numbers, especially in rural areas to ensure double crews as in urban areas. Based on this information, which was also discussed at a high-level at the initial meeting with St John, it is anticipated the funding will result in new and potentially expanded St John facilities within Selwyn District.

In Greater Christchurch St John follow a 'hub and post model' whereby the hub is the logistical and personnel base from which staff are deployed out to 'posts' or stations across the district. The facilities include converted residential dwellings, commercial buildings and purpose-built facilities and the key is ensuring building design and locational flexibility so St John paramedics and ambulances can readily locate where communities need them. St John undertakes analysis to ensure sites are optimally located with regard to community need and changing demographics. The new 'hub and post model' is consistent with the approach used in the United Kingdom and Australia.

A table outlining the St John facilities in Selwyn District is attached as **Appendix B**.

⁴ St John Ambulance Services are not fully funded by the government. Contracts with the Ministry of Health, ACC and District Health Boards (DHBs) fund just under 70% of the direct operating costs. The shortfall is made up from payment of part charges, community donations, fundraising and revenue from our commercial activities. St John is a charity, and relies on financial and voluntary support to help fund services (Source: St John website).

2.3 NZ Police

NZ Police have five police stations in Selwyn District including Arthurs Pass, Darfield, Leeston, Lincoln, and Rolleston. The Lincoln and Rolleston stations do not include a residence.

All of the NZ Police sites are owned by the Crown and designated by the Minister of Police. Four of the five sites have an underlying zoning of Living 1 and the other is zoned Business 1. NZ Police have advised that the Minister of Police will seek to 'roll over' the existing designations into the Proposed Plan and no new designations are proposed at this stage.

NZ Police operations also include radiocommunication facilities. These utilities have not been addressed as part of this project as they will be considered as part of the Utilities Project (EI001). Initial comment from NZ Police is that they will not seek to designate any radiocommunication sites as generally any resource consent approvals required are straightforward. Therefore, at this stage NZ Police are comfortable relying on the Utilities provisions in the plan, subject to involvement in any proposed changes to the provisions as the Plan Review progresses. The Utilities Topic Lead has been advised of NZ Police's interest in the Utilities Chapter.

A table outlining the NZ Police facilities in Selwyn District is attached as **Appendix C**.

3. The Potential Range of Effects

The range of effects generated by emergency services include both positive and potentially adverse effects as outlined below.

3.1 Range of Effects

The positive effects of emergency service facilities are considered to include the following:

- The health, safety and wellbeing of people and communities;
- Minimising the adverse effects of fire, and other emergencies (for instance adverse weather events and hazardous substances incidents) on the environment.

The potential adverse effects of emergency services facilities are considered to include adverse effects on the following:

- Residential coherence and character;
- Rural character;
- Residential amenity;
- Visual amenity - building scale and appearance;
- Privacy/Outlook;
- Shading;
- Noise - sirens/warning devices and general noise;
- Lighting & Glare;
- Signage;
- Utilities;
- Hazardous substances;
- Waste;
- Transportation - traffic generation and vehicle and cycle parking primarily.

Water supply for firefighting (and firefighting training) along with access for fire appliances/emergency service vehicles are not adverse effects of fire stations as such. However, they are matters that may be governed by rules in the Plan in order to enable the health, safety and wellbeing of people and

communities through avoiding or mitigating the adverse effects of fire and other hazards. It is acknowledged that these matters also relate to the subdivision, building and access standards.

Other construction and district-wide potential matters include: earthworks; heritage; contaminated land, building water supply and sewage disposal; waterbodies, and tangata whenua. It is not expected that emergency service facilities would have an adverse effect on any of these matters, with the exception of the potential to have an adverse effect on heritage or tangata whenua values in situations where a new facility (or any new building) is constructed on a site where such values have been specifically identified as being of significance.

4. Analysis of the Effectiveness of the Operative Selwyn District Plan Provisions

The relevant Plan provisions include:

- Designations;
- Definitions;
- Objectives and Policies;
- Zone and district-wide plan provisions.

4.1 Effectiveness of Designations

NZ Police is the only emergency service with designations and the current Minister of Police designations (MP1-MP5)⁵ form part of the Designations Chapter.

NZ Police have advised that the Minister of Police will seek to 'roll-over' these existing designations into the Proposed Plan, possibly with minor modifications. For instance, Rolleston and Lincoln Police Stations are no longer used as a residence, and the heritage item (H5)⁶ subject to a condition in relation to the Darfield designation has been relocated from the site (Refer to **Appendix C** for a copy of the condition).

The existing designations are considered to be effectively managing NZ Police operations. The designation process required the effects of the police stations to be considered as part of the Notice of Requirement process, and once established, the stations are able to operate in accordance with the designation, which may include disruption to residential amenity. As NZ Police are seeking to 'roll-over' the existing designations and the Minister of Police would likely seek to designate any future Police station, alternative management options with respect to NZ Police sites are not discussed further as part of this report as they will be managed as part of the Designations Project.

It is also of note that neither FENZ or St John are currently requiring authorities under the Resource Management Act (RMA). St John is not eligible under the RMA to apply for requiring authority status as it does not meet the requiring authority criteria in section 166 of the RMA. FENZ's ability to obtain requiring authority status is less clear as they are a Crown entity, however FENZ have advised they have not pursued requiring authority status to date and are not expected to in the foreseeable future. Therefore, designations have been ruled out as a management option for both St John and FENZ.

4.2 Effectiveness of Definitions

4.2.1 Emergency services

The Township and Rural Volumes of the Plan contain the same definition of 'Emergency Services':

Emergency Services: means facilities and activities utilised for the protection and safety of people and property in times of an emergency and shall include New Zealand Fire Service, New Zealand Police and St Johns Ambulance.

⁵ [<http://eplan.selwyn.govt.nz/#!/Rules/0/1046/1/0>]

⁶ Darfield Lock-up Building

It is of note that the Ministry for the Environment (MfE) are proposing a standard definition of 'emergency services' be included in the National Planning Standards. Selwyn District Council has not provided any specific feedback to MfE regarding this particular definition to date (and the proposed wording is not known at this point in time), but the definition will need to be considered in the context of the existing and proposed provisions if and when released by MfE for comment.

FENZ has provided feedback to MfE supporting the inclusion of a definition of 'emergency services' and suggests the use of the definition in the Civil Defence Emergency Management Act 2002 (CDEMA)⁷ as follows:

"emergency services means the New Zealand Police, Fire and Emergency New Zealand, and providers of health and disability services".

St John have provided feedback agreeing that the definition should be retained, but with amendment and in particular consider that the definition proposed by FENZ is too narrow.

The issues noted with the Plan definition of 'emergency services', and taking into account the FENZ and St John feedback, includes:

- The definition covers both facilities and activities. Christchurch City Council for example has a definition for facilities⁸, but not activities. It is also of note that the definition proposed by FENZ references entities and not facilities or activities.
- The correct name for St John is the Order of St John. Comment from St John was that reference to 'St John Ambulance' could be limiting as operations extend beyond ambulances, i.e. training etc.
- The proposed FENZ definition excludes specific reference to the Order of St John and uses the more general phrasing 'and providers of health and disability services'. St John have advised they support a broader definition than the one proposed by FENZ similar to the Christchurch District Plan definition (contained in footnote 7), which has been reviewed by all emergency services to ensure relevant authorities can act during disasters and other events. It is also not clear who providers of health and disability services are and how far this extends.
- Activities are not 'utilised' and therefore reference to activities in the definition does not make sense.
- The definition does not make it clear what facilities associated with emergency services are provided for. It is expected that fire stations, ambulance stations and police stations are provided for, however this is not made explicit and it is not clear whether the definition extends to head office facilities and associated emergency services training facilities and the likes of emergency coordination facilities. FENZ considers their head office facilities and firefighter training to be integral to an emergency service and therefore within the scope of any definition of 'emergency service facility' (or activity). Conversely St John consider it appropriate to provide a separate definition for training facilities such as St John facilities that do not provide ambulance post facilities, however they seek that this not limit the ability to introduce ambulance post facilities in the future.
- Reference is made to protection and safety of people and property versus the broader consideration of safety and welfare. FENZ considers that a broader approach is appropriate, particularly given the range of functions now codified by sections 11 and 12 of the Fire and Emergency New Zealand Act 2017 (FENZ Act).

Overall, it is considered that a definition of 'emergency services' should be retained with amendment, or a new definition of 'emergency services facilities (activities)' developed to link to specific and

⁷ Note the new FENZ Act 2017 does not define 'emergency services' as the focus of the Act is fire related emergencies.

⁸ *Emergency service facilities - means the facilities of authorities that are responsible for the safety and welfare of people and property in the community. It includes fire stations, ambulance stations, police stations and [emergency](#) coordination facilities.*

targeted rules concerning emergency services. Any such definition will need to address the issues outlined above and take into account the parallel process of the National Planning Standards potential 'emergency services' definition. There is also significant cross-over with the Community and Recreation Facilities Project (DW003) which needs to be taken into account given this related Project is specifically seeking to address overlapping community related definitions.

4.2.2 **Emergency**

There is no current definition of 'Emergency' in the Plan, however some plans do define 'Emergency' i.e. Christchurch District Plan.

The absence of a definition of 'Emergency' is considered acceptable as the definition is already covered by both the FENZ Act and the CDEMA and to have such a definition in the Proposed Plan would replicate legislation. Furthermore, the common meaning of emergency is considered to be well understood. FENZ agree there is no need for such a definition in the Plan and St John also commented at an initial meeting that such a definition was not necessary.

4.2.3 **Community facilities**

Emergency services facilities are also considered community facilities.

The Plan contains a different definition of 'Community facility/facilities' in each volume.

Township Volume: **Community facilities:** *means places available to the public for the purpose of community activities and includes but is not limited to public playgrounds, recreational halls, community centres, libraries, conference centres, community halls, information centres and public swimming pools.....*

Rural Volume: **Community facility:** *includes any land, building or structure which is/are used for the primary purpose of health, education, safety or cultural, physical or spiritual well-being, where those facilities are funded or managed as a non-profit organisation by a central or local government agency or a community organisation, and are available for use by any person in the community. Community facilities include (but are not limited to): schools, hospitals, churches, cemeteries, halls, libraries, community centres, police or fire stations, reserves and recreational facilities.*

The Township Volume makes no specific reference to emergency services and the Rural Volume version makes specific mention of "police or fire stations" only (although it is noted the list is not exhaustive).

FENZ noted that emergency services being a part of the community facility definition is not unusual and FENZ is not opposed to this approach, however the overlapping definitions can be problematic where there are provisions (including rules and standards) for both activities and determining whether both definitions apply or the specific is applied and is explicitly excluded from the broader overarching definition. The overlapping of definitions is a specific issue the Community and Recreation Facility Project (DW003) is seeking to address. There will need to be an ongoing link with that Project to ensure the emergency services facilities (and activities) are appropriately provided for within the context of any broader community facilities definition.

4.2.4 **Other related definitions**

Other current definitions such as 'Educational facility'⁹ and 'Place of Assembly'¹⁰ are also relevant to emergency services developments given the trend toward multi-use facilities. For example, the recently established St John Rolleston Headquarters is also used for training and community use and these definitions (and associated provisions) were taken into account in the application and

⁹ *Educational Facility: includes any land, building or structure which is/are used for the provision of regular instruction or training of students by suitably qualified instructors and any ancillary activities, and includes any pre-school.*

¹⁰ *Place of Assembly: means any land and building used for gathering of people. It does not include residential accommodation or places of work.*

processing of the resource consent. Where training is occurring or where emergency services facilities are also being used for community use, the overlapping of the definitions results in a lack of clarity as to which provisions apply. An example of this is the car parking requirements.

FENZ agrees there is a lack of clarity and would prefer that it is clear that fire stations with training facilities are not considered 'education facilities' or 'places of assembly'. For some St John facilities, the multi-use nature of them also necessitates greater clarity in the definitions.

As previously noted, the overlapping nature of the community related definitions and the resulting lack of clarity is being addressed as part of the Community and Recreation Project (DW003) and there will need to be an ongoing link with that Project to ensure emergency services facilities (and activities) are appropriately provided for.

4.3 Effectiveness of Objectives and Policies

The key objectives and policies relevant to emergency services are under these topic headings outlined below and identified in **Appendix D**.

4.3.1 *Community facilities*

The objectives relevant to community facilities recognise their importance (including emergency services) and essentialness to community health and safety. This recognition is considered appropriate, however there is inconsistency between the Township and Rural Volumes, with less importance being expressed in the Rural Volume. There is a need for a consistent district-wide approach to acknowledge the essential nature of emergency services and their community benefits.

A general observation is that the community facilities policies relate more to community facilities such as halls, libraries etc and facilitating community access to these facilities, which is not the focus of emergency services. Public access to the likes of fire stations is not actively encouraged and such emergency services benefit the community in another way. Therefore, it is considered there is merit in considering whether emergency services are better reflected in stand-alone objectives and policies or at a policy level only to provide clear and specific direction to such facilities versus community facilities in general (this is also linked to the need for clearer definitions). Both St John and FENZ agree with such an approach.

The Township objectives seek to ensure that community facilities do not adversely affect residential amenity values. This is supported in principle as consideration of amenity effects in relation to community developments including emergency services is required to maintain reasonable amenity. However, as noted above, emergency services could be distinct from other community and 'non-residential activities'. Exempting emergency services entirely from such consideration is not considered appropriate as such facilities still need to be relatively attractive and not unduly compromise residential character and amenity, but some emergency services specific policies would better recognise their locational and operational requirements and their importance to the community's health, safety and wellbeing.

The current policies which encourage co-location of community facilities (B2.3.6) and the facilitation of multiple uses (B2.3.7) are supported in principle in relation to emergency services to achieve efficiencies and support the distinct trend toward co-location and multi-use facilities, however such policies once again need to apply district-wide. FENZ also support both policy approaches in principle.

There are particular policies about community services being exempt from site coverage requirements in rural areas (Policy B2.3.2), however there is a current disconnect with the rules as site coverage maximums apply. There is a need for policies which clearly connect with the rules. FENZ support less restrictive site coverage requirements to provide greater design flexibility. St John consider such controls are appropriate in principle but should not unduly restrict emergency services from developing new or existing sites.

A further policy seeks to avoid locating community facilities on the opposite side of strategic roads or railway lines (B2.3.4). Such a policy could unduly constrain emergency services. FENZ agrees and

considers the policy does not reflect the locational requirements of FENZ whom often locate on strategic routes to enable efficient access.

4.3.2 *Quality of the Environment*

Both Volumes of the Plan seek to provide for a variety of activities while maintaining the character and amenity of zones and avoiding reverse sensitivity effects. However, only the Township Volume seeks to provide for the general health and safety of people and their communities. It is considered this should be a district-wide consideration.

4.3.3 *Health and Safety - Fire*

Fires are recognised as a particular health and safety risk which particularly affects rural areas and that water for firefighting requirements and emergency services help reduce the risk of and damage from fires. However, there is no specific policy to this effect (currently an issue only) and the related firefighting water supply provisions are not consistently applied. FENZ supports a clearer and more consistent approach to managing health and safety in relation to fires across the district. It is of note that the management of 'Wild Fire Risk' is subject to a separate Project. The linkages between the two projects will need to be taken into consideration as the District Plan Review progresses.

4.3.4 *Health and Safety - Noise*

The policies (and associated rules) in the Rural Volume relating to noise specifically recognise that emergency services may not comply with noise limits but are essential services and therefore are exempt from noise compliance to ensure they can function and serve communities (Policy B3.4.13 and B3.4.14). The exemption however is not clear in the Township policy as it is mentioned in the explanation only, although the exemption is clear in the Township rules.

The Council Consents and Monitoring and Compliance Officers commented that noise at fire stations is not a significant issue aside from occasional complaints which are readily resolved once the exemptions are explained, and therefore they support the continuation of the exemptions.

It is also of note that noise exemptions relevant to emergency services are contained in other district plans, including Christchurch City, and therefore exempting emergency services from the noise provisions is a relatively common approach.

St John note there is a perception that ambulance posts and other emergency services facilities emit unacceptable levels of noise, however overall noise is considered low and can typically be mitigated, i.e. acoustic fencing. Noise associated with emergency services facilities generally includes: people using any outdoor areas, noise break-out from the building mechanical services, and noise associated with traffic both in an emergency situation and general noise. In particular, St John consider noise exemptions for emergency services vehicles is appropriate and consistent with the Land Transport Act.

Overall, it is considered that a consistent district-wide policy continuing to exempt noise in relation to emergency services would be appropriate. However, it is recommended that Acoustic advice is also sought regarding the appropriateness of the exemptions to substantiate this current view.

4.3.5 *Non-residential activities – Traffic and Scale and Nature of Activities*

Policy B3.4.18 seeks to ensure non-residential activities in Living zones generate vehicle and pedestrian movements on a scale compatible with the surrounding residential environment. This policy is implemented by Rule 10.8.1 (Activities and Scale of activities) which sets traffic generation limits per day, however emergency services vehicles are exempt from the traffic generation part of the rule. In addition, Policy B3.4.16 seeks to ensure the operating hours for non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night. This policy is implemented by Rule 10.9.1 (Activities and Hours of Operation) which permits non-residential activity if employed staff are not resident on site and visits to the site only occurs between 7am and 10pm. Spiritual and educational activities are exempt from this rule, but not emergency services. There is no

comparable policies in the Rural Volume, however Rule 9.13 (Activities and Vehicle Movement) and sets limits on vehicle movements.

The policy approach is considered broadly acceptable in principle to manage 'other' non-residential activities, however the current drafting of Rules 10.9.1 and 9.13 also capture emergency services and do not reflect their specific operating requirements. St John and FENZ agree and FENZ notes they cannot "ensure" their operations do not disturb residential activities during emergencies. It is considered that wider exemptions for emergency services need to be explored and reflected in the policies (and rules), or specific emergency services policy formulated to better provide for their operations, whilst still managing the effects of emergency services on residential environments.

4.3.6 Growth of Townships - Living 1 & 2 Site Coverage

The explanation to Policy B4.1.7 states that a greater level of site coverage has been allowed for in the Living 1 and 2 Zones for emergency services, recognising their community importance and that they are limited in number. This approach is supported in principle for the reasons provided in the policy and to provide emergency services with greater design flexibility and is supported by FENZ and St John. It is considered that such examples of greater development flexibility need to be clearly reflected in the policies.

4.3.7 Living 3 Zone - Firefighting water supply

Policy B3.4.4(a) seeks that new rural-residential development is able to effectively connect to reticulated water services, including the provision of water supply to the standards set out in the New Zealand Standard Code of Practice, either within the reticulated system or as supplementary on-site storage.

It is considered that broader policy direction is required in relation to both subdivision and new development across the district. The FENZ Act also requires the development of a new Code of Practice which will need to be reflected in the Proposed Plan provisions (assuming it remains a district plan matter in addition to the SDC Engineering Code of Practice). A potential approach would be to include a specific district-wide policy to address adequate provision for firefighting water supply and access by emergency services to both the fire risk (i.e. adequate vehicular access) and the water supply, which FENZ supports. St John also support recognition of provisions which ensure that roadways and accessways are designed to accommodate emergency vehicles and movement, particularly in new developments which are often subject to detailed covenants.

4.4 Zone Rules

Both FENZ and St John rely on zone and district-wide plan rules to manage the establishment and operation of their facilities.

A summary of the relevant zone and district-wide Plan provisions is attached as **Appendix D**.

Below is a table summarising the potential range of adverse environmental effects generated by emergency services, the relevant Plan rules, and an assessment of the effectiveness of the rules in managing these effects.

Table 1: Summary of Effectiveness of Rules in Addressing Potential Adverse Effects

	Generally effective. Provisions are in place to manage effects (but may be subject to refinement as a result of the District Plan Review)
	Some concern with effectiveness or the management of effects
	Significant concern that provisions are not effective or there is a current significant management gap or issue

Effect	Relevant Provision	Effectiveness of Provisions
Residential coherence and character	Buildings and Landscaping (L 4.2)	In the Living Zones, principal buildings are permitted if the area between the road boundary and the principal building is landscaped with shrubs and planted in lawn, and/or paved or sealed, and/or dressed with bark chips or similar material. This is considered reasonable to ensure non-residential activities in Living Zones have a maintained front yard in keeping with residential properties. This rule is not considered overly restrictive with respect to emergency services as they are likely to have paved/sealed areas between buildings and the road boundary for efficient site access (also refer to 'Setbacks' below). FENZ agree and would seek provisions that allowed for a hardstand area between a fire station building and road that is sufficiently wide and clear of obstructions to enable safe and swift exit from a fire station in the event of an emergency. The provisions appear to provide that flexibility. St John agree and note that ambulance access needs to be unobstructed and landscaping must not obstruct the line of sight for vehicles exiting the site.
	Buildings and site coverage (L 4.7)	Higher levels of site coverage have been provided for emergency services in Living Zones recognising their importance to the community. The explanation given is that their general one-off locations throughout the District's Townships ensures any impact of increased density on the overall character of an area is minimal. It is also of note that the site coverage increase for emergency services is relatively minimal compared to residential development. FENZ supports greater flexibility in site coverage for emergency service facilities so that these facilities may be efficiently designed to meet their operational needs. St John consider a site coverage of 35% in Residential Zones would be acceptable. Overall, such a rule is considered reasonable in principle balanced with other measures to address residential coherence and character and residential amenity.
Rural Character	Buildings and Landscape (Ru 3.4.1.1)	In the High Country or Malvern Hills areas the exterior finish of any dwelling or principal building is permitted to have a maximum reflectance value of 37%, except for buildings which are clad in unpainted corrugated iron. There is only one emergency services facility potentially located in the High Country zone¹¹, therefore this rule is of limited relevance to emergency services. Furthermore, emergency services don't typically locate in such zones.

¹¹ Lake Coleridge FENZ facility (location and zoning not confirmed).

Effect	Relevant Provision	Effectiveness of Provisions
		FENZ advised they are typically able to design the exterior of fire station buildings to meet exterior finish standards (for instance in areas that have identified landscape values) and supports rules that provide certainty in this regard so the exterior finish can be incorporated into station design if necessary. St John agree this standard could be achieved through design and material selection if required.
Residential Amenity as a result of non-residential activities	Activities and Scale of activities (L 10.8.1.)	Non-residential activities are permitted in Living Zones if: no more than two full-time staff live off site; the GFA does not exceed 300m²; and vehicle movements do not exceed 40 per day plus 4 heavy vehicle movements per day (State Highways, Arterial Roads and Collector Roads) and 20 per day plus 2 heavy vehicle movements per day (Local Roads). In accordance with Note 1 to the rule, only Police stations are exempt from the staff requirement (but these sites are designated in any case). Furthermore, it is understood the intention of Note 2 is that emergency services are exempt from the vehicle movement maximums (even though this is not clear as the referencing to the rule clause is incorrect).¹² This rule is considered problematic to FENZ and St John in terms of the staff requirement as their staff live off site. Also, the GFA restriction overlaps with and counteracts the more lenient site coverage policy direction and rule. FENZ agree this rule is problematic for fire stations and does not cater for FENZ's operational requirements (particularly in terms of shifts at career fire stations). FENZ also considers that an exemption from the vehicle movement standard is necessary to provide for an effective emergency response. FENZ considers that a standard that restricts fire appliance movements does not provide for the safety and wellbeing of people and communities. St John agree that the rule is restrictive and consider an exemption for emergency services is required. Overall, it is considered this rule constrains emergency services operations and there is merit in amending it to better provide for emergency services, or exempting emergency services completely. Council's Consultant Transport Engineers agree the rule constrains emergency services operations and consider an exemption to be reasonable.
	Hours of Operation (L 10.9)	Non-residential activity in Living Zones is permitted if staff are not resident on site and visits by customers, patrons etc. only occurs between 7.00am-10.00pm. Only spiritual and educational activities are exempt. There is an overlap and contradiction with the Scale of Activities Rule (10.8.1) in terms of staff on site. Rule 10.8.1 requires no more than two staff live off site whereas Rule 10.9 requires staff not to be resident on site. It is understood that no staff reside on site (apart from NZ Police which have designations in any case) so Rule 10.9 would not appear problematic in itself (apart from the contradictory overlap with Rule 10.8.1).

¹² Note 2: Sub-clause (c) of Rule 10.8.1.1 shall not apply to emergency service vehicles. There is no sub-clause (c) but presumably the reference is to the third clause (10.8.1.3) which manages vehicle movements.

Effect	Relevant Provision	Effectiveness of Provisions
		The hours of operation could potentially be overly restrictive, especially when facilities are used for community use as well. St John consider that an exemption for emergency services is required under this rule and hours of operation should only be applicable to community activity.
	Outdoor signs (L 7.1.1; B 19.1.1; Ru 6.1.1.1)	Freestanding outdoor signs are limited to 1m² in size in Living Zones (3m² in Business and Rural Zones). In some cases, freestanding signs associated with emergency services are larger than 1m². For example, the St Johns HQ in Rolleston required discretionary activity consent for signs up to 3m² (RC155358) and the Hororata fire station required consent for a sign exceeding 1m² (095021). FENZ advised they do not typically seek specific exemptions from provisions relating to the size of signs. St John advised their signage is typically smaller compared with FENZ, however it may be appropriate to consider an exemption for emergency services. St John note that the Waimakariri District Plan includes an exemption for any sign required in order to discharge a statutory function. Overall, it is considered the appropriateness of the signs size limit could be considered further (and other community facilities), or an exemption be considered for emergency services signage.
	Outdoor storage (L 10.10.1.3)	Standard controls apply around outdoor storage which are considered acceptable in principle to ensure the outdoor storage of goods and materials does not detract from residential amenity (i.e. screening). FENZ and St John agree that appropriate screening of outdoor storage should be provided in a residential context.
Visual Amenity - building scale and appearance	Buildings and site coverage (L 4.7; B 16.5; Ru 3.11.1.1) Activities and Scale of Activities (Ru 9.4.1.1)	With respect to the Living Zone site coverage requirements (4.7), refer to line 2 of this table. The site coverage requirements in the Business Zones appear reasonable. However, the Rural Zone provisions are less clear. Rural Policy B2.3.2 exempts community facilities from site coverage requirements which is supported, however there are site coverage requirements applicable in the Rural provisions from which community facilities/emergency services are not exempt (Rule 3.11.1.1). Rule 9.4.1.1 (Activities and Scale of Activities) also limits site coverage for non-rural and residential activities to 100m². This inconsistency between the policy and rules needs to be addressed. FENZ and St John agree there is inconsistency that needs to be resolved and considers that an exemption is appropriate to allow for the locational and operational requirements of emergency services. Consider that greater consistency is required and that an exemption would appear appropriate in Rural zones.

Effect	Relevant Provision	Effectiveness of Provisions
	Buildings and Building Height (L 4.8; B 16.6; Ru 3.12.1)	The zones have maximum building height limits which are a standard means of ensuring buildings maintain the visual character and amenity of each zone and do not impede outlooks, especially in residential areas. The building height limits have not been a reason for resource consent and are not expected to be of issue. However, some fire station sites also have outdoor sirens mounted on either a pole or the station building. For example, the Southbridge Fire Station has an 8-10m siren pole, and therefore there is a need to ensure the rules and/or definitions address such structures to provide greater clarity. For example, emergency services sirens could possibly be defined as a 'utility structure' and exempt from the definition of 'building' and the building height rules. FENZ agrees and typically seeks height exemptions for siren poles and hose drying towers on fire station sites. St John also agree and consider there should be exemptions for communication poles associated with emergency services.
	Utilities (L 6; B 18; Ru 5)	NZ Police have radiocommunications facilities which are not designated and therefore they rely on the Utilities provisions. NZ Police have not identified any significant issues with the current Utilities provisions and intend to be involved in the review of the Utilities Chapter. Currently FENZ rely on the networks that are owned and operated by other providers. St John operate their own radiocommunications network and also rely on the surrounding network utilities to function effectively.
Privacy/ Outlook	Setbacks (L 4.9.2, B 16.7.2, Ru 3.13.1.1)	In Living Zones, garages (which would include fire or ambulance stations) require front yard setbacks in the order of 5.5m. Setbacks from internal and road boundaries are used to manage residential amenity effects (such as privacy and outlook). The setbacks are also intended to provide a second informal parking space for occupants and visitors and to enable parking in front of garages without protruding over footpaths and road reserve, both of which are considered more relevant to residential activity. FENZ will typically construct a fire station to include a hardstand area between the fire station and road that is sufficiently deep to accommodate a fire appliance. FENZ does not consider the fire appliance bays (that form part of a fire station) are a "garage", rather these are an intrinsic part of a fire station. There may be some merit in making this distinction clear in the provisions. It is of note that consents have been granted for front yard breaches. For example, the Kirwee fire station required a discretionary activity resource consent for a breach of the front yard setback (a 4.5m versus 5.5m setback proposed), which was the only reason for consent. Resource consent was granted on the basis there was no effect on the character of the street or safety and visibility (RC115276). Overall, it is considered there is merit in reconsidering the front yard setbacks with respect to emergency services and possibly providing greater leniency or even an exemption. St John agree.

Effect	Relevant Provision	Effectiveness of Provisions
Shading	Recession planes (L 4.9.1; B 16.7.1; Ru 3.13.1.3)	Recession planes apply across the zones and are a standard and widely accepted means of ensuring buildings are appropriately located in relation to neighbouring properties to avoid shading. FENZ typically designs a fire station to achieve recession planes, as do St John. The provision is considered appropriate.
Hazardous substances	Hazardous substances (L 8; B 20; Ru 7)	FENZ advised that hazardous substances held at fire stations (and transported on fire appliances) include compressed air (for breathing apparatus), firefighting foam and medical oxygen. These are stored in relatively small quantities and are managed in accordance with the requirements of Hazardous Substances and New Organisms Act 1996. This is subject to the Hazardous Substances Project and not expected to be of issue. St John agree.
Waste	Waste (L 9; B 21; Ru 8)	Subject to the Waste Project and not expected to be of issue to emergency services. FENZ and St John agree.
Noise - Sirens/ warning devices	Activities and Noise (L 10.6; B 22.4; Ru 9.16)	The noise provisions do not apply to the use of sirens or warning devices associated with emergency service facilities. This exempts sirens/warning devices on the vehicles themselves and is also understood to include any sirens/warning devices on the site. The exemption applies as it is recognised that such services may not comply with noise limits but are an essential community service and the nature of the noise is intermittent. A further reason the exemption is considered appropriate with respect to sirens/warning devices on vehicles is the Land and Transport (Road User) Rule 2004 under the Land Transport Act 1998 which regulates sirens fitted to vehicles (permitting this noise), and therefore a district plan rule would duplicate this other legislation and is not considered necessary. The SDC Officers consulted consider a noise exemption is justifiable and support its retention. FENZ and St John also agree and support the noise exemption. It is also noted that this is a standard approach across district plans. Overall, for all of the reasons above, retaining a noise exemption is considered reasonable, however it is recommended that Acoustic advice be sought to substantiate the continued approach.
Noise - General	Activities and Noise (L 10.6; B 22.4; Ru 9.16)	Not expected to be an issue as not a reason for consent when reviewing recent emergency services consents. St John consider the exemptions from the noise standards should also extend to general noise. Acoustic advice will be required as to whether general noise from emergency services facilities (aside from siren noise) should also be exempt.

Effect	Relevant Provision	Effectiveness of Provisions
Lighting and glare	Activities and Light Spill (L 10.7; B 22.5; Ru 3.14.1)	Not expected to be an issue as not a reason for consent when reviewing recent emergency services consents. St John agree and note that St John facilities are designed to integrate with the existing environment when located in residential areas. Lighting and Glare advice from Council's Consultants is not considered necessary with respect to emergency services.
Transport:		
Traffic Generation	Activities and Scale of Activities (L 10.8.1) Activities and Vehicle Movement (Ru 9.13.1)	Activities and scale of activities (10.8.1) manages traffic generation in relation to non-residential activities in the Living Zones. Emergency services facilities are exempt from the vehicle movement maximums. There appears to be no management of traffic generation in the Business Zones in relation to emergency services. The Rural provisions set vehicle movement maximums per day per site depending on the road classification between 15 and 60 ecm/d per site (averaged over a one-week period) (9.13.1). As noted previously, FENZ supports exemptions in favour of emergency services (and specifically fire appliances). FENZ is able to provide data in relation to number of call-outs and associated vehicle movements for existing fire stations if required. St John can also provide data to demonstrate the level of traffic activity if required and also consider exemptions to be reasonable. The Council's Transport Consultants consider a district-wide exemption for emergency services would be reasonable.
Vehicle & Cycle Parking	Vehicle & Cycle Parking (L 5.4.1; B 17.4.1; Ru 4.7.1)	Prior to Plan Change 12 (Integrated Transport Management), parking for emergency services was specifically provided for as follows: <i>Emergency services facilities - 1 space for every 4 personnel operating from the facility, and 1 space for every emergency service vehicle based at the facility such as a fire appliance or ambulance.</i> Plan Change 12 rationalised the number of activities in the car parking requirements table and emergency services are no longer specifically provided for. As a result, the vehicle parking provisions are unclear and potentially overly restrictive as it is uncertain as to which closest activity would apply. Furthermore, for mixed-used facilities, the highest rate applies which could result in excessive parking requirements beyond demand. For example, Places of Assembly/Recreational Activities - 10 spaces per 100m² public area or 1 space per 10 seats, whichever is greater, and Offices - 2.5 spaces per 100m² GFA. Greater clarity is required around the parking demand and appropriate requirements with respect to emergency services and associated training facilities and any community use of buildings. For example, the Christchurch District Plan has parking requirements for fire and ambulance stations based on the number of emergency service vehicle parking bays.

Effect	Relevant Provision	Effectiveness of Provisions
		The cycle parking provisions are also unclear with respect to emergency services. There is demand for on-site cycle parking and therefore the requirements need to be made clearer. FENZ agrees the lack of clarity could result in the provision of more car-parking than is appropriate at fire stations. FENZ supports the inclusion of clear and specific parking standards for fire stations that better reflect the use of the site and the operational needs of FENZ. St John would support a specific rule setting out minimum requirements for parking at ambulance posts and consider this is an important consideration for Council's Transport Consultants. The requirements of St John vary with the activities occurring on site. For example, a hub may not require visitor parking unless training occurs on site. St John consider the Christchurch District Plan provides a useful and generally workable example. The Council's Transport Consultants agree that greater clarity is required around the parking demand and appropriate requirements with respect to emergency services, any associated training facilities and any community use of buildings, which may result in reintroducing a parking rate for emergency services and the introduction of a cycle parking rate. Overall, vehicle and cycle parking need to be considered further with respect to emergency services.
Loading	Loading space (L 5.5.1.3; B 17.5.1.3)	Emergency services facilities are exempt from loading requirements in the Living and Business Zones and there are no applicable provisions in the Rural zones. St John consider an exemption appropriate. As loading is not a key requirement of such facilities and there is generally ample room within the stations/buildings or the site for loading purposes, not requiring a marked and fixed loading space appears logical and reasonable and could be retained. The Council's Transport Consultants agree that loading is not a key requirement of such facilities and there is generally ample room within emergency services sites for loading purposes without the need to require a marked and fixed loading space, and that continued exemptions are appropriate.
Safe and efficient site access; Pedestrian safety	Vehicle accessways (L 5.2.1; B 17.2.1; Ru 4.5.1) Vehicle crossings (L 5.3.1; B	The provisions across the zones require that sites with access to more than one road frontage shall have access to the road with the lowest road classification. There are several examples of emergency services sites with more than one road frontage with vehicle access from each road. This requirement could therefore be of issue with respect to new developments, especially as it is understood that access from more than one frontage is sought by emergency services to enable responsiveness and to assist with avoiding reverse manoeuvring on or off site. The vehicle crossing widths are also considered problematic in some instances. For example, the Southbridge fire station includes a 28m wide vehicle crossing which exceeds the 7m maximum permitted. Resource consent was granted for this

Effect	Relevant Provision	Effectiveness of Provisions
	17.3.1; Ru 4.5.1) Setbacks (B 16.7.2; Ru 3.13.1.1)	infringement as wide crossings are required for safe and efficient site access and such a width is not unexpected in association with such facilities (RC 125318A). The setbacks from site boundaries in the Business and Rural zones may also be problematic depending on the site and road classification. Extensive setbacks are required in the Rural zones in relation to arterial and strategic roads (10-20m), which would typically be where emergency services would be looking to locate. FENZ agrees that these provisions are problematic for fire stations where safe and efficient egress and manoeuvring are typically achieved through two accesses of sufficient width to provide appropriate visibility. St John note that for most ambulance posts, separate visitor/staff access is not required due to the low number of staff on site at any one time, and that hubs and training centres may warrant separate pedestrian access depending on the car/cycle parking layout. The Council's Transport Consultants agree that the: - standard provisions across the zones that require access to more than one road frontage shall have access to the lowest classified road may be problematic for emergency services sites with more than one road frontage, and that this matter needs further consideration to ensure emergency services developments enable responsiveness and avoid reverse manoeuvring on or off site. - 7m maximum vehicle crossing width could be problematic in some instances and result in fire stations in particular requiring resource consent. Some kind of exemption should be considered given the width is a practical requirement and does not impact the intent of the vehicle crossing rule to reduce the impact on pedestrians given the infrequent volume of movements. - setbacks from site boundaries in the Business and Rural Zones may be problematic depending on the site and road classification and need further consideration to provide for functional site design. These provisions need to be considered further with respect to emergency services in liaison with the Council's Transport Consultants.
Safety - rail crossings	Traffic sightlines (L 5.4.1; B 17.4.1 and Ru 4.7.1)	Lines of sight are specified with respect to building positioning and railway lines and are considered a standard means of managing building siting to ensure safety in relation to railway crossings. This is not considered to be an issue for emergency services and FENZ and St John agree.

Effect	Relevant Provision	Effectiveness of Provisions
Safety -State Highways and Arterial Roads	State Highways and Arterial Roads (L 5.5.1.4; Ru 4.5.1.6)	In Living Zones, reverse manoeuvring on or off a State Highway or Arterial road is not permitted, which is considered a standard and acceptable provision. FENZ and St John agree, provided there is the ability to design access and on-site manoeuvring to achieve this. The Rural provisions (4.5.1.6) require that no access is available from another lower classification road, the traffic generated is less than 100 ecm/d with respect to State Highways and the accessway/crossing complies with standards. No access to another lower classification road could be a potential issue as explained above in relation to vehicle accessways/crossings. The Council's Transport Consultants agree as per their comments in relation to the vehicle crossing location rules discussed above. Therefore, this provision needs to be considered further with respect to emergency services in liaison with the Council's Transport Consultants.

Overall, no significant management issues or gaps were identified with the existing provisions. It is more a case of fine-tuning the existing provisions to ensure they more closely reflect emergency services operations distinct from community facilities and other 'non-residential' activities generally.

4.5 Effectiveness of District-wide Rules

As noted previously, it is not considered that the district-wide provisions such as earthworks, heritage, contaminated land, waterbodies, and tangata whenua will create any particular issues for emergency services as they are standard considerations where relevant in association with any development.

4.6 Effectiveness of Water Supply for Firefighting Purposes Provisions

FENZ require the provision of water for firefighting purposes and access to the supply in relation to subdivisions and new developments in both urban and rural contexts.

The existing provisions address water supply for firefighting purposes in relation to subdivisions in the Living 3 Zone only, i.e. rural-residential. It should be explored to determine if such a consideration should extend to subdivisions across all zones.

A further consideration is firefighting water supply and access to it with respect to developments on sites that do not require subdivision. Currently provision for water supply in relation to new development only applies in select areas; i.e. Terrace Downs. It should be considered whether the requirement for water supply and access to the supply is extended wider with respect to new developments.

The supply of water for fire-fighting purposes is also guided by the New Zealand Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008). The Code of Practice was developed to provide direction on what constitutes a sufficient supply of water for fire-fighting purposes in association with new development and is reflected in both the Plan and the Selwyn District Council Engineering Code of Practice.

The FENZ Act has introduced a requirement for FENZ to develop, consult on, recommend the approval of, and publish a new code of practice for firefighting water supplies, which will replace the existing Code of Practice. The timing of this is currently unknown. FENZ seek the inclusion of standards in district plans requiring compliance with the existing (and future new) Fire Fighting Water Supplies Code of Practice.

However, there is the question as to whether the District Plan should continue to contain such provisions in addition to the Selwyn District Council Engineering Code of Practice, or if the Engineering Code of Practice could be relied on solely or in part. It may be clearer that firefighting water supply provisions for both subdivision and/or land use development be contained in the District Plan and the Engineering Code of Practice, so long as there is consistency between the two documents. However, it is recommended that the approach be explored further as part of the next stage of the District Plan Review.

4.7 Other Comment Regarding Effectiveness of Provisions in Relation to Specific Sites

There are two emergency services facilities, one existing and one potential, which are different in nature to typical emergency services facilities and operations, and therefore the effectiveness of the provisions in relation to these facilities is discussed separately below.

4.7.1 St John Waddington Training Facility

The St John Guy Dunlop Training Centre located at 55-59 Waddington Road, Waddington is unique as it is the only St John site in the District from which an ambulance service does not operate. This site is a training and accommodation facility only.

The site is zoned Living 1. Under the Reserves Act the site was gazetted as *Training Camp for Ambulance & Nursing Cadets* NZGZ 1956. At the time, the Commissioner of Crown Land approved

the four-acre school site as a reserve to be controlled and maintained by the St John Ambulance Brigade. St John have advised they own the land under the Reserve Status.

The site is large and contains a range of buildings for training and accommodation purposes of mixed style and age. There is residential development in close proximity to the site. A number of resource consents have been granted in the past (2007 and prior) to relocate buildings onto the site for training and accommodation purposes and for a subdivision, however there are no recent resource consents on record.

As noted in Section 2.2 of this report, St John intend to upgrade the complex in the future to better meet the needs of St John and the community. This may involve the acquisition of a neighbouring site (adjoining sites are also zoned Living 1) to accommodate additional camp facilities and to increase the accommodation capacity to 120 people. It is also proposed that the future development will enable the site to function as a disaster response compound.

As the facility is unique in that emergency services do not operate from the site, it needs to be considered whether it is considered as an 'emergency service' or 'emergency service facility'. It is considered that as this is a stand-alone training and accommodation facility which is not directly linked to an emergency service operation and is not providing a direct emergency service, it would be more appropriate to be considered as a training/accommodation facility subject to the underlying zone provisions.

4.7.2 Potential Urban Search & Rescue Facility in IZone

The potential FENZ USAR and firefighter training facility is proposed to be located at the Izone business hub and would likely require resource consent. The likelihood of the potential new facility proceeding and its exact location has not been confirmed by FENZ, and therefore if and when more details are available, further consideration could be given to the proposal.

At this stage, it is considered that such a facility could fit within an 'emergency services' or 'emergency services facility' definition as it would be providing emergency services and the training is associated with the on-site emergency service. It is also of note that the Christchurch District Plan definition of 'emergency facilities' includes "emergency coordination facilities", recognising that such facilities also play an important role in emergency response and providing for people's health, safety and wellbeing.

4.8 Comparison with Other District Plans

The Ashburton District Plan defines 'emergency services' as follows: *means the services and facilities of authorities which are responsible for the safety and welfare of people and property in the community and includes fire stations, ambulance stations, and police emergency call out and communication activities.* The Plan permits emergency services (which fall within the definition of 'community activity') in the Business A, B and C (i.e. Commercial) Zones only, subject to development standards such as maximum building height and setbacks from site boundaries. In the Residential, Rural and other Business Zones emergency services are a discretionary activity, and a non-complying activity in the Industrial Zones. Noise emissions from emergency services during emergency services call-outs are exempt from compliance with the noise standards. The Transport provisions in general apply to emergency services and there appear to be no activity specific transport standards.

In the Waimakariri District Plan 'emergency service' is defined as: *means a service or authority responsible for safety and welfare of people and property in the community, and includes any fire station, ambulance station or police station, and vehicle facility associated with such a service.* Emergency services are not specifically provided for, however the Plan permits any land use or activity if it complies with all of the conditions and provisions for permitted activities in all chapters. Examples of relevant development standards include structure coverage, setbacks from road and internal boundaries, structure height, and screening and landscaping. Any noise source which is part of a warning device used by emergency services is exempt from the noise provisions. The Transport provisions in general apply to emergency services and there appear to be no activity specific transport standards.

By way of further comparison, the Christchurch District Plan permits emergency services facilities¹³ across all zones subject to compliance with a range of development standards. For example, development standards in the Residential zones include maximum building height, site coverage, recession planes, and setbacks from internal and road boundaries. Emergency services are also exempt from the noise provisions, including sirens used during an emergency, and activities at emergency service facilities associated with emergency response and emergency response training.

Overall, the provisions are considered to be relatively consistent. All of the Plans define emergency services and share a common thread of providing for the safety and welfare of people and specifically providing for fire, ambulance and police services and facilities. A range of activity statuses apply between the Plans, with the Ashburton Plan being the most restrictive. Like Selwyn District, all of the plans include exemptions from the noise provisions associated with warning devices/sirens and apply transport provisions to emergency services.

5. Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan 2013 does not contain any provisions specifically relevant to emergency services aside from the overarching district-wide matters applicable to development such as earthworks, which will be addressed by other District Plan Review Projects.

The Mahaanui Iwi Management Plan has a strong focus on wai (water) and water management in association with land uses.

FENZ has a vital requirement for water supply for fire-fighting purposes to ensure water is readily available to manage fire hazards. The FENZ Act 2017 provides the legislative mandate for FENZ to access existing water supplies and any source of water for the purposes of performing its duties and functions in an emergency.

The supply of water for fire-fighting purposes in association with subdivision and land use development is also guided by the New Zealand Fire Fighting Water Supplies Code of Practice (SNZ PAS 4509:2008). This standard is reflected in both the District Plan and the Selwyn District Council Engineering Code of Practice.

A new replacement Code of Practice will be developed by FENZ under the FENZ Act. As part of the development of the Code, FENZ is required to consult with local advisory committees, local authorities and any other appropriate authorities or organisations before submitting the Code to the Minister for approval. It is expected there will be an opportunity for mana whenua, facilitated by Mahaanui Kurataiao Ltd, to provide input into the development of the Code of Practice if of interest. How the Code is implemented in the Proposed Plan will also be considered in further stages of the District Plan Review, with further opportunity for feedback if of interest.

Mahaanui Kurataiao Ltd reviewed this report and did not have any feedback.

6. Management Options

Although not specifically requested in the Project Scope deliverables, a brief assessment of three obvious potential management options are outlined below.

6.1 Designations

As previously noted, with respect to NZ Police, it is considered that designating is the most appropriate management approach given NZ Police are operating effectively under this regime and intend to retain it. Designating is not an option for FENZ and St John and therefore this option has been discounted with respect to their facilities and operations.

6.2 Specific Purpose Zone

Applying a Specific Purpose Zone in relation to FENZ or St John facilities would ensure provisions are contained in the same area of the plan and the approach could assist with usability of the plan. It

¹³ The relevant Christchurch District Plan definition is contained in Footnote 7.

could also be seen as proactively recognising and managing such facilities and a means of achieving greater consistency.

However, such an approach would be inefficient compared to the existing regime (with amendment) as a significant threshold of information is required to develop an activities-based zone for a significant number of activities that vary in scale, location and function, with the risks and costs likely to fall to the Council. This risk is also exacerbated by the absence of clear strategic planning to identify where it might be appropriate for future facilities to be located (especially as it is known St John is in a state of flux at the present time regarding future strategic growth).

Overall, this option is considered inefficient when compared to the existing approach of applying zone and district-wide provisions (with amendment).

6.3 Zone and District-Wide Provisions

It is considered that the existing management regime of relying on zone and district-wide provisions with respect to FENZ and St John facilities is the most appropriate, given the current general effectiveness of this regime, and given that it could be readily enhanced with minor amendments to the existing provisions and the development of new provisions. It is also of note that such an approach is routinely taken to providing for emergency services facilities in other district plans.

7. Recommendations

7.1 Retain Designations - NZ Police

1. Retain the existing NZ Police designations. The Minister of Police intends to 'roll-over' these existing designations into the Proposed Plan, which will be addressed as part of the Designations Project. It is noted that designating is a management option only available to NZ Police at this time.

7.2 Retain the Plan Approach with Amendment - FENZ and St John

2. Currently FENZ and St John rely on zoning and relevant zone and district-wide Plan provisions with respect to their facilities and activities. The analysis has shown that while there are some areas of concern with the effectiveness and relevance of the provisions to emergency services, they are working relatively effectively in managing emergency services activities and could be readily improved. It is recommended that this existing approach be retained, but amendments are made to the provisions so they are more enabling and targeted in relation to emergency services.

7.3 Definitions

3. Retain a definition of 'emergency services' (with amendment) or develop a new 'emergency facilities (activities)' definition and ensure:
 - 3.1 The drafting of new definition(s) is cognisant of any 'emergency services' definition proposed by MfE as part of the National Planning Standards;
 - 3.2 The relationship to other community related definitions such as 'community facility' is considered as the Community and Recreation Project (DW003) is progressed and the drafting avoids overlap between definitions (and subsequent provisions); and
 - 3.3 The drafting is clear about the extent of the definition in terms of what emergency services facilities/activities are included and whether it extends to the likes of training and emergency services coordination facilities.
4. Continue to not define 'Emergency'.

7.4 Objectives & Policies

In general, it is recommended that:

5. **More consistent district-wide policy direction be provided** - Consistent district-wide direction (where appropriate) is required with respect to emergency services to address current imbalances and inconsistencies between the Rural and Township Volumes.
6. **Stand-alone policies (and possibly objectives) are considered** - Emergency services would be better reflected in stand-alone policies at least to provide clearer and more specific direction to such facilities versus community facilities and other non-residential activities in general. However, emergency services could feasibly also continue to be considered a 'community facility' at the objective level especially if supported by more specific targeted emergency services specific policies (also dependent on the findings of the Community and Recreation Facilities Project (DW003)).

The types of matters relating to emergency services recommended to inform or be reflected in objectives include:

7. **The health, safety and wellbeing of people and communities** - Explicit recognition of emergency services and their necessity and benefits to the health, safety and wellbeing of people and communities across the district.
8. **Minimise the adverse effects of fire and other emergencies** - Recognition of the importance of managing fires and emergencies and to enable emergency services to access property and water for firefighting and other emergencies (noting the relationship to the firefighting water supply policy recommendation 15).

The types of matters relating to emergency services recommended to inform or be reflected in policies include:

9. **Enabling emergency services** - Provide clearer direction to enable emergency services in all zones in recognition that emergency services often need to locate in the communities they serve for operational efficiency and/or as part of a wider strategic network.
10. **Co-location and multiple uses** - Retain policies which support and encourage the co-location of community and emergency services facilities and the facilitation of multiple uses which reflects the increasing move towards multi-use facilities by the emergency services and other community service providers across the district.
11. **Distinction between emergency services and community facilities and 'other' non-residential activities** - Emergency services are considered unique from most other community and non-residential activities as they have an operational or in some cases strategic need to locate in residential areas compared to other community facilities. Such a policy could be balanced by requiring continued consideration regarding the effects on residential character and amenity.
12. **Greater built development flexibility** - Continue to include policies which provide for greater development flexibility and leniency with respect to emergency services facilities and provide a clear and direct link to the particularly relevant rules and exemptions, i.e. site coverage.
13. **Noise** - Develop a consistent district-wide policy exempting emergency services warning devices/sirens from noise compliance so emergency services can continue to effectively function and serve communities and consider wider noise exemptions.
14. **Transportation** - Develop policies which provide clear direction with respect to emergency services transportation requirements such as exemptions from traffic generation/movement provisions.

15. **Fire-fighting water supply** - Include consistent policy direction to address the adequate provision for firefighting water supply and access to both the fire risk and the water by emergency services vehicles.

7.5 Rules

The Project Scope requests an outline of possible options for rules in Living, Business and Rural zones to provide for emergency services facilities. Potential rule options are outlined below in a general sense rather than zone by zone as the rules cross zones in some instances:

16. **Hardstand areas at front of the site** - Retain flexibility in the rules for hardstand areas to be permitted between the road boundary and principal building.
17. **Site coverage** - Retain rules which allow a higher level of site coverage in the Living and Business Zones and consider an exemption in the Rural Zone (as per the current policy direction).
18. **Scale of activities** - Reconsider rules across zones which restrict vehicle movements, staff and hours of operation in relation to emergency services and either amend to better provide for emergency services or consider exempting emergency services completely from such rules (relates to recommendation 27 a.).
19. **Building Height** - Continue to subject buildings to height limits but provide greater clarity in the rules and/or definitions pertaining to sirens (roof and pole mounted), flag poles, hose drying towers and communications facilities on emergency services sites and consider exemptions (in conjunction with the review of the Utilities provisions).
20. **Recession planes** - Retain rules requiring compliance with recession planes across the zones.
21. **Setbacks** - Continue to require internal yard setbacks. However, with respect to road setbacks, provide greater clarity in the rules regarding emergency services facilities versus residential building setbacks in Living Zones in particular and reconsider the extent of the setbacks required in line with operational requirements.
22. **Noise** - Continue to exempt emergency services facilities from the noise rules across the zones, including warning devices/sirens at stations and warning devices/sirens attached to emergency services vehicles. Also consider whether an exemption should extend to other on-site noise generated by emergency services activities, i.e. general on-site noise, subject to advice from Council's Acoustic Consultants.
23. **Signage** - Seek feedback from the Council's Signage Consultant as to whether the signage provisions are considered appropriate across the zones with respect to emergency services, especially the 1m² maximum applicable to free-standing signs in the Living Zones, or whether it may be appropriate to provide exemptions for emergency services signage.
24. **Lighting and Glare** - Continue to apply lighting and glare rules.
25. **Outdoor storage** - Continue to apply outdoor storage provisions in Living Zones to screen outdoor storage.
26. **Water supply for firefighting purposes** -
 - a. Consider whether standards should continue to be contained within the District Plan and/or the Selwyn District Council Engineering Code of Practice, and ensure the documents are consistent where necessary;
 - b. Consider whether the water supply for firefighting provisions applicable to subdivision and new developments should be applied more widely across the zones;

- c. Ensure relevant provisions reference the new version of the New Zealand Fire Fighting Water Supplies Code of Practice when available.

27. Transportation:

- a. **Traffic generation** - Continue to exempt emergency services from any restriction on traffic movements in the Living and Business Zones and extend this exemption to the Rural Zones.

- b. **Loading** - Continue to apply the existing loading exemption across the zones with respect to emergency services.

It is recommended that the Council's Transport Consultants consider the following matters further:

- c. **Parking** - Consider including vehicle and cycle parking requirements for emergency services (currently not specifically listed in the Plan) and also consider provision for multi-use facilities and how this is best reflected in the car and cycle parking requirements.
- d. **Access to lowest classification road** - Consider whether access to the road with the lowest road classification is an appropriate requirement where there is more than one road frontage with respect to emergency services.
- e. **Vehicle crossing widths** - Consider whether the vehicle crossing widths are appropriate to emergency services.
- f. **Setbacks in relation to arterial and strategic roads** - Consider whether the extent of the building setbacks in relation to arterial and strategic roads are necessary with respect to emergency services.

Appendix A: FENZ Facilities

Existing Facilities

Location of existing facilities	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning	District Plan Approvals
Rolleston Station 4 Chaucer Street, Rolleston Lot 14 DP307 1011m ²	New Zealand Fire Service Commission	Volunteer Fire Station	Two bay shed with side annex. Roof mounted siren and utility pole	32 Volunteer staff	Living 1	
Lincoln Station 1 James Street (Cnr Liffey Place), Lincoln Lot1 DP 46739 1589m ²	New Zealand Fire Service Commission	Volunteer Fire Station	Large triangular corner site with frontage to James St and Liffey Pl. One large building and two sheds.	32 Volunteer staff	Living 1	
Darfield Station 21 North Terrace, Darfield Lot 10 DP 70575 1390m ²	New Zealand Fire Service Commission	Volunteer Fire Station St John and NZ Police also located on North Terrace	One large building and two bay shed.	16 Volunteer staff	Living 1	
Kirwee Station 11 Tramway Road, Kirwee Lot 7 DP 77929 1778 m ²	New Zealand Fire Service Commission	Volunteer Fire Station	Station building and separate double garage	18 Volunteer staff	Living 1	RC 115276 granted 8/11/11 to erect a garage within front yard setback (RD). A condition of consent requires sectional roller doors. Granted non-notified - effects no more than minor and written approval obtained from adjoining property owner. Reasons for consent: - Does not comply with the minimum setback from the road boundary of 5m – 4.5m setback
Dunsandel Station 10 Browns Road, Dunsandel 562m ²	Land leased off SDC	Volunteer Fire Station	Two bay shed with annex at rear. Sealed area at front.	16 Volunteer staff	Living 1	

Location of existing facilities	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning	District Plan Approvals
		Includes Dunsandel Recreation Reserve, Hall and Plunket				
Hororata Station 2540 Bealey Road, Hororata	Land leased off SDC	Volunteer Fire Station	Two bay shed with side annex. Sealed area at front and car park to side of annex with 9 car parks. 9m high pole with siren 1800 x 600 freestanding sign at front of site.	12 Volunteer staff	Living 1	RC 095021 granted 3/4/09 to construct and operate a new station. Granted non-notified. Conditions of consent: - Width of access no more than 12m - Landscaping in accordance with landscaping plan - Sign 1.08m ² and 1.6m high
Coalgate Station 67 Bridge Street (7 Everett St) Coalgate Lot 2 DP 46619 2039m ²	New Zealand Fire Service Commission	Volunteer Fire Station	Single bay shed with side annex. Large sealed area adjacent to shed and siren mounted on high pole.	15 Volunteer staff	Living 1	
Sheffield Station 8-10 Railway Terrace East, Sheffield Lots 4-5 DP 128 1302m ²	New Zealand Fire Service Commission	Volunteer Fire Station	Single bay shed.	16 Volunteer staff	Living 1	
Weedons Ross Road, West Melton (No address recorded - next to 735 Weedons Ross Road) Lot 3 DP 481844	Selwyn District Council	Rural Volunteer Fire Station	New station to be constructed.	Approx. 15 Volunteer staff	Living 1 West Melton Observatory Zone	

Location of existing facilities	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning	District Plan Approvals
73 West Coast Rd, Arthur's Pass Village	Department of Conservation shared lease with Selwyn District Council	Rural Volunteer Fire Station	St Johns & SDC vehicle also located here	Approx. 10 Volunteer staff	Living 1	
Darfield, 5 Mathias Street	Selwyn District Council	Rural Volunteer Fire Station		Approx. 20 Volunteer staff	Business 1 Business 2	
Canterbury Area Office, Unit 9, 2 Izone Drive Rolleston	Leased from J A Laurie	Office facility only	Relatively new terraced office development.	5 staff - Area commander and admin staff; Fire Risk Manager; 3 Volunteer Support Officers	Business 2	
Southbridge Station 2 Hastings Street (Cnr High & Hastings St), Southbridge Lot 1, DP 45052 1199 m ²	New Zealand Fire Service Commission	Volunteer Fire Station	Recent new build. Two bay station (one fire truck and one fire tanker (rural fires)) with storage and side annex containing training/social room, kitchen, bar, office, watch room, locker room and bathroom facilities. 32% building cover. Hours – as required basis.	17 Volunteer staff	Business 1	RC125318 granted 6/8/13 to build and operate a new station. Granted non-notified - effects no more than minor and less than minor effects on any party and therefore no written approvals required. Reasons for consent: - Breach of car park landscaping requirements (RD) – landscaping required between the principal building and the road boundary – planting bed of 1.5m x 1.5m required and 1 x 1 proposed. Landscaping plan condition on consent - to be provided prior to issue of Code of Compliance to determine the number and location of trees complies with 17.7.1.2 with a reduced planting bed size of 1m x 1m. - Vehicle crossing width (D) – 7m permitted and the crossing is 28m

Location of existing facilities	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning	District Plan Approvals
						wide to ensure two appliances can exit. - NES for assessing and managing contaminants in soil to protect human health – HAIL activity has occurred on site and proposed land disturbance (RD) – Site Remediation Plan, and condition requiring validation report to be submitted to ECan and SDC. Other comments: - Sirens exempt from noise provisions and other noise generated anticipated to comply.
Leeston Station 33 Station Street, Leeston Lot 2 DP 64751 693 m ²	New Zealand Fire Service Commission	Volunteer Fire Station	Two bay station building with small side annex at front of site and sealed parking area at rear	19 Volunteer staff	Business 1	
Springfield Station 1 Tawera Lane (Cnr King Street and Tramway Road), Springfield Lot 4 DP 307691 2180m ²	New Zealand Fire Service Commission	Volunteer Fire Station	Relatively new two bay station with relatively large single storey annex.	11 Volunteer staff	Rural Outer Plains	RC305154 – granted 1/11/01 (pre-dates operative Plan so have not reviewed)
Corner Kowhai Drive and Hummocks Road, Lake Coleridge	Trustpower	Rural Volunteer Fire Station	?	Approx. 8 Volunteer staff	Rural High Country (Site and zoning not confirmed)	
Future:						

Location of existing facilities	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning	District Plan Approvals
Location of future facilities	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning or Designation and any other restrictions	District Plan Approvals
4 Chaucer Street, Rolleston (adjacent to St John)	New Zealand Fire Service Commission	New Station proposed			Living 1	None as yet.
IZone [Address not known] http://www.stuff.co.nz/the-press/news/mid-canterbury-selwyn/10558803/Boost-to-ambulances-for-rising-population		Urban search and rescue base; South Island firefighter training facility	2ha			None as yet.

Appendix B: St John Facilities

Existing Facilities:						
Location	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning	District Plan Approvals
14 Kidman Street, Rolleston Lot 5 DP 461560 (1.9311 ha) (Application site = 2309m ²)	Building - owned by St John. Land - owned by Selwyn District Council and leased to St John	St John HQ, including: staff offices and facilities; ambulance storage; first aid training facilities. The building is also available for community use - meetings and functions.	Alteration of existing dwelling (300m ²) and new 4 bay garage (200m ²) Capacity: Medium Sized Hall - training space for approx. 40 people with kitchen A second meeting/training space for approx. 20 people.	Hours - 24/7; community use 8-11pm 7 days. Staff - variable, 4 to 8 depending on need. Parking & Loading - 10 parking spaces currently and propose to increase to 19; loading space provided. Signs - no greater than 3m ² .	Living 1 and Business 1 Zones; Key Activity Centre (Precinct 7 – Appendix 29A)	Resource consent granted 1/9/15 – discretionary activity (RC155385) Reasons for consent: - Rule 7.1.1.6 - Signs over 1m² face area in Living Zone (discretionary) - Rule 5.3 Appx 13 Vehicle Crossing distance from intersection (restricted discretionary) - Rule 5.5.1.2 - Parking not compliant with reverse manoeuvring and queuing spaces (discretionary) - Rule 10.8 - Scale of activities - More than two staff and total building area greater than 500m² (discretionary) - 10.9 - Hours - operation outside of 7am-10pm (discretionary)
64 High Street, Leeston	Order of St John	Ellesmere Ambulance Station Single storey building with double bay garage attached.	Similar scale to Rolleston.		Business 1	No resource consents found
4 Bray Street, Darfield	Order of St John	Darfield Ambulance Station	Purpose-built facility constructed in 2016.		Business 1	No resource consents found. Building Consent (142190).
55-59 Waddington Road, Waddington	DoC	Guy Dunlop Training Centre - training and	Large site containing numerous buildings for training and accommodation purposes.		Living 1	Consent lodged in 2014 to demolish heritage building on site (Waddington

		accommodation only. No ambulance service from this site	A heritage building is located within the site (H41).		Heritage Item (H41)	School Building), but withdrawn (135138). Consent for two-lot subdivision in 2011 (105031). Consent granted in 2007 to relocate two residential building onto site for accommodation and training purposes (075139) and prior to that two further consents granted to relocated buildings onto the site (R303688 and 303008).

Appendix C: NZ Police Facilities

Location	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning or Designation and any other restrictions
State Highway 73, Arthurs Pass	NZ Police	Police Station and Residence		1 staff No issues with parking etc. for any of the sites.	Living 1 Designation MP1
14-16 North Terrace, Darfield	NZ Police	Police Station and Residence	Only 1 house now – sold other house	3 staff	Living 1 Designation MP2 Condition relating to - 1. Heritage building on site. Refer to copy of the condition below the table. Heritage Building – H5 Police Lock-Up Darfield (Appx E03 – Map 69)
Cnr Station and Cunningham Streets, Leeston	NZ Police	Police Station and Residence		3 staff	Living 1 Designation MP3
30 Gerald Street, Lincoln	NZ Police	Police Station	House sold	3 staff	Living 1 Designation MP4
69-75 Tennyson	NZ Police	Police Station and Residence (note comment in next	NZ Police advised there is no residence at	8 staff (increase by 8 -10 in Oct 2018) – shifts with 4 max on site at any one time	Business 1 Designation MP5

Location	Ownership	Nature of the activity	Scale of the facility/activity	Operational needs	Zoning or Designation and any other restrictions
Street, Rolleston		column about residence)	Rolleston - The designation 'roll over' process will enable this detail to be modified so that it is accurate.		

MP2 – Darfield Police Station Designation Condition

Any works to the Darfield Lock-Up building are limited to maintenance. For the purposes of this condition maintenance means:

- a) Replacement of any materials which do not form part of the original heritage features of the building, structure or site;*
- b) The replacement of any materials which form part of the original heritage values of the building, structure or site, provided that these materials are of the same or similar appearance and character as the original materials;*
- c) Any repainting of existing painted surfaces;*
- d) Any cleaning or washing of external heritage features provided that this does not involve the use of abrasive materials or techniques, such as sandblasting.*

Temporary Office After Earthquakes - RC 115057 – March 2011. To use existing dwellings as emergency office accommodation for the Special Identification Unit of the New Zealand Police; Corner of Byron Street and Dick Roberts Place, Rolleston. Site zoned Living 1. Consent granted for 2 years – expired March 2013. Car parking and staff numbers were reasons for consent. Very straightforward consent processed in 3 working days.

Appendix D: Operative Selwyn District Plan Provisions

Objectives and Policies	Township	Rural
B2 Physical Resources - Community facilities	Community facilities include emergency services. Important physical resources which assist communities to provide for their health and safety.	
B2.3 Community Facilities (and Reserves) - Issues	Providing community facilities which keep pace with changes in community size and needs. Effects of community facilities on the environment. What Are Community Facilities? Community facilities include land, buildings, equipment and services available to local communities for a range of activities, with or without charge. They include: meeting halls, places of worship, education, recreation areas and reserves, medical facilities, and emergency services. Community Facilities in the Selwyn District Community facilities which are available in most townships in Selwyn District include: Emergency Services On the other hand, residents in townships need to recognise that existing community facilities in living areas are part of the environment in which they live and in the case of emergency services, represent important physical resources which assist communities to provide for their health and safety. Issue 1 Providing Community Facilities Issue 2 Effects of Community Facilities	B2.3 Community Facilities and Recreational Areas Ongoing use and maintenance of existing community facilities. Community facilities include land, buildings, equipment and services available to local communities for a range of activities, with or without a charge. They include: meeting halls, places of worship, schools, recreation areas and reserves, emergency services, and cemeteries.
Community Facilities (and Reserves) - Objectives	Objective B2.3.1 Residents have access to adequate community facilities. Objective B2.3.2 Community facilities do not adversely affect residential amenity values or other parts of the environment.	Objective B2.3.1 Efficient use and maintenance of community facilities is encouraged. Objective B2.3.1 is to encourage the use of existing community facilities in the rural area. The District Plan does this by recognising community facilities as part of the rural area; and ensuring policies and rules do not unnecessarily hamper the multiple use of community facilities.
Community Facilities	Policy B2.3.1	Policy B2.3.1

Objectives and Policies	Township	Rural
(and Reserves) - Policies	Encourage co-ordination between the provision of community facilities, and new residential and business development.	Recognise community facilities as part of the rural environment and encourage new uses for existing community facilities.
	Policy B2.3.2 Encourage community facilities to be located in areas where they are easily accessible to residents, including in Living zones, provided any adverse effects on the environment can be avoided, remedied or mitigated.	Policy B2.3.2 Exempt community facilities from site coverage requirements in the rural area. The reason is to reduce the cost of buying and maintaining sites for community facilities. There are a limited number of community facilities in the rural area, so the exemption is unlikely to cause a cumulative adverse effect on rural character.
	Policy B2.3.3 Encourage community facilities to be designed and formed: To be easily accessible for people with impaired mobility and children; With regard to personal safety; and To be cost effective (where local government funding is involved); and To utilise buildings with heritage values where possible and appropriate.	Policy B2.3.3 Encourage new community facilities to: (a) Be located in or adjoining townships; and (b) Be designed and sited for easy access and personal safety of patrons.
	Policy B2.3.4 Avoid locating community facilities on the opposite side of Strategic Roads or railway lines, from the main residential area(s) in a township, unless a safe access route is provided between areas, for motorists, pedestrians and cyclists.	
	Policy B2.3.5 Recognise existing community facilities as part of the environment when assessing effects of any proposed changes to the facility.	
	Policy B2.3.6 Encourage co-locating community facilities where appropriate.	
	Policy B2.3.7 Facilitate multiple use of individual community facilities, where appropriate.	
Quality of the Environment - Objectives	Objective B3.4.2 A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone. Objective B3.4.3 “Reverse sensitivity” effects between activities are avoided.	Objective B3.4.2 A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects. Objective B3.4.2 recognises the Rural zone as an area where a variety of activities take place: All sorts of primary production Outdoor recreation A variety of business activities Residential activities; and community facilities

Objectives and Policies	Township	Rural
Quality of the Environment - Policies	Policy B3.4.2 To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.	Policy B3.4.1 Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.
	Policy B3.4.3 To provide Living zones which: are pleasant places to live in and provide for the health and safety of people and their communities;	Policy B3.4.3 Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.
Health and Safety - Fire	Township B3 Health Safety and Values Fire Large-scale fires in the District usually result from a combination of weather conditions (hot and dry) and human activities. These fires tend to affect rural areas. Provisions in the District Plan (<u>water for firefighting</u>); requirements in the New Zealand Building Code; and <u>emergency services</u>, help reduce the risk of and damage from fires in townships.	
Health and Safety - Noise	Policy B3.4.10 Ensure noise in all zones does not adversely affect the health or well-being of people. Policy B3.4.11 Maintain background sound levels which are appropriate to the quality of the environment and amenity values of each zone. Explanation and Reasons Any activity that cannot comply with the noise limits may still be able to occur in the zone, if the noise will not adversely affect people's health or well-being and is appropriate to the character of the zone or is required for the delivery of emergency services.	Policy B3.4.14 Some activities, including those associated with the delivery of emergency services, have been exempted from the noise standards. Policy B3.4.13 Recognise temporary noise associated with short-term, seasonal activities as part of the rural environment, but ensure continuous or regular noise is at a level which does not disturb people indoors on adjoining properties. Some activities, including those associated with the delivery of emergency services, have been exempted from the noise standards.
Scale and Nature of Activities	Policy B3.4.16 Ensure the operating hours for non-residential activities in Living zones do not disturb surrounding residential activities, particularly at night.	
Traffic	Policy B3.4.18 Ensure non-residential activities in Living zones generate vehicle and pedestrian movements on a scale compatible with the quality of the environment in Living zones and the local receiving environment.	
Non-residential activities - amenity values	Policy B3.4.27 Ensure buildings and structures in Living zones which are used for non-residential activities, are of a size and bulk and in a setting compatible with the quality of the environment and amenity values of a residential area.	

Objectives and Policies	Township	Rural
B4 Growth of Townships Living 1 & 2 - Site coverage	Policy B4.1.7 Explanation and Reasons A greater level of site coverage has been allowed for in the Living 1 and 2 Zones for emergency services recognising their importance to the community and provides scope for development or redevelopment of such sites. Their limited number will ensure that the character of surrounding areas is maintained.	
Subdivision – access to emergency services	Subdivision of land anticipated results Provide ready access to public transport, health care and <u>emergency services</u> , schools, community facilities, employment and services through linkages and integration with adjoining townships;	
Living 3 Zone - Fire-fighting water supply	Policy B3.4.4 (a) To provide for rural residential living environments through the Living 3 Zone. Where new Living 3 Zone areas are proposed, these are to be in locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014 and developed in a manner that: ... Ensure that rural residential development is able to effectively connect to reticulated wastewater and water services (<u>including the provision of a fire fighting water supply to the standards set out in SNZ PAS 4509:2008; either as provided within the reticulated system, or as supplementary on-site storage</u>);	

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
Activity Status	C1 LZ Activities Rule 1.1.1.1 - Any activity is permitted where rules 2-11 are met.	C13 BZ Activities Rule 13.1.2 - Emergency services facilities are permitted in the Business 1 zone where Rules 14-23 are met. Expressly permitted in Business 2B. Emergency services permitted in KAC Precincts 2,3,4 and discretionary in Precincts 1 (Core Retail) and 8 (Community Anchor/Town Square).	C9 Activities Rule 9.1.1 - Any activity is permitted where rules 1-8 or 10 are met.
Earthworks	C2 LZ Earthworks 2. Earthworks rules considered permissive i.e. a volume of not more than 2,000m ³ per project.	C14 BZ Earthworks 14.1 - Earthworks rules considered permissive i.e. a volume of not more than 5,000m ³ per project.	C1 Earthworks 1.1 to 1.7 - Earthworks rules considered permissive
Heritage	C3 LZ Heritage Heritage Structures and Sites and Protected Trees	C15 BZ Heritage 15.1 Protected Trees 15.2 Heritage Buildings, Structures or Sites	
Buildings	C4 LZ Buildings	C16 BZ Buildings	C3 Buildings

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
	See below.	See below.	3.4 Buildings and Rural Character 3.4.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if the following condition is met: 3.4.1.1 In the areas shown on the Planning Maps as the High Country or the Malvern Hills (outside the areas shown as Areas of Outstanding Landscape), the exterior finish of any dwelling or other principal building has a maximum reflectance value of 37%, except for buildings which are clad in unpainted corrugated iron;
Buildings and landscaping	4.2 Except for the Living 3 Zone at Rolleston identified in the Outline Development Plan in Appendix 39 and 40, any principal building ¹⁴shall be a permitted activity if the area between the road boundary and the principal building is landscaped with shrubs and planted in lawn, and/or paved or sealed, and/or dressed with bark chips or similar material.	16.1 Except as provided in Rules 16.1.2 to 16.1.6 any principal building shall be a permitted activity if the area between the road boundary and the principal building is: 16.1.1.1 Paved or sealed; or 16.1.1.2 Planted in lawn; or 16.1.1.3 Landscaped with shrubs, bark chips or similar materials; or 16.1.1.4 For the purpose of screening in the Business 2 and 3 zones, landscaping methods listed in Rule,16.1.1.1 to Rule,16.1.1.3 are employed 16.1.2 – applies to Bus 2A	Nil
Buildings and Contaminated land	4.3 Refers to Rule 10.1 - Activities and contaminated land, whereby emergency services are not included in the list of non-permitted activities.	16.2 Refers to Rule 22.1 - Activities and contaminated land, whereby emergency services are not included in the list of non-permitted activities.	3.5.1 Buildings and Contaminated Land – Permitted.
Buildings and water supply	4.4 All Living Zones, principal buildings are permitted if connected to a reticulated water supply.	16.3 All Business Zones, principal buildings are permitted if connected to a reticulated water	Nil

¹⁴ **Principal Building:** includes any building or buildings which is/are used as part of the primary activity or activities on the site. Principal buildings include dwellings but do not include accessory buildings.

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
		supply. Business 3 Zone does not require such a supply.	
Buildings and Sewage Treatment Disposal	4.5 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system. In all other Living zones in the district dwellings shall be permitted activities provided that they are serviced by on-site effluent treatment and disposal systems.	16.4 In the Business zones at Castle Hill, Doyleston, Leeston, Lincoln, Prebbleton, Rolleston and Southbridge, the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system, unless, in the case of a principal building other than a dwelling within the Business 3 Zone, the intended use of that building does not generate sewage. In all other Business zones in the District, dwellings shall be permitted activities provided that they are serviced by on-site effluent treatment and disposal systems.	Nil
Buildings and site coverage	4.7 Permitted: Living 1, Living WM - 50% (normally 40%) Living 2 - 40% Higher levels of site coverage have been provided for emergency services recognising their importance to the community. Their general one-off locations throughout the district's townships ensures any impact of increased density on the overall character of an area is minimal.	16.5 In the Business 1 Zone at Rolleston bounded by Rolleston Drive, State Highway 1 and Dick Roberts Place, the following shall be permitted activities: 16.5.2.1 The erection of any building, or redevelopment, involving more than 2,500 square metres of gross leasable floor area where the site coverage does not exceed 35%. 16.5.2.2 The erection of any building or redevelopment involving less than 2,500 square metres of gross leasable floor area where the site coverage does not exceed 50%.	3.11.1.1 The maximum area of any allotment covered by buildings shall be: (a) 35% or 500m ² whichever is the lesser, for allotments less than 1ha in area. (b) 5% for all other allotments. Community facilities/emergency services not included in the list of exemptions.
Building and building height	4.8 8m. Rule 4.8 sets maximum height requirements for buildings and structures, to ensure they are in keeping with the visual character of the Living zones.	16.6 Buildings and Height and Reflectivity Business 1 - 10m for building, 25m for structure Business 2 - 15m for building, 25m for structure	3.12.1 8m for any building designed or used for human occupation; or 12m for any other building, except grain silos, where height shall not exceed 25m.
Buildings and Building position	4.9 4.9.1 Recession planes Set out in Appendix 11. 4.9.2 Setbacks	16.7 16.7.1 Recession planes Set out in Appendix 11. 16.7.2 Setbacks from boundaries	3.13.1.1 Setback between 3-5m from a property boundary and 10-20m from an arterial/strategic road, 10m from another road depending on building type and site size.

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
	Garages facing roads (i.e. fire stations) are required to be 5.5m back from the road and 2m from an internal boundary.	Business 1 = No specific setback (apart from West Melton Business 1) Business 2 = 2m road; 5-10m side (depending on site) Business 2B = 5m road; 3m side (adjoining a rural boundary)	Sensitive activities also need to be setback 300m from intensive farming activities. 3.13.1.3 Recession plane angles in Appendix 16.
Building setbacks from waterbodies	4.15 10-20m required depending on waterbody.	4.15.1 10-20m required depending on waterbody.	3.13.1.4 10-100m depending on waterbody.
Buildings and sites of significance to Tangata Whenua (Wahi Taonga Management Areas)	4.16 Manages the effects of erecting buildings in Wāhi Taonga Management Areas at Rakaia Huts. Activities which may disturb this area and sites require a resource consent.	4.16 Manages buildings on sites of significance to tangata whenua.	3.6 Manages buildings on sites of significance to tangata whenua.
Buildings and Urban Design	4.18 The Council has developed a Commercial Design Guide addressing the design of new developments. However, resource consents are only assessed against the matters of control listed in these rules. In Key Activity Centre Precinct 5, as identified in Appendices 29A or 29B , the following activities shall be a controlled activity.....	16.12 The Council has developed a Commercial Design Guide addressing the design of new developments and applicants are encouraged to consider the matters discussed within this as a useful reference. However, resource consent applications will be assessed only against the matters of control listed in these rules. In Key Activity Centre Precincts 1 to 4, 7 and 8 as identified in Appendix 29A or 29B , the following activities shall be a controlled activity.....	
Roads and Transport (and Appendix)			
Vehicle accessways	5.2.1 The forming of any vehicle accessway shall be a permitted activity if the following conditions are met: 5.2.1.1 The site has legal access to a formed, legal road; and 5.2.1.2 Any site with more than one road frontage to a road that is formed and maintained by Council,	17.2.1 The forming of any vehicle accessway shall be a permitted activity if the following conditions are met: 17.2.1.1 The site within which the vehicle accessway is formed has legal access to a formed, legal road; and 17.2.1.2	4.5.1 The forming, installation, upgrading, maintenance or replacement of any vehicle accessway or vehicle crossing shall be a permitted activity if the following conditions are met: 4.5.1.1 Any part of any vehicle accessway does not have a gradient greater than: (a) 1:6 vertical; or

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
	shall have access to the formed and maintained (and legal) road with the lowest classification, except that where a site has frontage to a collector and a local road frontage may be obtained to either road. Note: For example, where a state highway and arterial road intersect the access shall be to the arterial road or in the case of an arterial road and collector road access shall be to the collector road. 5.2.1.3 The vehicle accessway is formed on land which has an average slope of less than 20°; and 5.2.1.4 The vehicle accessway does not have a gradient greater than: (a) 1:6 vertical; or (b) 1:20 horizontal; and 5.2.1.5 The vehicle accessway is not located closer than: (a) 20m to any waterbody listed in Appendix 12; or (b) 20m to a site listed in Appendices 3 or 4; and 5.2.1.6 The vehicle accessway is formed to the relevant standards in Appendix E13.2.1 and in addition for the Living 3 Zone at Rolleston identified on the Outline Development Plan in Appendix 39 and 40, private vehicular accessways serving less than three sites shall have a maximum formed width of 3.5m at the road boundary and within 10m of the road boundary; and 5.2.1.7 Shared access to more than six dwellings or sites shall be by formed and vested legal road and not by a private accessway. 5.2.1.8 Any vehicular accessway does not provide access onto Creyke Road from land within the Appendix 41 Darfield Outline Development Plan	The site within which the vehicle accessway is formed does not have access directly on to: Railway Road, Rolleston from that part of the Business 2A Zones as is depicted on the Outline Development Plan at Appendix 22; or ii) Hoskyns Road, Rolleston from that part of the Business 2A Zones identified as Precinct 4 as is depicted on the Outline Development Plan at Appendix 22. 17.2.1.3 The vehicle accessway is formed on land which has an average slope of less than 20°; and 17.2.1.4 The vehicle accessway does not have a gradient greater than: (a) 1:6 vertical; or (b) 1:20 horizontal; and 17.2.1.5 The vehicle accessway is formed to the relevant standards in Appendix 13.2.1; and 17.2.1.6 Shared access to more than six sites shall be by formed and vested legal road and not by a private accessway. 17.2.1.7 Any site with more than one road frontage to a road that is formed and maintained by Council shall have access to the formed and maintained (and legal) road with the lowest classification. Note: For example, where a site has frontage to both an arterial road and a local road access shall be to the local road. Refer also to Rules 17.3.6 and Rule 17.3.7.5 where applicable.	(b) 1:20 horizontal. Note: Rule 4.5.1.1 does not apply to private roads, vehicle accessways or tracks which are intended to be used solely by persons owning or occupying the property and are not located in the road reserve. The rules do apply to vehicle accessways or private roads which are shared between properties, or which are used to provide public access (with landholder's consent). 4.5.1.2 Any vehicle accessway is formed to the relevant design and formation standards set out in Appendix E10.2. 4.5.1.3 Any vehicle accessway complies with the relevant separation and sight distance standards set out in Appendix E10.2. 4.5.1.4 Any vehicle crossing which has a gate positioned across the vehicle crossing, has the gate either opening inwards towards the property and away from the road; or setback a minimum distance of 10 metres from the road boundary; 4.5.1.5 Any vehicle crossing providing vehicle access to a sealed road is sealed: (a) The full length of the vehicle crossing (from the edge of the sealed carriageway to the road boundary of the property), or; (b) For the first 10 metres from the sealed carriageway. 4.5.1.6 Any access to a State Highway or Arterial Road complies with the following: (a) No legal access is available from another lower classification road; (b)

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
	area unless indicated as an access on the Appendix 41 Outline Development Plan.		For State Highways only, the traffic generated through the access to the State Highway is less than 100 ecm/d;
Vehicle crossings	5.3.1 (and Appendix E) The forming of any vehicle crossing shall be a permitted activity if the following conditions are met: 5.3.1.1 The vehicle crossing is formed and sited to comply with the relevant requirements in Appendix E13.2.2, E13.2.4, E13.2.5; and 5.3.1.2 The vehicle crossing is to be sealed if the adjoining road is sealed; the crossing shall be sealed for the full length between the site boundary and the sealed carriageway; and 5.3.1.3 The vehicle crossing complies with the relevant standards in Appendix E13.2.3 5.3.1.4 The site does not have access directly on to a State Highway or arterial road listed in Appendix 7; unless: (a) The speed limit on that part of the road to which access is gained is 70 km/hr or less; or (b) The site is used solely to house a utility structure; and (c) The site generates less than 100 equivalent car movements per day; and	17.3.1 The forming of any vehicle crossing shall be a permitted activity if the following conditions are met: 17.3.1.1 The vehicle crossing is to be formed and sited to comply with the relevant requirements in Appendix 13.2.2, Appendix 13.2.4, Appendix 13.2.5; and 17.3.1.2 The vehicle crossing is to be sealed if the adjoining road is sealed; the crossing shall be sealed for the full length between the site boundary and sealed carriageway; and 17.3.1.3 The vehicle crossing is to comply with the relevant standards in Appendix 13.2.3. 17.3.1.4 Notwithstanding Rule 17.3.1.1 and Appendix 13, any vehicle crossing onto Hoskyns Road, Rolleston, is to be designed and sited to comply with the details depicted on the Business 2 Outline Development Plan (Hoskyns Road) at Appendix 32. 17.3.1.5 The site does not have access directly on to a State Highway or arterial road listed in Appendix 7; unless: (a) The speed limit on that part of the road to which access is gained is 70km'hr or less, except for the creation and use of a road or a vehicle access or crossing identified on the Outline Development Plan at Appendix 43; (b) The site is used solely to house a utility structure; and (c) The site generates less than 100 equivalent car movements per day.	(c) The vehicle accessway or vehicle crossing complies with the performance criteria given in Appendix E10.2.2, 10.2.3 and E10.2.4; (d) Provision is made for manoeuvring on site, so that reverse manoeuvring onto the State Highway or Arterial Road is not required. 4.5.1.7 Shared access to more than six sites shall be by formed and vested legal road and not by a private accessway.

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
		17.3.1.6 The site does not have access directly on to Hoskyns Road, Rolleston from that part of the Business 2A Zones identified as Precinct 4 as is depicted on the Outline Development Plan at Appendix 22.	
Traffic sightlines	5.4.1 The following shall be permitted activities: 5.4.1.1 Any building if the building is positioned so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 13, Diagram E13.3. 5.4.1.2 Any tree if the tree is planted so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 13, Diagram E13.3.	17.4.1 The following shall be permitted activities: 17.4.1.1 Any building if the building is positioned so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 13, Diagram E13.3. 17.4.1.2 Any tree if the tree is planted so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 13, Diagram E13.3.	4.7.1 The following shall be permitted activities: 4.7.1.1 Any building if the building is positioned so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 10 Diagram E10.E 4.7.1.2 Any tree if the tree is planted so that it does not encroach within the line of sight for any railway crossing as shown in Appendix 10 Diagram E10.E
Car parking and cycle parking	5.5.1.1 The number of car parks provided complies with the relevant requirements for the activity as listed in Appendix E13.1.1, E13.1.2, E13.1.3 and E13.1.12; and 5.5.1.2 All car parking spaces and vehicle manoeuvring areas are designed to meet the criteria set out in Appendix E13.1.5.2, E13.1.6, E13.1.7, E13.1.8, E13.1.9, E13.1.10 and Appendix E13.1.11; and 5.5.1.7 Cycle parking spaces are provided in accordance with the standards in Appendix E13.1.4.	17.5.1 Vehicle parking and cycle parking Any activity which provides for car parking, cycle parking, vehicle loading and parking access in accordance with the following conditions shall be a permitted activity: 17.5.1.1 The number of car parks provided complies with the relevant requirements for the activity as listed in Appendix E13.1.1, Appendix E13.1.2 and Appendix E13.1.3; and 17.5.1.2 All car parking spaces and vehicle manoeuvring areas are designed to meet the criteria set out in Appendix E13.1.5.2, Appendix E13.1.6 (if applicable), Appendix E13.1.7, Appendix E13.1.8, Appendix E13.1.9, Appendix E13.1.10, Appendix E13.1.11 and Appendix E13.1.12 for all activities; and 17.5.1.3 Each site that is used for an activity which is not a residential activity and which generates more than 4 heavy vehicle movements per day has one on-site loading space which complies with the	4.6 Vehicle parking and cycle parking No minimum number specified. Controlled activity if more than 40 (4.6.4). 4.6.1.4 All carparking and loading areas shall comply with all standards set out in Appendix E10.1. 4.6.2 Any activity on a site which has a vehicle manoeuvring area of sufficient size to enable any vehicle to turn on the site and not have to reverse onto the road shall be a permitted activity if: 4.6.2.1 The site is used for any activity other than residential activities; or 4.6.2.2 The site has access to a State Highway or an arterial road listed in Appendix 9. 4.5.1.8 Any site with more than one road frontage to a road that is formed and maintained by Council,

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
		requirements set out in Appendix E13.1.5. The loading space does not count as a car parking space for the purpose of Rule 17.5.1.1; and Note: Rule does not apply to emergency services facilities. 17.5.1.4 Each site that is used for an activity other than a residential activity has one car park space for mobility impaired persons for up to 10 car parking spaces provided, and one additional car park space for a mobility impaired person for every additional 50 car parking spaces provided or part there-of; and 17.5.1.5 Car parking spaces for mobility impaired persons are: (a) Sited as close to the entrance to the building or to the site of the activity as practical; and (b) Sited on a level surface; and (c) Clearly marked for exclusive use by mobility impaired persons; and 17.5.1.6 Cycle parking spaces are provided in accordance with the standards in Appendix 13.1.4.	shall have access to the formed and maintained (and legal) road with the lowest classification.
Loading space	5.5.1.3 Each site that is used for an activity which is not a residential activity and which generates more than 4 heavy vehicle movements per day has one on-site loading space which complies with the requirements set out in Appendix E13.1.5. The loading space does not count as a car parking space for the purpose of complying with Rule 5.5.1.1; and Note: Rule 5.5.1.3 does not apply to emergency services facilities.	17.5.1.3 Each site that is used for an activity which is not a residential activity and which generates more than 4 heavy vehicle movements per day has one on-site loading space which complies with the requirements set out in Appendix E13.1.5. The loading space does not count as a car parking space for the purpose of complying with Rule 17.5.1.1; and Note: Rule 17.5.1.3 does not apply to emergency services facilities.	Nil

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
State Highways and Arterial Roads	5.5.1.4 Each site which is accessed from a road listed as a State Highway or Arterial road in Appendix 7 is designed so that a motor vehicle does not have to reverse on, or off, the State Highway or Arterial road		4.5.1.6 Any access to a State Highway or Arterial Road complies with the following: (a) No legal access is available from another lower classification road; (b) For State Highways only, the traffic generated through the access to the State Highway is less than 100 ecm/d; (c) The vehicle accessway or vehicle crossing complies with the performance criteria given in Appendix E10.2.2 , 10.2.3 and E10.2.4 ; (d) Provision is made for manoeuvring on site, so that reverse manoeuvring onto the State Highway or Arterial Road is not required.
Disabled car parking	5.5.1.5 Each site that is used for an activity other than a residential activity has one car park space for mobility impaired persons for up to 10 car parking spaces provided, and one additional car park space for a mobility impaired person for every additional 50 car parking spaces provided or part thereof. 5.5.1.6 Car parking spaces for mobility impaired persons are: (a) Sited as close to the entrance to the building or to the site of the activity as practical; and (b) Sited on a level surface; and (c) Clearly marked for exclusive use by mobility impaired persons; and	Refer to 17.5.1	4.6.3 Any activity which involves the provision of goods or services to the general public shall be a permitted activity if the following conditions are met: 4.6.3.1 One disabled carpark is provided with the first 10 carparking spaces; and one additional disabled carpark space for every additional 50 carparking spaces provided. 4.6.3.2 The disabled carparks are: (a) Located as close to the entrance to the building or the site of the activity as practical; (b) Sited on a level surface; and (c) Clearly marked as being for mobility-impaired persons.
Utilities	6 - Refer to provisions if required	18 - Refer to provisions if required	5- Refer to provisions if required
Outdoor Signs			
	7.1.1 Where any sign is not covered by Rules 7.2 , Rule 7.3 and Rule 7.4 it shall be a permitted activity if the following conditions are met: 7.1.1.1 The sign relates to products or services sold on the site or includes information about the site on which it is located.	19.1.1 Any sign shall be a permitted activity if the following conditions are met: 19.1.1.1 The sign is erected on the site to which it relates, exclusive of a freestanding sign located on a footpath or grass berm outside the site but adjoining the site; and	6.1.1.1 The sign, unless it is a temporary sign, is located entirely within the site to which it relates, and is not located on, or overhangs onto, any road reserve; Note: Temporary sign is defined in Part D of the Plan. It includes any sign on a site for up to 6 months to advertise upcoming events or to sponsor a business or organisation which is associated with

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
	7.1.1.2 The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site. This rule does not apply to signs associated with service stations or shops; and 7.1.1.3 The sign does not have flashing or revolving lights, sound effects, balloons or blimps, and 7.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner, and 7.1.1.5 The sign does not exceed the height of: (a) The building to which it is attached, or (b) 2 metres if the sign is not attached to a building, and 7.1.1.6 The sign does not exceed 1m² in size, and 7.1.1.7 The sign is not of a colour or design which resembles a traffic sign or signal. 7.1.1.8 The sign is not less than 2.5m above the ground, if it is an overhanging attached sign. 7.1.1.9 The sign complies with the relevant rules for building size, design or siting if it is attached to a building.	19.1.1.2 The sign does not have any flashing or revolving lights, sound effects, balloons or blimps; and 19.1.1.3 If a sign is illuminated, any light spill from the sign on to any road or any other site complies with the requirements in Rule 22.5 – Activities and Light Spill; and 19.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, road bend or corner; and 19.1.1.5 The sign does not exceed the height of: (a) The building or structure to which it is attached, or (b) 6 metres, in the Business 1 and 2 zones, and 8 metres in the Business 3 Zones, if the sign is not attached to a building; and 19.1.1.6(a) The sign does not exceed 3m² in area where it is not attached to a building; and (b) In the Business 1 zone, the total freestanding signage per site does not exceed 3m² where the site's road frontage is less than 50m, or 6m² otherwise; and 19.1.1.7 The sign is not of a colour or design that resembles a traffic sign or signal; and 19.1.1.8 Any sign overhanging a public footpath or road berm has a minimum height of 2.5m above the ground or footpath level; and 19.1.1.9 The sign does not protrude beyond the edge of a building if it is attached to a building. 19.1.1.10	an activity on the site except that a period of 12 months prior to the event is specifically provided for signs advertising church and school anniversaries. 6.1.1.2 The sign is positioned so that it does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner; 6.1.1.3 6.1.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met: The sign does not have any of the following features: (a) Flashing or revolving lights; (b) Sound effects; (c) Balloons or blimps; or (d) Moving parts; 6.1.1.4 The sign is designed so that it does not resemble a traffic sign or signal; 6.1.1.5 The light spill from any illuminated sign onto any adjoining property or the road reserve is not more than 3-lux spill; 6.1.1.6 The height of the sign is not more than: (a) The height of the building to which it is attached; or (b) 6m above the ground if the sign is not attached to a building; 6.1.1.7 The size of the sign, including any sign attached to a building, is not more than 3m² and the total area of signage on the site does not exceed 6m².

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
			6.1.1.8 Any sign which is attached to a building and exceeds 3m² in area does not protrude beyond the framework of the building; 6.1.1.9 The maximum number of signs on any one property, including any temporary signs, is in accordance with Table C6.1.
Hazardous substances	8- Refer to provisions if required	20- Refer to provisions if required	7- Refer to provisions if required
Waste	9- Refer to provisions if required Any activity, which is not a residential activity, which generates not more than 1 cubic metre of solid waste on average per week over a year, other than inert landfill, shall be a permitted activity.	21 - Refer to provisions if required	8- Refer to provisions if required
Activities and vehicle movement	Refer to scale of activities below.		9. 13 Activities and Vehicle Movement 9.13.1 Any activity which does not exceed the following maximum number of vehicle movements shall be a permitted activity: 9.13.1.1 Road Unformed and, or not maintained by Council: For any individual property access off an unformed and un-maintained road: 15 equivalent car movements per day (ecm/d) per site. 9.13.1.2 Road Formed, Sealed and maintained by Council: (a) State Highway and Arterial Roads (as identified in Appendix 9): 30 ecm/d per site averaged over any one-week period). b) Local and Collector Roads: 60 ecm/d per site (averaged over any one week period). 9.13.1.3 Road Formed, Unsealed and maintained by Council: (a) 60 ecm/d per site (averaged over any one week period).
Activities and Noise	10.6	22.4	9.16 9.16.3 Noise limits in any part of the Plan shall not apply:

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
	Rule 10.6.1 does not apply to the use of sirens or warning devices associated with emergency service facilities.	Rules 22.4.1 and 22.4.2 do not apply to the use of sirens or warning devices associated with emergency service facilities.	9.16.3.2 In any part of the District where the noise source is a warning device used by emergency services.
Activities and Light Spill/Night Lighting	10.7 10.7.1 The following activities shall be permitted activities 10.7.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads. 10.7.1.2 Any lighting if it does not have a lux spill (horizontal or vertical) of more than 3 on to any part of any adjoining properties.	22.5 22.5.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads. 22.5.1.2 Any other lighting if it does not exceed: (a) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in a Living zone or within the notional boundary of any dwelling within any Rural zone; and (b) 10 lux spill (horizontal or vertical) on to any part of any adjoining property within the same Business zone. (c) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in the Rural zone which has a common boundary with either the Business 2A Zone as depicted on the Outline Development Plan at Appendix 22, or the Business 2B Zone as depicted on the Outline Development Plan for ODP Area 5 at Appendix 37. 22.5.1.3 Lighting in the Business 2A Zone which is designed so that: (a) All outdoor lighting is shielded from above outside of the Business 2A Zone. (b) All fixed outdoor lighting is directed away from adjacent roads outside of the Business 2A Zone. (c) In the Business 2A Zone covered by the Outline Development Plan in Appendix 43, all outdoor lighting is shielded from above and is directed away from adjacent properties outside of the	3.14 Buildings and Night Lighting 3.14.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if any outdoor lighting on any building complies with Rule 9.18. 9.18 ACTIVITIES AND GLARE Permitted Activities — Activities and Glare 9.18.1 Except in the area shown on the Planning Maps as the West Melton Observatory Lighting Area, any activity which involves lighting shall be a permitted activity provided that the activity has a maximum light spill not exceeding: 9.18.1.1 10-lux spill on to any part of any adjoining property which is located in a Business zone and which does not contain a dwelling; and 9.18.1.2 3-lux spill on to any part of any other adjoining property or any road reserve. 9.18.2 In the area shown on the Planning Maps as the West Melton Observatory Lighting Area: 9.18.2.1 Any outdoor lighting is shielded so that any light spill is directed at an angle below 90° from the vertical; or alternatively, the activity for which outdoor night lighting is required shall not operate between the hours of 10.00 pm and 6.00 am, except to conclude a specific recreation or sporting event or similar activity which was in progress prior to 10.00 pm. 9.18.2.2

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
		Business 2A Zone. All fixed outdoor lighting is directed away from adjacent roads outside of the Business 2A Zone.	There is no light spill from any activity on to any adjoining property or the road reserve; or alternatively, the illumination of the activity complies with Rule 9.18.1.2 and the activity for which outdoor night lighting is required shall operate only between the hours of 10.00 pm and 6.00 am except to conclude a specific recreation or sporting event or similar activity which was in progress prior to 10.00 pm.
Activities and scale of activities	10.8.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met: 10.8.1.1 No more than two full time equivalent staff employed on the site live off site, and 10.8.1.2 The gross floor area of any building(s) other than a dwelling does not exceed 300m², or in the case of any building used for spiritual activities does not exceed 500m², and 10.8.1.3 Vehicle movements do not exceed: State Highways, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day Local Roads: 20 per day plus 2 heavy vehicle movements per day. ^(PC42) Note 1: Rule 10.8.1.1 does not apply to existing schools and Police stations. Subclause (c) of Rule 10.8.1.1 shall not apply to emergency service vehicles. 3. The Selwyn District Council Traffic and Parking Bylaw (and subsequent versions) applies to both permanent and temporary activities and may	Nil.	9.4.1 Any activity which is not a rural activity or a residential activity shall be a permitted activity if the following conditions are met: 9.4.1.1 The maximum area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site does not exceed 100m² and no more than two full-time equivalent persons are employed in undertaking any other activity on the site

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
	require the preparation of a Traffic Management plan in certain circumstances. Please refer to the Bylaw for further details. (PC42)		
Hours of Operation	10.9.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met: 10.9.1.1 The employment of staff who are not resident on the site; and 10.9.1.2 Visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only occur between the hours of 7:00am and 10:00pm on any day. Note: Rule 10.9.1 does not apply to spiritual and educational activities, or a public car park in Precinct 6 of the Rolleston Key Activity Centre.		
Outdoor storage	10.10.1.3 The outdoor storage of any other goods or materials if the following conditions are met: (a) The outdoor storage space shall be screened from any road boundary of the site by a fence, wall, or vegetation of at least 1.8m in height, and (b) The outdoor storage area shall be screened from any internal boundary of the site which adjoins another site in a Living Zone or a site in a Business 1 Zone, by a fence, wall, or vegetation of at least 1.8 m in height; and (c) Any stockpile of soil, coal, sawdust, powdered fertiliser, or any other unconsolidated materials, is shall be covered or otherwise secured from being blown by the wind.	22.6.1 The outdoor storage of any materials or goods shall be a permitted activity if the following conditions are met: 22.6.1.1 Any outdoor storage area in a Business 1 Zone shall be screened from any road boundary of the site by a fence, wall or vegetation of at least 1.8m in height; and 22.6.1.2 Any outdoor storage area in a Business 1 Zone shall be screened from any internal boundary of the site which adjoins a site in another Business 1 Zone or a site in a Living zone, by a fence, wall, or vegetation of at least 1.8m in height; and 22.6.1.3 Any outdoor storage area in a Business 2 or 3 Zone shall be screened from any road boundary or internal boundary of the site which adjoins a site in a Living or Business 1 Zone, by a fence, wall or vegetation of at least 1.8m in height. 22.6.1.4	

Rules	Living - Living 1:	Business - Business 1, 2, 2B:	Rural
		The screening referred to in Rules 22.6.1.1 to 22.6.1.3 shall be for the full length that the storage area is visible from the road. 22.6.1.5 Unconsolidated materials such as soil, coal, sawdust, powdered fertiliser are to be covered or otherwise secured from being blown by the wind.	
Subdivision – water for fire fighting	Nil.	C24 BZ Subdivision Business zone rules – no subdivision is permitted – restricted discretionary. Subdivision standard and term in relation to restricted discretionary activity. Water 24.1.4.3 The provision of water for fire fighting; and....	E25.15 - Subdivision Standards for Controlled Activities E25 – Porters Ski Area E25.15.1.3 Any new allotment within the Village Base Sub-Zone shall comply with the requirements of the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509—2008.
The New Zealand Fire Service Fire Fighting Water Supplies Code of Practice NZS PAS 4509:2008.	E38 ODP Rolleston Water will be supplied from the Council's existing reticulation by connecting to the water main on Brookside Road. Water pressures for the site have been calculated as meeting the requirements of NZS 4404:2004 Land Development and Subdivision Engineering and The New Zealand Fire Service Fire Fighting Water Supplies Code of Practice NZS PAS 4509:2008.		Rural – E21 Terrace Downs Permitted Activities — Land Use 21.1.3 Erecting any facility or using any site for the following activities shall be a permitted activity in the Terrace Downs Existing Development Area if the Standards and Terms set out in 21.1.4 are complied with. Fire Fighting 21.1.4.7 A fire fighting reserve of water is maintained at all times, which complies with the Fire Service Code of Practice 1965; Rural – E22 Grassmere Fire Fighting 22.1.3.18 A fire fighting reserve of water is maintained at all times, which complies with the Fire Service Code of Practice 1965;

8. Preferred Option Report – Stock droving

Author:	James Tapper, Planz Consultants
Contact:	027 338 4826

Purpose

To brief the Committee on the findings of the Stock Droving Topic Investigation, which reviewed the effectiveness of the operative District Plan provisions relating to new and expanded dairy farms.

Recommendation

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘New and Expanded Dairy Farms and Stock Droving’.”

Attachments

“Preferred Option Report for New and Expanded Dairy Farms and Stock Droving”, dated 13 February 2018

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 13/02/2018

TOPIC NAME: Rural

SCOPE DESCRIPTION: New and Expanded Dairy Farms and Stock Droving – RU010

TOPIC LEAD: Robert Love

PREPARED BY: James Tapper

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>Whether Rule 9.11 of the Operative District Plan (Rural Volume) relating to new and expanding dairy farms and stock droving is necessary given that equivalent rules are now contained in the Canterbury Land and Water Regional Plan and the Selwyn District Council Stock Droving Bylaw 2008.</i>
<i>Preferred Option</i>	<i>Option 2 – Remove Policies B2.1.15 and B2.1.16 and associated Rule 9.11 from the Proposed Selwyn District Plan.</i>
<i>DPC Decision</i>	

1.0 Introduction

The Operative Selwyn District Plan (Rural Volume) contains a small number of policies and rules relating to new and expanded dairy farms. The existing provisions relate specifically to dairy cows in waterways, and the stock droving of dairy cows on a road reserve. The aim of this report is to determine whether the existing provisions remain relevant and necessary in light of similar provisions contained in the Selwyn District Council Stock Droving Bylaw 2008 ('Stock Droving Bylaw') and the Canterbury Land and Water Regional Plan (LWRP).

The provisions of the Operative Plan that are subject to this review are as follows:

- Policies B2.1.15 and B2.1.16 in relation to stock droving;
- Rule 9.11 Activities and New or Expanded Dairy Farms.

The abovementioned provisions, along with any relevant definitions are attached to this report as **Appendix 1**.

This report provides a review of the relevant provisions contained in both the Stock Droving Bylaw and the LWRP, and compares the provisions with the activity standards for new and expanded dairy farms listed in the Operative District Plan. Consultation with key stakeholders on the topic, including the New Zealand Transport Agency (NZTA) and Mahaanui Kurataiao Limited, has been undertaken to further inform the review of the existing provisions. A summary of the comments provided by key stakeholders has been included in Section 6 of this report. Lastly, preferred recommendations have been provided based on the information gathered.

2.0 Summary of Issues

As noted above, the Operative District Plan rules relating to new and expanded dairy farms and stock droving appear to contain some overlap with the intent of the LWRP rules and the Stock Droving Bylaw. Notably, the following provisions may be considered comparable to Rule 9.11 of the Operative Plan:

- Clauses 9 and 10 of the Stock Droving Bylaw; and
- Rules 5.70 and 5.71 of the LWRP.

On that basis, the control of stock droving in the District Plan may now be redundant given the level of control afforded to Council by way of the Stock Droving Bylaw. Additionally, it may no longer be necessary for Selwyn District Council to control new and expanded dairy farms, given that the associated effects are likely to be controlled at the regional level. These issues are explored further throughout this report.

3.0 Background

It is relevant to note that Rule 9.11.1.2 and associated Rules 9.11.5 and 9.11.6 relating to the droving of dairy cows, were initially included in the notified version of the Operative District Plan, before subsequently being removed and then eventually reinstated by way of a Consent Order from the Environment Court (ENV-2006-CHC-000205 and ENV-2006-308-000139, attached as **Appendix 2**).

An equivalent version of the existing rules, albeit with typographical errors and a non-complying activity status, was listed in the notified version of the Operative Plan in the early 2000s. A number of submissions were received in opposition to the rules and the Officer's Report for the topic prepared by Ms Justine Ashley in 2003, recommended that the rules be removed (see Section 8.7 of OR23, attached as **Appendix 3**).

It was on that basis that the Hearing Panel for the District Plan Review made the following recommendation (see Section 9.1.1.7 of D23, attached as **Appendix 4**):¹

We are of the opinion that Rules 1.8, 10.1, 10.2 and 10.3 are unnecessary in that the potential effects from the stock droving of dairy cows for milking purposes are already controlled efficiently and effectively through the enforcement of a bylaw. We therefore recommend that all of those submissions seeking to delete these provisions be accepted.

At the time the recommendation was made, an earlier version of the Stock Droving Bylaw (from 2000) was in effect and is referred to by the Hearing Panel in the above quote. Although, the Bylaw has since been updated, the provisions relating to the droving of dairy cows remain the same.

Rules 9.11.1.2, 9.11.5 and 9.11.6 (then referred to as Rules 1.8, 10.1 and 10.2) were subsequently removed from the Decision version of the District Plan in 2004 as a result of the Hearing Panel's recommendation. However, the removal of the rules become the subject of an appeal from the New Zealand Transport Agency (then known as Transit) who were concerned that the Stock Droving Bylaw did not adequately protect State Highways.

After extensive discussions between NZTA and Council, an agreement was reached to reinstate an amended version of the notified provisions, which are now listed in the Operative Plan. A Consent Order to that effect was subsequently issued on 8 January 2007 (attached as Appendix 2). It was considered by the two parties that the District Plan rules were able to address the cause of the issue of damaged road reserves from dairy crossings, given that the rules restrict extensive dairy development on dispersed blocks. As a result, droving of dairy cows became subject to both the Bylaw, and the District Plan provisions as a restricted discretionary activity.

¹ NB: The Hearing Panel refer to Rules 1.8, 10.1 and 10.2, which are now referred to as Rules 9.11.1.2, 9.11.5 and 9.11.6 in the Operative Plan.

4.0 Review of Selwyn District Council Stock Droving Bylaw 2008

The Selwyn District Council Stock Droving Bylaw came into force on 1 July 2008 with the aim of promoting best droving practices to ensure the safety of stock drovers, animals and other road users.

The clauses of the Stock Droving Bylaw considered relevant to this report are:

- Clause 10 – Additional Provisions Relating to Droving of Dairy Cows for Milking Purposes.
- Clause 9 – General Conditions for Droving of Stock; and

Clause 10 – Additional Provisions Relating to Droving of Dairy Cows for Milking Purposes

Clause 10 of the Bylaw contains a series of provisions that seek to control the regular movement of dairy cows over a road reserve. Of particular note is Clause 10.3, which states:

No road or any part of a road may be used for the purpose of regularly droving dairy cows for milking purposes except with the prior written consent of the Council. Applications for consent must be made in writing using the form in Schedule E, setting out the nature, extent and frequency of the droving.

On that basis, the Bylaw ensures that the regular droving of dairy cows on a road can only be undertaken following approval from Council via a stock droving consent process. A decision on whether to grant a stock droving/dairy crossing consent must be made by Council within 20 working days of receiving the application or receiving any further information that was requested. Furthermore, Clause 10.4 states that:

Where the application relates in whole or in part to a State Highway, the applicant may be required to obtain approval from Transit New Zealand before Council can consider the grant of consent.

It is noted that the above provision outlines that approval 'may' be required from NZTA (formerly Transit) for droving on State Highways, allowing for the Council to use its discretion in deciding whether it is necessary.

Clause 10.5 contains a list of conditions which the Council may impose on any consent granted for the droving of dairy cows. The conditions relate broadly to traffic safety, the protection of road carriageways and the requirement to pay the cost of any damages to the road.

Clause 9 – General Conditions for Droving of Stock

Clause 9 is more broad in that it contains provisions relating to the droving of all stock and not just dairy cows. The provisions generally aim to ensure any stock droving on roads which can be undertaken as of right, occurs in a safe and efficient manner with little disruption to road users.

Clause 9.4 emphasizes that the droving of dairy cows is only permitted with the prior consent of Council in accordance with Clause 10. Clause 9.21 restricts the number of cattle in any one mob on a road to a maximum of 400.

Comparison with Operative Selwyn District Plan Provisions

Clauses 9 and 10 of the Stock Droving Bylaw are considered to be comparable to Rule 9.11.1.2 of the Operative Plan, which allows for new or expanded dairy farms, provided the activity takes place “on land which is adjoining to that of the milking shed.”

The intent of the District Plan standard is to discourage dairy farms from relying on a road reserve for regular stock droving purposes given the potential damage to the road carriageway, as well as adverse effects on traffic safety. Non-compliance with the standard is a restricted discretionary activity as per Rule 9.11.5 and is subject to the discretionary matters listed under Rule 9.11.6.

Rule 9.11.1.2 and associated Rules 9.11.5 and 9.11.6 have been formulated to satisfy Policies B2.1.15 and B2.1.16 of the Operative Plan which seek to:

Promote stock droving practices that are safe, controlled and alert motorists that stock are ahead and which minimise disruption to traffic flow;

And

Require dairy farms to have alternative access for milking herds to milking sheds other than along formed, legal road reserves.

The Plan provides an explanation for the latter policy, reasoning that the droving of dairy herds requires specific controls as “they have the greatest effect on the road reserve due to the frequency of stock movements.”

Similarly, it is noted that Clause 10.3 of the Stock Droving Bylaw also allows Council to control the droving of dairy herds on legal road reserves by requiring an application for written consent prior to any such activity being undertaken. Pursuant to Clause 10.5 of the Bylaw, Council are then able to implement a number of conditions in granting consent in order to protect the road carriageway and ensure adequate traffic safety measures are implemented. In this regard, the Stock Droving Bylaw effectively satisfies the direction sought by Council through Policies B2.1.15 and B2.1.16 of the District Plan.

On that basis, it is considered that both the Stock Droving Bylaw provisions relating to dairy cows and the stock droving provisions listed under Rule 9.11 of the District Plan seek to control the same effects through very similar methods. It is therefore considered more efficient to remove the stock droving provisions contained in the District Plan and allow for the droving of dairy cows to be controlled by way of the consent process prescribed in the Stock Droving Bylaw 2008.

5.0 Review of Canterbury Land and Water Regional Plan

The Canterbury Land and Water Regional Plan was made operative in stages, with the rules relating to the exclusion of stock from waterbodies becoming operative on 1 September 2015. The particular provisions of the LWRP considered relevant to this scope of work are Rules 5.70 and 5.71 which aim to prevent intensively farmed stock (including dairy cows) from entering waterbodies.

Specifically, Rule 5.70 outlines that:

the use and disturbance of the bed (including the banks) of a lake, a river that is greater than 1 m wide or 100 millimetres deep (under median flow conditions), or a wetland, by intensively farmed stock and any associated discharge to water is a non-complying activity.

As dairy cows are included in the definition of ‘intensively farmed stock’, the rule prevents them from being allowed to enter waterbodies without a level of control first being implemented by Environment Canterbury in relation to any potential adverse effects. The non-complying activity status ensures all potential effects can be considered in deciding whether to grant consent.

Furthermore, it is noted that Rule 5.71 prohibits the presence of farmed cattle in waterbodies within the following areas:

- 1) *In a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat; or*
- 2) *Within a Community Drinking-water Protection Zone as set out in Schedule 1; or*
- 3) *Within 1,000 m upstream, in the bed of a lake river, of a fresh water bathing site listed in Schedule 6; or*
- 4) *In the bed (including the banks) of a spring-fed plains river, as shown on the Planning Maps.*

In summary, Rules 5.70 and 5.71 ensure that dairy cows cannot enter a waterbody as of right. Any proposal to undertake an activity of that nature must first be the subject of a resource consent. Rule 5.71 ensures dairy cows are prohibited from entering waterbodies in particularly sensitive locations.

Comparison with Operative Selwyn District Plan Provisions

Rule 9.11.1.1 in the Operative Plan seeks to exclude dairy cows from all land within 10m of any waterbody on new and expanded dairy farms to ensure any new dairy activities do not compromise the quality of waterways. Where compliance can’t be achieved, the activity is restricted discretionary as per Rules 9.11.3 and 9.11.4. In addition, Rule 9.11.2 restricts dry dairy cows on separate off-farm land from entering waterways.

In this regard, the provisions contained under Rule 9.11 of the District Plan and Rule 5.70 of the LWRP are considered to be comparable in that they both seek to exclude dairy cows from waterbodies for the betterment of water quality in the District.

It is noted that Rule 9.11.1.1 of the District Plan requires dairy cows to be set back 10m from waterbodies, while the LWRP rule does not provide a specific setback distance. Notwithstanding, the LWRP standard relates to the bed of a waterbody and its banks. On that basis, while a setback distance is not specified, dairy cows are prevented from locating in any part of a waterbody or on the immediately surrounding land (namely the banks of the waterbody) without a resource consent.

An additional matter to consider is whether the continued use of the existing rules in the Proposed District Plan would be able to satisfy the requirements for what can be included in district plans, as specified in section 75 of the Resource Management Act. Of particular relevance is section 75(4)(b) which states that a district plan cannot be inconsistent with a regional plan.

In this regard, it is noted that Rules 5.70 and 5.71 of the LWRP provide a more stringent level of control in relation to the exclusion of dairy cows from waterbodies when compared to the equivalent rules in the District Plan. The LWRP requires a non-complying activity status for proposals that allow dairy cows to enter waterbodies, while any such activity within a sensitive location (as listed under Rule 5.71) is prohibited. As such, provided the activity is not prohibited by Rule 5.71, any resource consent application to allow dairy cows to enter waterways would require substantiated detail and would be subject to a consideration of all of the potential effects on the environment.

Comparatively, the District Plan standards relating to stock exclusion require a restricted discretionary activity status for proposals relating to the location of dairy cows within 10m of a waterbody.² Any subsequent assessment of the proposal is restricted to the consideration of the potential effects on natural character and indigenous biodiversity, as well as any mitigation measures proposed. On that basis, the level of control over stock exclusion provided for by the District Plan standards is not considered to be consistent with the LWRP. Therefore, the standards are not able to satisfy the requirements of section 75(4)(b) of the RMA.

Taking into account the above discussion, it is considered that the exclusion of dairy cows from waterbodies is adequately controlled through the stringent provisions of the LWRP. On those terms, the comparable stock exclusion provisions listed under Rule 9.11 of the District Plan are no

² The District Plan appears to contain a typographical error in Rule 9.11.3, meaning the activity status of Rule 9.11.2 relating to exclusion of dry dairy cows from waterbodies is unclear. Rule 9.11.3 lists activities which do not comply with Rule 9.11.1.1 and *Rule 9.11.1.2* as being restricted discretionary activities. However, the status of activities which do not comply with Rule 9.11.1.2 is again referred to in Rule 9.11.5, while the status of any non-compliance with Rule 9.11.2 is not referred to at all in the Plan. It is therefore anticipated that Rule 9.11.3 should refer to Rules 9.11.1.1 *and 9.11.2* as restricted discretionary activities.

longer considered necessary, as the LWRP should become the sole planning instrument for the control of stock near waterbodies in the Selwyn District.

6.0 Summary of Stakeholder Engagement

Consultation has been undertaken with key stakeholders in order to better understand the potential effects of new and expanded dairy farms on waterways and the stock droving of dairy cows on public roads. Furthermore, the consultation sought comment from stakeholders as to whether they felt it reasonable to remove Rule 9.11 and associated policies from the District Plan, so as to avoid duplication with the LWRP and the Stock Droving Bylaw.

The following key stakeholders were contacted via email for comment:

Stakeholder	Contact & Position
SDC Consents	Emma Larsen, Team Leader Resource Consents
SDC Monitoring & Enforcement	Billy Charlton, Regulatory Manager
SDC Roding Department	Mark Chamberlain, Assets Engineer Transportation
SDC Animal Control Department	Steve Clarke, Senior Animal Control Officer
New Zealand Transport Agency	Caroline Hutchison, Principal Planning Advisor
Mahaanui Kurataiao Limited	Lizzie Thomson, Environmental Advisor
DairyNZ	Charlotte Wright, Senior Policy Advisor
Federated Farmers	Kim Reilly, South Island Regional Policy Manager

Table 6.1 – Key stakeholders.

Of those parties consulted, a reply was received from the following stakeholders:

- SDC Consents;
- SDC Roding Department;
- Mahaanui Kurataiao Limited (on behalf of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga);
- DairyNZ

Notably, the SDC Consents Team were in favour of removing Rule 9.11 and associated policies. In terms of the requirement to exclude dairy cows from waterbodies, the Consents Team considered that *“if the issues are covered by the LWRP we don’t need [Rule 9.11] in the District Plan.”* The Consents Team also felt that *“the bylaw covers [stock droving] for Council controlled roads”* and didn’t believe they had ever processed a consent under Rule 9.11. The team did raise a question in relation to whether the bylaw was adequate to address stock droving on State Highways. However, NZTA were consulted and a reply was not received.

DairyNZ were also in favour of the removal of the existing rules, noting that it *“removes unnecessary duplication so that farmers have greater clarity on their requirements through having only one set of rules to comply with.”* DairyNZ believed controls over the use of water by farmers would continue to be covered by the LWRP.

The SDC Roothing Department raised some concern in relation to the removal of the stock droving rules from the District Plan, noting that the department had dealt with issues due to dairy cows being driven across roads (mainly from mud and a lack of signage). On that basis, the Roothing Department were of the view that *“the District Plan can control the land use and deter farmers from having separate parcels used for dairy that would result in the stock being driven along the road. The bylaw then controls the resulting droving activity.”*

Notwithstanding, the department acknowledged the Stock Droving Bylaw as an adequate control. Whilst the Roothing Department’s comments are valid, it is noted that the Stock Droving Bylaw requires consent from Council *before* any dairy cows can be driven on a road carriageway. This allows Council to adequately control the droving of cattle on the road carriageway and prevent it from occurring if it is deemed to have adverse effects.

Comment was also obtained from Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga (via Mahaanui Kurataiao Limited). Te Taumutu Rūnanga stated that they were comfortable with the removal of the existing provisions, although they wanted to ensure that no activities would be missed as a result. Te Ngāi Tūāhuriri Rūnanga were not in favour of the rules being removed and preferred that they remain in the District Plan so that the related activities could be subject to *“more consideration/recognition.”*

In summary, there was a mixed response from key stakeholders in relation to the potential removal of Rule 9.11 and associated policies. While valid points have been raised by both the Roothing Department and the local rūnanga, from a planning perspective it is considered that the removal of the rules would allow for a simplification of the planning process and at the same time, the issues raised by stakeholders would be adequately addressed via the Stock Droving Bylaw and the LWRP provisions.

7.0 Summary of Options to Address Issues

7.1 OPTION 1

Option 1 is to keep the status quo. This would result in Policies B2.1.15 and B2.1.16 and associated Rule 9.11 in the Operative Plan being inserted into the Proposed Plan.

Effectiveness in Addressing Issue:

Option 1 would not be effective in addressing the issue of overlap between the current District Plan rules and the Stock Droving Bylaw. As a result of this option, any person wanting to regularly

drive dairy cows over the road reserve would need obtain consent from Council under both the District Plan and the Bylaw. Similarly, the option would provide for the continued overlap between the District Plan provisions relating to the exclusion of dairy cows from waterways and the equivalent LWRP provisions.

Risks:

The most prominent risk is that the option would result in unnecessary planning controls, which would add to the time and cost for any landowners wanting to establish or expand a dairy farm.

Budget or Time Implications:

There would be very few budget or time implications given that the existing rules package would be carried over into the Proposed Plan with very few edits or additions.

Recommendation:

It is recommended that Option 1 is not adopted in developing the Proposed Selwyn District Plan.

7.2 OPTION 2

Option 2 is to remove Policies B2.1.15 and B2.1.16 and associated Rule 9.11 from the Proposed Plan and allow stock droving and new and expanded dairy farms to be controlled by the Stock Droving Bylaw and the LWRP provisions.

Effectiveness in Addressing Issue:

Option 2 would allow for a simplification of the planning process, whilst ensuring that stock droving continues to be suitably controlled by Council through the bylaw mechanism.

Furthermore, the option would provide for the environmental effects of dairy activities on waterways to be controlled by a single planning document (namely, the LWRP) under the jurisdiction of the Regional Council.

Risks:

As noted in Section 4 of this report, the Stock Droving Bylaw outlines that approval 'may' be required from NZTA (formerly Transit) for droving on State Highways, allowing for the Council to use its discretion in deciding whether it is necessary. This poses a risk if Council did not use their discretion appropriately.

Budget or Time Implications:

There would be very few budget or time implications.

Recommendation:

It is recommended that Option 2 is adopted and the existing provisions in the District Plan relating to new and expanded dairy farms and stock droving are removed.

8.0 Preferred Option

Based on the information contained within this Preferred Option Report, including a comparison of the Operative Plan provisions relating to new and expanded dairy farms with the relevant provisions in the Stock Droving Bylaw 2008 and the Canterbury Land and Water Regional Plan, as well as matters raised via consultation with key stakeholders, Option 2 is considered to be the preferred option. As per Option 2, the following recommendations are made:

- Remove Policies B2.1.15 and B2.1.16 in relation to stock droving;
- Remove Rule 9.11 in relation to activities and new or expanded dairy farms;
- Allow the regular droving of dairy cows within the District to be entirely controlled by the Selwyn District Council Stock Droving Bylaw 2008;
- Allow the exclusion of dairy cows from waterways to be entirely controlled by Environment Canterbury via the Canterbury Land and Water Regional Plan.

Appendix 1

Relevant Selwyn District Plan Provisions

Definitions

Term	Definition
Adjoining	<i>includes any land which is physically attached or separated by road, railway, vehicular accessway, easement, water-race or drain, or a river or stream which has a formed bed of not more than 3 metres in width.</i>
Waterbody	<i>means fresh water or geothermal water in a river, lake, stream, pond (but excluding any artificial pond), wetland or aquifer or any part therefore that is not located within the coastal marine area. The terms “river”, “lake” and “wetland” are also defined in this Plan.</i>

Chapter B2 – Physical Resources

Reference	Policy
Policy B2.1.15	<i>Promote stock droving practices that are safe, controlled and alert motorists that stock are ahead and which minimise disruption to traffic flow.</i>
Policy B2.1.16	<i>Require dairy farms to have alternative access for milking herds to milking sheds other than along formed, legal road reserves.</i>

Rule 9.11 – Activities and New and Expanded Dairy Farms

Permitted Activities

- 9.11.1 The establishment of, or any extension to, any dairy farm is on land shall be a permitted activity where the following conditions are met:
- 9.11.1.1 – All dairy cows are excluded from all land within 10m from any waterbody (excluding aquifers).
- 9.11.1.2 – It is on land which is adjoining to that of the milking shed

Notes:

Dairy farm means all the land used to support a dairy milking platform but excludes separate off-farm land areas used to graze dry dairy cows.

Rule 9.11.1.1 applies to the conversion of new land to dairying and for both grazing and droving of dairy cows; it does not include land which is used for grazing beef herds.

For Rule 9.11.1.2 expanding dairy farms include dairy farms which are expanding through an increase in herd numbers or an increase in land area.

Rule 9.11.1.2 does not apply to land which is used for grazing dry herds.

Adjoining is defined in Part D of the Plan and includes any land which is separated by a road, easement, water race or drain.

Where stock access is across a State Highway, Transit must be consulted.

- 9.11.2 All dry dairy cows on separate off-farm land areas shall be excluded from any waterbody.

Restricted Discretionary Activities

- 9.11.3 Any new or expanded dairy farm or off-farm dairy grazing activity that does not comply with Rule 9.11.1.1 or Rule 9.11.1.2 shall be a restricted discretionary activity.
- 9.11.4 Under Rule 9.11.3 the Council shall restrict its discretion to consideration of:
- 9.11.4.1 – The effect on natural character and indigenous biodiversity;
- 9.11.4.2 – Any mitigation measures to prevent or reduce animal access to the waterbody or its riparian margin.
- 9.11.5 The establishment of any new dairy farm or any extension to an existing dairy farm which does not comply with Rule 9.11.1.2 shall be a restricted discretionary activity.
- 9.11.6 Under Rule 9.11.5 the Council shall restrict its discretion to consideration of:
- 9.11.6.1 – The proposed method to move dairy cows between grazing areas and milking sheds;
- 9.11.6.2 – Traffic safety;
- 9.11.6.3 – Any positive effects which may offset any adverse effects; and
- 9.11.6.4 – Any monitoring or review conditions.

Appendix 2

ENV-2006-CHC-000205 and ENV-2006-308-000139

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of the First
Schedule to the Act

BETWEEN TRANSIT NEW ZEALAND

(ENV-2006-CHC-000205

ENV-2006-308-000139

formerly ENV C 0300D/04)

Appellant

AND SELWYN DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith (sitting alone under section 279 of the Act)

IN CHAMBERS at CHRISTCHURCH

CONSENT ORDER

[1] The Court has read and considered the appeal and the memorandum of the parties dated 8 September 2006.

[2] No other person had given notice of an intention to become a party or to be heard under section 274 of the Act. However, the Court was concerned that one submitter (Federated Farmers of New Zealand Incorporated) whose submission appeared to relate to the subject matter of this part of Transit's appeal, had not been served a copy of the notice of appeal. Transit did not agree that Federated Farmers needed to be served. Despite that, they did agree to forward a copy of the memorandum of consent (along with a copy of the appeal) to Federated Farmers to see whether or not they had any interest.



[3] A reply from Federated Farmers was received by counsel for Transit on 20 December 2006 and forwarded to the Court on 21 December 2006. Federated Farmers advised that they did not oppose the relief sought in the consent memorandum in relation to stock access across a State Highway. Accordingly, the Court may now complete its consideration of the outcome reached by the parties.

[4] In signing this consent order the Court has not considered the merits of the solution agreed by the parties (and in particular whether it achieves the purpose of the Act) but only confirmed that:

(a) All of the parties to the proceeding have executed the memorandum requesting this order; and

(b) The proposed order is *prima facie* reasonably within the scope of the submission and appeal initiating the proceeding.

[5] Therefore, this Court **ORDERS**, by consent, that the appeal is allowed to the extent that the Selwyn District Council is directed to modify the Rural Volume of its proposed District Plan as set out below:

1. Amend Section 2.1, Policy 11, Method to read as follows:

Method

- *District Plan Rule* *Dairy farms*
- *Bylaw* *Stock droving*

2. Amend Part 3, Rule IX (Activities) Rule 1.8 as follows (additions and deletions are shown as underlined and strikethrough text respectively):

New or Expanded Dairy Farms

- 1.8 *The establishment of, or any extension to, any dairy farm is on land where the following conditions are met:*



1.8.1 All dairy cows are excluded from all land within 10m from any waterbody.

1.8.2 It is on land which is adjoining to that of the milking shed;

Note: Dairy farm means all the land used to support a dairy milking platform but excludes separate off-farm land areas used to graze dry dairy cows.

Rule 1.8.1 applies to the conversion of new land to dairying and for both grazing and droving of dairy cows; it does not include land which is used for grazing beef herds.

For Rule 1.8.2 expanding dairy farms include dairy farms which are expanding through an increase in herd numbers or an increase in land area.

Rule 1.8.2 does not apply to land which is used for grazing dry herds.

Adjoining is defined in Part 3, Section 3 of the Plan and includes any land which is separated by a road, easement, water-race or drain.

Where stock access is across a State Highway, Transit must be consulted.

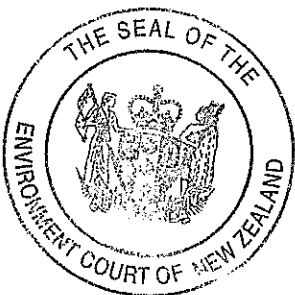
3. Amend Part 3, Rule IX (Activities) Rule 10.1 as follows (additions and deletions are shown as underlined and strikethrough text respectively):

New or Expanded Dairy Farms

10.1 any new or expanded dairy farm or off-farm dairy grazing activity that does not comply with rules 1.8 and 1.8A shall be a restricted discretionary activity. Under Rule 10.1 the Council shall restrict its discretion to consideration of:

10.1.1 The effect on natural character and indigenous biodiversity

10.1.2 Any mitigation measures to prevent or reduce animal access to the waterbody or its riparian margin.



10.2 *The establishment of any new dairy farm or any extension to an existing dairy farm which does not comply with Rule 1.8.2 shall be a restricted discretionary activity. Under Rule 10.2 the Council shall restrict its discretion to consideration of:*

10.2.1 *The proposed method to move dairy cows between grazing areas and milking sheds;*

10.2.2 *Traffic safety*

10.2.3 *Any financial contributions payable under Rule XI(1);*

10.2.4 *Any positive effects which may offset any adverse effects;
and*

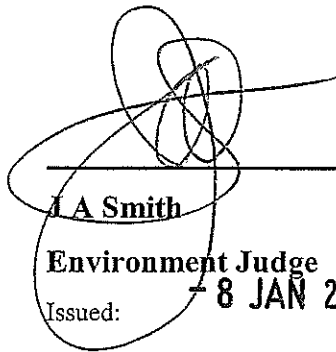
10.2.5 *Any monitoring or review conditions.*

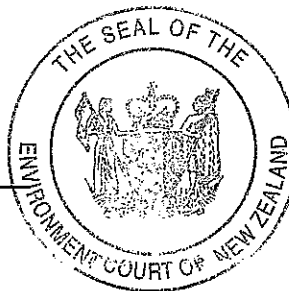
[6] With this consent order, the appeal has now been disposed of it its entirety.

[7] There is no order as to costs.

DATED at CHRISTCHURCH

8th January 2007.


J A Smith
Environment Judge
Issued: **8 JAN 2007**



Appendix 3

Officer's Report 23 to the District Plan Hearings Panel, 25 July 2003

Resource Management Act 1991

Proposed Selwyn District Plan

Rural & Township Volumes

Report on Submissions relating to Implementation Methods for addressing Reverse Sensitivity & Amenity effects, particularly relating to the keeping of animals

Report Number:	23
To:	District Plan Hearings Panel
From:	Justine Ashley, Consultant Planner
Date:	25 July 2003

Index of Submitters

(In order of appearance in report)

Submission	Accept/Reject	Recommendation
General Submissions		
Glenthorne Holdings Ltd & Glenthorn Station Ltd (393.20) Philippa Innes (440.04) Federated Farmers of New Zealand (385.01) <i>Further Submissions</i> Department of Conservation F345 Mark Robert McAtamney 952F Dwight William Love 950F Lawrence Croft 890F Christopher C A Gray 921F Matthew Davis Bradley 868F M G Bradley 869F George Timothy Deans 894F Scott Hussey 931F Mount White Station Ltd 974F P J Fleming 902F Bruce Nell 977F R F James 936F Philip W Wareing 1026F I H Reed 996F Garry & Honoria Lamers 944F B L & D J Haylock 928F Peter Graham 920F Craig Eggleston 901F Kelly Frame 909F L McKenzie 958F Bridget Frame 908F David Florance 904F L I Bradley 867F Castle Hill Partnership 881F Fiona J Hussey 930F Brian Goddard 919F L M Nicoll 980F A D Florance 903F H G and P M Innes 934F Guy Martin 1039F Lyn Nell 978F John McDermott 954F Rodger & Caroline Hardwick 926F Margaret C George 913F Jim Macartney 953F	Accept and/or Reject depending upon the precise wording of each submission	23.1
Crown Public Health Limited (219.37) Selwyn District Council (229.35) Crown Public Health Limited (219.49) Saville, J.W. & J.L. (67.1) New Zealand Historic Places Trust Pouhere Taonga (140.100) Buckley, M.J. (139.2) Ian Allen Upston (693.01)	Accept and/or Reject depending upon the precise wording of each submission	23.1

Submission	Accept/Reject	Recommendation
Federated Farmers of New Zealand (385.92) <i>Further Submissions</i> Jim Macartney 953F Mark Robert McAtamney 952F L McKenzie 958F Bruce Nell 977F L M Nicoll 980F Philip W Wareing 1026F Garry & Honoria Lamers 944F Matthew Davis Bradley 868F Castle Hill Partnership 881F George Timothy Deans 894F P J Fleming 902F David Florance 904F Kelly Frame 909F Brian Goddard 919F Christopher C A Gray 921F B L & D J Haylock 928F Scott Hussey 931F Dwight William Love 950F John McDermott 954F Mount White Station Ltd 974F Lyn Nell 978F I H Reed 996F Guy Martin 1039F L I Bradley 867F M G Bradley 869F Lawrence Croft 890F Craig Eggleston 901F A D Florance 903F Bridget Frame 908F Margaret C George 913F Peter Graham 920F Rodger & Caroline Hardwick 926F Fiona J Hussey 930F R F James 936F	Accept and/or Reject depending upon the precise wording of each submission	23.1
Federated Farmers of New Zealand (385.90) <i>Further Submissions</i> Craig Eggleston 901F Mark Robert McAtamney 952F M G Bradley 869F Bridget Frame 908F David Florance 904F L I Bradley 867F George Timothy Deans 894F Brian Goddard 919F Mount White Station Ltd 974F P J Fleming 902F Antonia Louise McAtamney 951F Ross Urquhart 1024F Bruce Nell 977F Oliver Newbegin 979F Guy Martin 1039F Philip W Wareing 1026F I H Reed 996F Garry & Honoria Lamers 944F	Accept and/or Reject depending upon the precise wording of each submission	23.1

Submission	Accept/Reject	Recommendation
B L & D J Haylock 928F Peter Graham 920F Christopher C A Gray 921F Dwight William Love 950F Kelly Frame 909F L McKenzie 958F Lawrence Croft 890F Matthew Davis Bradley 868F Castle Hill Partnership 881F Scott Hussey 931F Fiona J Hussey 930F L M Nicoll 980F Warrick Roger James 937F A D Florance 903F Bruce Miles 968F Louise Urquhart 1023F H G and P M Innes 934F R F James 936F Lyn Nell 978F John McDermott 954F Rodger & Caroline Hardwick 926F Margaret C George 913F Jim Macartney 953F		
Section 8.1 – Submissions requesting separation distances to address ‘reverse sensitivity’ effects		
Canterbury Poultry Meat Producers Association (321.13, 321.14 and 321.15) Further submissions AgResearch Limited (F255) Landcare Research New Zealand Limited (F474) New Zealand Institute of Crop and Food Research Limited (F560) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) Aristippus Farm Ltd (F858) NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations (F565)	Accept in part Accept in part Accept in part Accept in part Reject Reject Reject	23.2
Tegel Foods Ltd (679.13, 679.14 and 679.15) Further submissions AgResearch Limited (F255) Landcare Research New Zealand Limited (F474) New Zealand Institute of Crop and Food Research Limited (F560) MJ & TD Rickerby (F607) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept in part Accept in part Accept in part Accept in part Accept in part Reject	23.2
New Zealand Pork Industry Board (564.12) Further submissions Stephen Dean Glass (F916) Graeme Vanstone Irving (F935) Tegel Foods Ltd (F679) Chris Trengrove (F688)	Accept in part Accept in part Accept in part Accept in part Accept in part	23.2
New Zealand Pork Industry Board (564.13) Further submissions Tegel Foods Ltd (F679)	Reject Reject	23.2

Submission	Accept/Reject	Recommendation
PIC New Zealand (594.02)	Accept in part	23.2
Further submissions New Zealand Pork Industry Board (F564)	Accept in part	
MJ & TD Rickerby (607.07)	Accept in part	23.2
Further submissions Tegel Foods Ltd (F679) New Zealand Pork Industry Board (F564) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) McFarlane Group Developments Ltd (F955)	Accept in part Accept in part Reject Reject	
MJ & TD Rickerby (607.08)	Reject	23.2
Further submissions RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) Tegel Foods Ltd	Accept Accept	
MJ & TD Rickerby (607.09)	Accept in part	23.2
Further submissions Tegel Foods Ltd (F679) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept in part Reject	
Chris Trengrove (688.01)	Accept in part	23.2
Further submissions New Zealand Pork Industry Board (F564)	Accept in part	
Ross & Julie Sadler (622.03)	Accept in part	23.2
Further submissions New Zealand Pork Industry Board (F564) Tegel Foods Ltd (F679)	Accept in part Accept in part	
PIC New Zealand (594.01)	Accept in part	23.2
Further submissions New Zealand Pork Industry Board (F564)	Accept in part	
Section 8.2 – Submissions requesting subdivision controls to address ‘reverse sensitivity’ effects		
MJ & TD Rickerby (607.10)	Accept in part	23.3
Further submissions Tegel Foods Ltd (F679) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) McFarlane Group Developments Ltd (F955)	Accept in part Reject Reject	
MJ & TD Rickerby (607.11)	Accept in part	23.3
Further submissions Tegel Foods Ltd (F679) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept in part Reject	

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Submission	Accept/Reject	Recommendation
Castle Hill Partnership (F881) Fiona J Hussey (F930) Scott Hussey (F931) Bruce Nell (F977) R F James (F936) Guy Martin (F1039) Philip W Wareing (F1026) Lyn Nell (F978) John McDermott (F954) New Zealand Pork Industry Board (F564)	Accept Accept Accept Accept Accept Accept Accept Accept Accept Accept	
Willaden Farms (399.06) Further submissions New Zealand Pork Industry Board (F564)	Accept Accept	23.5
Willaden Farms (399.07) Further submissions New Zealand Pork Industry Board (F564)	Reject Reject	23.5
New Zealand Pork Industry Board (564.17) Further submissions Stephen Dean Glass (F916) Graeme Vanstone Irving (F935) NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations (F565) Thomas Ross & Julie Ann Sadler (F612) Chris Trengrove (F688)	Accept in part Accept in part Accept in part Accept in part Accept in part	23.5
PIC New Zealand (594.04) Further submissions New Zealand Pork Industry Board (F564)	Accept in part Accept in part	23.5
Thomas Ross & Julie Ann Sadler (612.03) Further submissions New Zealand Pork Industry Board (F564)	Accept in part Accept in part	23.5
Ray Seebeck (632.01) Further submissions New Zealand Pork Industry Board (F564)	Accept Accept	23.5
Ray Seebeck (632.02) Further submissions New Zealand Pork Industry Board (F564)	Reject Reject	23.5
Tegel Foods Ltd (679.27) Further submissions Zealand Pork Industry Board (F564) MJ & TD Rickerby (F607) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept in part Accept in part Accept in part Reject	23.5

Submission	Accept/Reject	Recommendation
Chris Trengrove (688.02)	Accept in part	23.5
Further submissions New Zealand Pork Industry Board (F564)	Accept in part	
Pork Industry (696.06)	Accept in part	23.5
Further submissions New Zealand Pork Industry Board (F564)	Accept in part	
Section 8.5 – Submissions relating to the boarding of animals		
Selwyn District Council (228.32 and 228.40)	Accept	23.6.1
Victor Melvyn Challies (332.22)	Accept in part	23.6.2
Further submissions R Dally & Others (F352)	Accept in part	
Prebbleton Community Association (599.22)	Accept in part	23.6.2
Further submissions Federated Farmers of New Zealand (F385)	Reject	
R Dally & Others (352.01)	Accept in part	23.6.2
Further submissions Robert John Dally (F892)	Accept in part	
R Dally & Others (352.02 and 352.03)	Reject	23.6.2
Further submissions Robert John Dally (F892)	Reject	
Heinz Watties Australasia (419.19)	Reject	23.6.2
Victor Melvyn Challies (332.19)	Accept in part	23.6.2
Further submissions Stephen Dean Glass (F916) Graeme Vanstone Irving (F935) New Zealand Pork Industry Board (F564) Ross & Julie Sadler (F622) Chris Trengrove (F688) Tegel Foods Ltd (F679)	Reject Reject Reject Reject Reject Reject	
Prebbleton Community Association (599.19)	Accept in part	23.6.2
Further submissions R Dally & Others (F352) Federated Farmers of New Zealand (F385) New Zealand Pork Industry Board (F564)	Accept Reject Reject	

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Submission	Accept/Reject	Recommendation
Santa Enterprises (623.11)	Reject	23.7.1
Further submissions George Timothy Deans (F894)	Reject	
Victor Melvyn Challies (332.36)	Reject	23.7.1
Prebbleton Community Association (599.36)	Reject	23.7.1
New Zealand Pork Industry Board (564.26)	Reject	23.7.1
Further submissions Stephen Dean Glass (F916) Graeme Vanstone Irving (F935) Chris Trengrove (F688)	Reject Reject Reject	
Thomas Ross & Julie Ann Sadler (612.04)	Reject	23.7.1
Further submissions New Zealand Pork Industry Board (F564)	Reject	
Pork Industry (696.05)	Reject	23.7.1
Further submissions New Zealand Pork Industry Board (F564)	Reject	
New Zealand Pork Industry (91.2)	Accept	23.7.1
New Zealand Pork Industry (91.3)	Reject	23.7.1
Further submissions North Canterbury Federated Farmers (F40)	Reject	
Willaden Farms (399.08)	Accept	23.7.2
New Zealand Pork Industry Board (564.14)	Reject	23.7.2
Canterbury Poultry Meat Producers Association (321.29)	Accept	23.7.3
Further submissions RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Reject	
Victor Melvyn Challies (332.23)	Reject	23.7.3
Further submissions New Zealand Pork Industry Board (F564) Ross & Julie Sadler (F622) Tegel Foods Ltd (F679)	Accept Accept Accept	
Heinz Watties Australasia (419.20)	Reject	23.7.3
New Zealand Pork Industry Board (564.20)	Reject	23.7.3
Prebbleton Community Association (599.23)	Reject	23.7.3
Further submissions Federated Farmers of New Zealand (F385) New Zealand Pork Industry Board (F564)	Accept Accept	

Submission	Accept/Reject	Recommendation
Tegel Foods Ltd (679.29) Further submissions MJ & TD Rickerby (F607) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept Accept Reject	23.7.3
Chris Trengrove (688.04) Further submissions New Zealand Pork Industry Board (F564)	Accept Accept	23.7.3
Canterbury Poultry Meat Producers Association (321.30) Further submissions RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept Reject	23.7.3
Victor Melvyn Challies (332.24) Further submissions Stephen Dean Glass (F916) Graeme Vanstone Irving (F935) New Zealand Pork Industry Board (F564) Chris Trengrove (F688) Tegel Foods Ltd (F679)	Reject Accept Accept Accept Accept Accept	23.7.3
Environment Canterbury (371.153) Further submissions Jules J Snoyink (F1013) Rosalie Joy Snoyink (F1014) Eclectic Energy (F374) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) Santa Enterprises (F623) S T and C J Bell Ltd and R D Bell (F862) Frank and Diane Denson (F896) H G and P M Innes (F934) Tegel Foods Ltd (F679)	Accept Accept Accept Accept Reject Reject Reject Reject Reject Reject Reject	23.7.3
TD & JA Gallagher (398.04) Further submissions Transit New Zealand (F686)	Accept in part Reject	23.7.3
New Zealand Pork Industry Board (564.21)	Reject	23.7.3
New Zealand Pork Industry Board (564.22) Further submissions Stephen Dean Glass (F916) Graeme Vanstone Irving (F935) Chris Trengrove (F688)	Reject Reject Reject Reject	23.7.3
PIC New Zealand (594.06) Further submissions New Zealand Pork Industry Board (F564)	Reject Reject	23.7.3

Submission	Accept/Reject	Recommendation
Prebbleton Community Association (599.24) Further submissions Federated Farmers of New Zealand (F385) New Zealand Pork Industry Board (F564)	Reject Accept Accept	23.7.3
Ray Seebeck (632.03) Further submissions Tegel Foods Ltd (F679)	Reject Reject	23.7.3
David William Stott (645.01)	Reject	23.7.3
Tegel Foods Ltd (679.30) Further submissions MJ & TD Rickerby (F607) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept Accept Reject	23.7.3
Chris Trengrove (688.03) Further submissions New Zealand Pork Industry Board (F564)	Reject Reject	23.7.3
Pork Industry (696.03)	Reject	23.7.3
Victor Melvyn Challies (332.19) Further submissions Stephen Dean Glass (F916) Graeme Vanstone Irving (F935) New Zealand Pork Industry Board (F564) Ross & Julie Sadler (F622) Chris Trengrove (F688) Tegel Foods Ltd (F679)	Accept in part Reject Reject Reject Reject Reject Reject	23.7.3
Prebbleton Community Association (599.19) Further submissions R Dally & Others (F352) Federated Farmers of New Zealand (F385) New Zealand Pork Industry Board (F564)	Accept in part Accept in part Reject Reject	23.7.3
Section 8.7 – Submissions relating to dairy farms		
AgResearch Limited (255.08 and 255.09) Further submissions Lincoln University (F947)	Accept Accept	23.8
Duncan Laing Contractors (349.03)	Accept	23.8
Eclectic Energy (374.12) Further submissions Eclectic Energy (F374)	Reject Reject	23.8

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Submission	Accept/Reject	Recommendation
Margaret C George (F913)	Accept	
Brian Goddard (F919)	Accept	
Peter Graham (F920)	Accept	
Christopher C A Gray (F921)	Accept	
Rodger & Caroline Hardwick (F926)	Accept	
B L & D J Haylock (F928)	Accept	
H G and P M Innes (F934)	Accept	
Garry & Honoria Lamers (F944)	Accept	
Jim Macartney (F953)	Accept	
Mount White Station Ltd (F974)	Accept	
L M Nicoll (F980)	Accept	
I H Reed (F996)	Accept	
Mark Robert McAtamney (F952)	Accept	
Dwight William Love (F950)	Accept	
L McKenzie (F958)	Accept	
Kelly Frame (F909)	Accept	
Bridget Frame (F908)	Accept	
L I Bradley (F867)	Accept	
Matthew Davis Bradley (F868)	Accept	
M G Bradley (F869)	Accept	
Castle Hill Partnership (F881)	Accept	
Fiona J Hussey (F930)	Accept	
Scott Hussey (F931)	Accept	
Bruce Nell (F977)	Accept	
R F James (F936)	Accept	
Guy Martin (F1039)	Accept	
Philip W Wareing (F1026)	Accept	
Lyn Nell (F978)	Accept	
John McDermott (F954)	Accept	
Federated Farmers of New Zealand (385.42)	Accept in part	23.8
Further submissions		
Lawrence Croft (F890)	Accept in part	
George Timothy Deans (F894)	Accept in part	
Craig Eggleston (F901)	Accept in part	
P J Fleming (F902)	Accept in part	
A D Florance (F903)	Accept in part	
David Florance (F904)	Accept in part	
Margaret C George (F913)	Accept in part	
Brian Goddard (F919)	Accept in part	
Peter Graham (F920)	Accept in part	
Christopher C A Gray (F921)	Accept in part	
Rodger & Caroline Hardwick (F926)	Accept in part	
B L & D J Haylock (F928)	Accept in part	
H G and P M Innes (F934)	Accept in part	
Garry & Honoria Lamers (F944)	Accept in part	
Jim Macartney (F953)	Accept in part	
Mount White Station Ltd (F974)	Accept in part	
L M Nicoll (F980)	Accept in part	
I H Reed (F996)	Accept in part	
Mark Robert McAtamney (F952)	Accept in part	
Dwight William Love (F950)	Accept in part	
L McKenzie (F958)	Accept in part	
Kelly Frame (F909)	Accept in part	
Bridget Frame (F908)	Accept in part	
L I Bradley (F867)	Accept in part	
Matthew Davis Bradley (F868)	Accept in part	
M G Bradley (F869)	Accept in part	

Submission	Accept/Reject	Recommendation
Castle Hill Partnership (F881) Fiona J Hussey (F930) Scott Hussey (F931) Bruce Nell (F977) R F James (F936) Guy Martin (F1039) Philip W Wareing (F1026) Lyn Nell (F978) John McDermott (F954) Transit New Zealand (F686)	Accept in part Accept in part Accept in part Accept in part Accept in part Accept in part Accept in part Accept in part Accept in part Accept in part	
Transit New Zealand (686.56)	Reject	23.8
Further submissions Transit New Zealand (F686)	Reject	
Transit New Zealand (686.57)	Reject	23.8
Section 8.8 – Submissions relating to the keeping of animals in townships		
Muller-Cajar, H & U (14.4)	Reject	23.9
Further submissions Hallowes, P.J. (F30)	Reject	
Craig, D.H. & R.A (71.2)	Reject	23.9
Further submissions Hallowes, P.J. (F30)	Reject	
Hallowes, P.J. (30.1)	Reject	23.9
Kirwee Community Committee (48.6)	Reject	23.9
Further submissions Hallowes, P.J. (F30)	Reject	
T.R. Wood (128.4, 128.7, 128.9, 128.10 and 128.11)	Reject	23.9
Further submissions Muller-Cajar, H & U (F14) Hallowes, P.J. (F30) Neumarch, Patricia (F8) Neumarch, L.J. (F12) Neumarch, P.F. (F13)	Reject Reject Accept Accept Accept	
Muller-Cajar, H & U (14.6, 14.7 and 14.8)	Reject	23.9
Selwyn District Council (226.35)	Reject	23.9
Hallowes, P.J. (30.2)	Reject	23.9
Kirwee Community Committee (48.7)	Reject	23.9
Craig, D.H. & R.A (71.1, 71.3 and 71.8)	Reject	23.9

Submission	Accept/Reject	Recommendation
T.R. Wood (128.8) Further submissions Muller-Cajar, H & U (F14) Neumarch, Patricia (F8) Neumarch, L.J. (F12) Neumarch, P.F. (F13)	Accept Accept Reject Reject Reject	23.9
T.R. Wood (128.5) Further submissions Neumarch, Patricia (F8) Neumarch, L.J. (F12) Neumarch, P.F. (F13)	Accept Reject Reject Reject	23.9
T.R. Wood (128.6) Further submissions Neumarch, Patricia (F8) Neumarch, L.J. (F12) Neumarch, P.F. (F13)	Accept Reject Reject Reject	23.9
Selwyn District Council (226.36)	Reject	23.9
Selwyn District Council (226.37 and 226.38)	Accept in part	23.9
Section 8.9 – Submissions relating to a range of provisions, including consequential amendments		
MJ & TD Rickerby (607.01) Further submissions Federated Farmers of New Zealand (F385) Tegel Foods Ltd (F679) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept in part Accept in part Accept in part Reject	23.10.1
Grant Williams (714.01)	Reject	23.10.1
G.D. Gillanders & Sons Ltd (119.2)	Reject	23.10.1
New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations (565.01) Further submissions Federated Farmers of New Zealand (F385) Tegel Foods Ltd (F679) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept in part Accept in part Accept in part Reject	23.10.2
New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations (565.02) Further submissions Tegel Foods Ltd (F679) RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept in part Accept in part Reject	23.10.2
Norman Archie Dunlop (370.04)	Accept in part	23.10.2
Selwyn District Council (241.1d, 241.1i, 241.1m, 241.3b, 241.4d, 241.5a, 241.6b, 241.6c, 241.7 and 241.8d)	Accept	23.10.3

Submission	Accept/Reject	Recommendation
Canterbury Poultry Meat Producers Association (321.31)	Accept in part	23.10.4
Further submissions RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Reject	
Tegel Foods Ltd (679.31)	Accept in part	23.10.4
Further submissions MJ & TD Rickerby RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Accept in part Reject	
Willaden Farms (399.03)	Accept in part	23.10.4
Pork Industry (696.07)	Accept in part	23.10.4
G Van Ameyde (697.02)	Accept in part	23.10.4

Attachments

- Attachment A** Relevant Sections of the Resource Management Act 1991
- Attachment B** Table 2 – Policy Options on Reverse Sensitivity (M. Barber, 1999)
- Attachment C** Odour Advice from Aurora Pacific Ltd
- Attachment D** Appendix II of the Taranaki Regional Air Quality Plan
- Attachment E** Rules AQL63-65 – Chapter 3: Air Quality of the Proposed NRRP
- Attachment F** Relevant extract from Officer Report No.18 (Submissions 332.19 & 599.19)
- Attachment G** Relevant extract from Officer Report No.14 (Submissions 385.41, 385.42, 686.56 & 686.57)

This report analyses submissions made on part of the Proposed District Plan for Selwyn District (PDP). The report is prepared under Section 42A of the Resource Management Act 1991 (RMA). The purpose of the report is to assist the Hearing Commissioners in evaluating and deciding on submissions made on the PDP and to assist submitters in understanding how their submission affects the planning process. The report may include recommendations to accept or reject points made in submissions and to make amendments to the PDP. These recommendations are the opinions of the Reporting Officer(s) only. The Hearing Commissioners will decide on each submission after hearing and considering all relevant submissions, the Officer's Report(s) and the Council's functions and duties under the RMA.

1. Introduction

- 1.1 My full name is Justine Mary Ashley. I am a Senior Planner at Planit R. W. Batty & Associates Ltd, a Christchurch based resource management consulting company. I hold the qualifications of a Bachelor of Resource Studies and a Postgraduate Certificate in Resource Studies from Lincoln University. I have worked in the field of planning/resource management for six years, including being employed by Selwyn District Council as the Senior Regulatory Planner. I am familiar with the geography of the District and its resource management issues and the process of preparing the Proposed District Plan (PDP).
- 1.2 I have been engaged by Selwyn District Council to prepare and present evidence on submissions made on the PDP. In this instance I have been asked to prepare a report relating to those particular submissions on implementation methods for addressing adverse effects on amenity values and 'reverse sensitivity' effects, particularly in relation to the keeping of animals, that have been forwarded to me by the Council for analysis.

2. Report Content

- 2.1 This report:
- (i) Describes the plan provisions which are being addressed;
 - (ii) Outlines the number and nature of submissions on these provisions;
 - (iii) Assesses the submissions made on each group of provisions; and
 - (iv) Lists any recommendations to accept or reject submissions and any resulting amendments to the PDP.
- 2.2 For conciseness, the points made or decisions requested in submissions on this part of the PDP are summarised in this report. The Hearing Commissioners will have full copies of all submissions and further submissions.
- 2.3 Expert odour advice has been received from Ms Tracy Freeman and Mr Roger Cudmore of Aurora Pacific Ltd in the preparation of specific sections of this report. Such sections include 8.1 'Submissions requesting separation distances to address reverse sensitivity effects'; 8.3 'Submissions seeking to control activities that could be sensitive to existing

land uses', 8.4 'Submissions relating to odour effects from livestock effluent'; and 8.6 'Submissions relating to intensive livestock farming'.

3. Procedural Matters

- 3.1 R.C. Green (842) has lodged one submission on the Rural Volume of the PDP, which was received by the Council on 1 May 2002. Submissions closed on 7 December 2001. This submission was received on a Further Submission form; therefore it was not identified as a 'late' submission until it was noticed during the preparation of this report.
- 3.2 Under clause 7 of the First Schedule of the Act, the Council is required to publicly notify a summary of all decisions requested by persons making submissions on the PDP to allow further submissions to be made in support or opposition to any of the decisions sought. The submission by R.C. Green was received some seven months after the closing of submissions and as such it was not included in the Council's Summary of Submissions. In my view, this submission cannot be accepted unless it is publicly notified to give others the opportunity to lodge a further submission.
- 3.3 It is therefore important that the Panel decides on this matter in the first instance, because if the submission is accepted it may be necessary for it (or the whole Summary of Submissions) to be notified.
- 3.4 As a consequence of the potential delays in hearing process, and considering that the submission raises concerns that are contained in other submissions that were included in the Summary of Submissions (addressed in Section 8.8 of this report), I recommend that the late submission by R.C. Green not be accepted.
- 3.5 Any other matters relating to the validity of decisions requested or relief sought in submissions will be discussed as part of the analysis of submissions.

4. General Submissions

Submission Point	Summary	Decision Requested																																																																																																												
Glenthorne Holdings Ltd & Glenthorn Station Ltd (393.20)	The submitter supports the submission from Federated Farmers.	Support for the submission from Federated Farmers (submission number 385).																																																																																																												
Philippa Innes (440.04)	Note: it would appear that the submitter seeks the same relief as sought by Federated Farmers in their submission (submission number 385).	Support submission by Federated Farmers of New Zealand (Inc.).																																																																																																												
Federated Farmers of New Zealand (385.01)	With respect to the parts of the Proposed Plan that the submitter supports, they are satisfied that the Issues, Policies, Methods and Rules are necessary, appropriate and adequately justified in the Council's deliberations, extensive consultative process and Section 32 analysis. Any persons or organisations opposing such policies should be required to present their own Section 32 analysis. With respect to the parts of the Plan that the submitter opposes, or for which amendments are sought, the submitter is not satisfied that the Issues, Policies, Methods and Rules are necessary, appropriate and adequately justified in relation to the Council's intentions or the outcome of the extensive consultative process or their Section 32 analysis.	Refer to Appendix A within the original submission for the submitter's Section 32 analysis.																																																																																																												
<i>Further Submissions</i>	<table border="0"> <tr> <td>F345</td><td>Department of Conservation</td><td>Oppose</td></tr> <tr> <td>952F</td><td>Mark Robert McAtamney</td><td>Support</td></tr> <tr> <td>950F</td><td>Dwight William Love</td><td>Support</td></tr> <tr> <td>890F</td><td>Lawrence Croft</td><td>Support</td></tr> <tr> <td>921F</td><td>Christopher C A Gray</td><td>Support</td></tr> <tr> <td>868F</td><td>Matthew Davis Bradley</td><td>Support</td></tr> <tr> <td>869F</td><td>M G Bradley</td><td>Support</td></tr> <tr> <td>894F</td><td>George Timothy Deans</td><td>Support</td></tr> <tr> <td>931F</td><td>Scott Hussey</td><td>Support</td></tr> <tr> <td>974F</td><td>Mount White Station Ltd</td><td>Support</td></tr> <tr> <td>902F</td><td>P J Fleming</td><td>Support</td></tr> <tr> <td>977F</td><td>Bruce Nell</td><td>Support</td></tr> <tr> <td>936F</td><td>R F James</td><td>Support</td></tr> <tr> <td>1026F</td><td>Philip W Wareing</td><td>Support</td></tr> <tr> <td>996F</td><td>I H Reed</td><td>Support</td></tr> <tr> <td>944F</td><td>Garry & Honoria Lamers</td><td>Support</td></tr> <tr> <td>928F</td><td>B L & D J Haylock</td><td>Support</td></tr> <tr> <td>920F</td><td>Peter Graham</td><td>Support</td></tr> </table>	F345	Department of Conservation	Oppose	952F	Mark Robert McAtamney	Support	950F	Dwight William Love	Support	890F	Lawrence Croft	Support	921F	Christopher C A Gray	Support	868F	Matthew Davis Bradley	Support	869F	M G Bradley	Support	894F	George Timothy Deans	Support	931F	Scott Hussey	Support	974F	Mount White Station Ltd	Support	902F	P J Fleming	Support	977F	Bruce Nell	Support	936F	R F James	Support	1026F	Philip W Wareing	Support	996F	I H Reed	Support	944F	Garry & Honoria Lamers	Support	928F	B L & D J Haylock	Support	920F	Peter Graham	Support	<table border="0"> <tr> <td>901F</td><td>Craig Eggleston</td><td>Support</td></tr> <tr> <td>909F</td><td>Kelly Frame</td><td>Support</td></tr> <tr> <td>958F</td><td>L McKenzie</td><td>Support</td></tr> <tr> <td>908F</td><td>Bridget Frame</td><td>Support</td></tr> <tr> <td>904F</td><td>David Florance</td><td>Support</td></tr> <tr> <td>867F</td><td>L I Bradley</td><td>Support</td></tr> <tr> <td>881F</td><td>Castle Hill Partnership</td><td>Support</td></tr> <tr> <td>930F</td><td>Fiona J Hussey</td><td>Support</td></tr> <tr> <td>919F</td><td>Brian Goddard</td><td>Support</td></tr> <tr> <td>980F</td><td>L M Nicoll</td><td>Support</td></tr> <tr> <td>903F</td><td>A D Florance</td><td>Support</td></tr> <tr> <td>934F</td><td>H G and P M Innes</td><td>Support</td></tr> <tr> <td>1039F</td><td>Guy Martin</td><td>Support</td></tr> <tr> <td>978F</td><td>Lyn Nell</td><td>Support</td></tr> <tr> <td>954F</td><td>John McDermott</td><td>Support</td></tr> <tr> <td>926F</td><td>Rodger & Caroline Hardwick</td><td>Support</td></tr> <tr> <td>913F</td><td>Margaret C George</td><td>Support</td></tr> <tr> <td>953F</td><td>Jim Macartney</td><td>Support</td></tr> </table>	901F	Craig Eggleston	Support	909F	Kelly Frame	Support	958F	L McKenzie	Support	908F	Bridget Frame	Support	904F	David Florance	Support	867F	L I Bradley	Support	881F	Castle Hill Partnership	Support	930F	Fiona J Hussey	Support	919F	Brian Goddard	Support	980F	L M Nicoll	Support	903F	A D Florance	Support	934F	H G and P M Innes	Support	1039F	Guy Martin	Support	978F	Lyn Nell	Support	954F	John McDermott	Support	926F	Rodger & Caroline Hardwick	Support	913F	Margaret C George	Support	953F	Jim Macartney	Support
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Crown Public Health Limited (219.37)	The submitter supports the general tenor, or words to the like effect, of classes of activities defined as Non-Complying Activities, and Discretionary Activities, in Rules 1 and 2 as consistent with sustainable management and measures promoting the avoidance, remedy and mitigation of adverse noise effects on people and communities.	Adopt Rules 1 and 2. Make such consequential amendments including words to the like effect, to any provision of the plan to conform or complement the amendments sought in these submissions, with such amendments to syntax as the context may justify.																																																																																																												
Selwyn District Council (229.35)	The intention of the aircraft and airport rules was to provide for emergency work and 'one off' events as a permitted activity; for air movements ancillary to the main use of the site as a discretionary activity; and for other aircraft movements as a non-complying activity. Amendments to give effect to this are therefore sought. This includes deletion of 'airports' from the listed activities for both	Delete the word "Airport" from 2.2 Listed Activities - Rule 1 Non-Complying Activities and make consequential amendments to the numbering.																																																																																																												

Submission Point	Summary	Decision Requested
	zones, to avoid duplication and inconsistency with the effects based rules.	
Crown Public Health Limited (219.49)	The submitter supports the general tenor, or words to the like effect, of classes of activities defined as Non-Complying Activities, and Discretionary Activities in Rules 1-7 as consistent with sustainable management and measures promoting the avoidance, remedy and mitigation of adverse noise effects on people and communities.	Adopt 3.2 - Listed Activities, Rules 1-7. Make such consequential amendments including words to the like effect, to any provision of the plan to conform or complement the amendments sought in these submissions, with such amendments to syntax as the context may justify.
Saville, J.W. & J.L. (67.1)	The submitter supports the Proposed Plan.	Support for the Proposed Plan, and specifically pertaining to the Prebbleton area.
New Zealand Historic Places Trust Pouhere Taonga (140.100)	The submitter supports the management of the design of new buildings where this has a potential adverse effect on the landscape, character or heritage values of an area.	Adopt the Plan rules which support the management of the design of new buildings where this has a potential adverse effect on the landscape, character or heritage values. Note: the submitter has requested another decision in relation to this issue - refer submission point 140.52 page 141.
Buckley, M.J. (139.2)	The submitter generally supports the Plan.	That the remainder of the Proposed Plan (apart from the amendments requested by the submitter under submission point 139.1(refer page 328)) be adopted.
Ian Allen Upston (693.01)	The submitter relies on the Federated Farmers to protect their interests.	Support for Federation Farmers submission in opposition to the Proposed District Plan i.e. seek same amendments etc as sought by Federated Farmers (submission number 385).
Federated Farmers of New Zealand (385.92)	The submitter supports all issues, objectives, policies and methods in Part II of the Proposed Plan except for those specifically commented on in other parts of this submission.	Adopt all the issues, objectives, policies and methods in Part II of the Proposed Plan except for those specifically commented on in other parts of this submission (refer to submission points 385.03 to 385.56 and 385.88 for submissions on the issues, objectives and methods). Note: the submitter has placed this decision under '1.1 Land and Soil' in their submission. However, it appears as though the intention was that it be placed under 'Part II - Issues, Objectives and Policies'.
<i>Further Submissions</i>	953F Jim Macartney Support 952F Mark Robert Support McAtamney 958F L McKenzie Support 977F Bruce Nell Support 980F L M Nicoll Support 1026F Philip W Wareing Support 944F Garry & Honoria Support Lamers 868F Matthew Davis Support Bradley 881F Castle Hill Partnership Support 894F George Timothy Support Deans 902F P J Fleming Support 904F David Florance Support 909F Kelly Frame Support 919F Brian Goddard Support 921F Christopher C A Gray Support 928F B L & D J Haylock Support 931F Scott Hussey Support	950F Dwight William Love Support 954F John McDermott Support 974F Mount White Station Support Ltd 978F Lyn Nell Support 996F I H Reed Support 1039F Guy Martin Support 867F L I Bradley Support 869F M G Bradley Support 890F Lawrence Croft Support 901F Craig Eggleston Support 903F A D Florance Support 908F Bridget Frame Support 913F Margaret C George Support 920F Peter Graham Support 926F Rodger L & Caroline Support Hardwick 930F Fiona J Hussey Support 936F R F James Support

Submission Point	Summary	Decision Requested
Federated Farmers of New Zealand (385.90)	The submitter supports all the rules in the Rural Volume of the Proposed Plan except for as specifically commented in other parts of this submission.	Adopt all the rules in the Rural Volume of the Proposed Plan except for as specifically commented in other parts of this submission (refer to submission points 385.57 to 385.89 for submissions on the rules).
Further Submissions	901F Craig Eggleston Support 952F Mark Robert Support 869F M G Bradley Support 908F Bridget Frame Support 904F David Florance Support 867F L I Bradley Support 894F George Timothy Deans Support 919F Brian Goddard Support 974F Mount White Station Ltd Support 902F P J Fleming Support 951F Antonia Louise McAtamney Support 1024F Ross Urquhart Support 977F Bruce Nell Support 979F Oliver Newbegin Support 1039F Guy Martin Support 1026F Philip W Wareing Support 996F I H Reed Support 944F Garry & Honoria Lamers Support 928F B L & D J Haylock Support 920F Peter Graham Support 921F Christopher C A Gray Support	950F Dwight William Love Support 909F Kelly Frame Support 958F L McKenzie Support 890F Lawrence Croft Support 868F Matthew Davis Bradley Support 881F Castle Hill Partnership Support 931F Scott Hussey Support 930F Fiona J Hussey Support 980F L M Nicoll Support 937F Warrick Roger James Support 903F A D Florance Support 968F Bruce Miles Support 1023F Louise Urquhart Support 934F H G and P M Innes Support 936F R F James Support 978F Lyn Nell Support 954F John McDermott Support 926F Rodger & Caroline Hardwick Support 913F Margaret C George Support 953F Jim Macartney Support

The above submissions have been lodged supporting either the provisions in the PDP as notified or supporting Federated Farmers who in turn support the provisions of the PDP on which they have not submitted. These submissions become submissions on every provision of the PDP. Consequently they are accepted or rejected depending on whether changes are recommended to each provision.

Recommendation 23.1

1. The Council **accepts** these submissions and further submissions as they relate to parts of the Rural Volume of the pdp where no amendments are recommended.
2. The Council **rejects** these submissions and further submissions as they relate to parts of the Rural Volume of the PDP where amendments to consequential amendments are recommended.

Reasons for Recommendation

The reasons will be those recorded under the recommendation on specific provisions of the PDP.

Amendments to the Proposed Plan

As recorded under the recommendations on specific provisions of the PDP.

5. Plan Provisions

5.1 The subject of this report is to address issues relating to implementation methods for addressing reverse sensitivity and amenity effects, particularly as they relate to effects arising from the keeping of animals. The term 'reverse sensitivity' is a planning term that has been described by the Environment Court¹ as "the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in the carrying on of those activities". While there are many examples of reverse sensitivity effects, in my experience the most common in Selwyn's rural area is when residential activities establish close to existing rural-based activities (eg. intensive livestock operations). The provisions of the PDP which are subject to the submissions contained in this report include:

Rural Volume

- Part 2, 3 People's Health, Safety and Values, 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (pages 138-150)
- Part 2, 4 Growth of Rural Area, 4.1 Residential Density and Subdivision in the Rural Area (pages 151-162)
- Part 3, Section 2, Rule III – Buildings, Rule 1.16 Building Position (pages 214-215)
- Part 3, Section 2, Rule VII – Waste, Generation, Storage and Disposal, Rule 6 Livestock Effluent (pages 258-259)
- Part 3, Section 2, Rule VIII – Activities, Listed Discretionary Activities (page 263)
- Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals – Keeping Animals (pages 266-269)
- Part 3, Section 2, Rule VIII – Activities, Rule 1.8 Dairy Farms (pages 269-270)
- Part 3, Section 2, Rule IX – Subdivision, Rule 1.1 Controlled Activities (page 284)
- Part 3, Section 3. Definitions (pages 315-323)

Township Volume

- Part 2, Section 3.4 Quality of the Environment and Amenity Values, Policy 13 (page 138)
- Part 3, Section 2, Rule 21 Keeping of Animals (page 245)
- Part 3, Section 3, Rule 14 Keeping of Animals (pages 300-301)
- Part 3, Section 6, Definitions (pages 342-348)

¹ *Auckland Regional Council v Auckland City Council (A10/97)*

- 5.2 A supplementary report (Officer Report No.32) to this report has been prepared by consultant planner Ms E. Frazer of Connell Wagner Ltd, to address those submissions for which I have a potential conflict of interest. This report should also be considered in conjunction with Report No.19 'Background Report on Reverse Sensitivity', prepared by Ms L. Weastell, and Report No.22 'Report on Submissions relating to the Air Sections and Objectives and Policies for Reverse Sensitivity' prepared by myself. Furthermore, the assessment of those submissions relating to Part 2, 4 Growth of Rural Area, 4.1 Residential Density and Subdivision in the Rural Area (pages 151-162), should be read in conjunction with Report No.8 'Report on General Submissions relating to Residential Density & Subdivision in the Rural Area' also prepared by myself.

6. Submissions

- 6.1 The submissions made to the PDP provisions identified in paragraph 5.1 above may be categorised into the following topics:
- (i) Submissions requesting separation distances to address reverse sensitivity effects.
 - (ii) Submissions requesting subdivision controls to address reverse sensitivity effects.
 - (iii) Submissions seeking to control activities that could be sensitive to existing land uses.
 - (iv) Submissions relating to odour effects from livestock effluent.
 - (v) Submissions relating to the boarding of animals.
 - (vi) Submissions relating to intensive livestock farming.
 - (vii) Submissions relating to dairy farms.
 - (viii) Submissions relating to the keeping of animals in townships.
 - (ix) General submissions relating to a range of provisions, including consequential amendments.
- 6.2 Submissions that seek to insert new definitions or amendments to existing definitions in the PDP are to be addressed where they relate to the above topic areas.

7. Overview and Statutory Context

7.1. Introduction

7.1.1. Amenity values are defined in the Resource Management Act 1991 (“the Act”) as:

“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”

7.1.2 Amenity values are included in the Act’s definition of “environment”, which forms part of the meaning of sustainable management where there is an onus to avoid, remedy or mitigate adverse effects on the environment. The Act requires district plans to address matters relating to the management of the use, development or protection of land and any associated natural and physical resources, including the control of any actual or potential effect on amenity values². In addition, Section 17 of the Act provides a backstop by placing a duty on every person to avoid, remedy or mitigate any adverse effect on the environment, notwithstanding whether or not the activity is permitted by the plan or the Act.

7.1.3 Maintaining amenity values, the quality of the environment and addressing the effects of incompatible activities, in the form of ‘reverse sensitivity’ is identified in the PDP as a significant resource management issue. I recognise that amenity effects are often difficult to manage as they are comprised of two elements: those that are tangible (eg. noise and odour); and those that reflect people’s expectations and perceptions about amenity. In my experience, the considerable variance in people’s perception of amenity values and how they individually view the rural environment generally forms the basis of most reverse sensitivity conflicts.

7.1.4 The way in which the PDP seeks to protect amenity values and manage reverse sensitivity effects is canvassed in Ms Weastell’s background report for this hearing topic (Report No.19). I do not intend to repeat Ms Weastell’s description here, but I consider it pertinent to outline the general approach adopted by the PDP in dealing with matters that are of particular relevance to this report, being:

- The use of zones as a method for defining the character and amenity of the district.
- The combination of effects-based rules and listed activities to control adverse amenity and reverse sensitivity effects.
- The objectives and policies which recognise the need for existing activities to continue to operate and to expand, notwithstanding the zone in which it is located.

² Ministry for the Environment publication “Managing Rural Amenity Conflicts” (February 2000)

- Reverse sensitivity effects are generally controlled through residential density provisions. There are currently no specific requirements to control the location of the 'sensitive' activities, for example separation or buffer distances.

7.2 Functions of Territorial Local Authorities and Regional Councils

7.2.1 The function of managing adverse effects on amenity values is divided between territorial authorities and regional councils. Territorial authorities are primarily responsible for land use activities and noise (ss. 9 and 31(b)-(d) of the Act), and regional councils are responsible for discharges to the environment, including discharges to air (s.30(1)(f) of the Act).

7.2.2 In relation to this overlap in functions I note that the publication by the Ministry for the Environment "Managing Rural Amenity Conflicts" (2000) states that:

"Discharges to air (predominately nuisance discharges of odour, dust, smoke and spraydrift) form the basis of over half of the historical amenity value conflicts identified by both local authority personnel consulted as part of this project, and they also feature prominently in the relevant amenity value case law. Consequently the split local government jurisdiction is a significant issue, as when developing district plans territorial authorities need to consider the role of regional councils in managing air discharge matters."

7.2.3 The Canterbury Regional Council notified 'Chapter 3: Air Quality' of its Proposed Canterbury Natural Resources Regional Plan (NRRP) on 1 June 2002. Submissions have been received; however the period for making further submissions is still open at the time of preparing this report. This Proposed Regional Plan contains objectives, policies and rules relating to air quality, including the control of offensive or objectionable odours from new activities that discharge contaminants into air. On this basis there is a potential for duplication or inconsistency between the Proposed NRRP and the PDP in addressing reverse sensitivity effects. Such overlaps will be more fully explored in the assessment of submissions contained in this report.

7.2.4 I note that the matter of overlapping functions has been canvassed in Officer Report 1.3 'Report on General Plan matters and Introductory Material' prepared by Ms L. Weastell. This report explains that while there may be overlapping functions between district and regional councils in law, there is still a need to justify any overlapping controls in accordance with Section 32 of the Act – 'Duties to consider alternatives, assess benefits and costs, etc'.

8. Assessment of Submissions

8.1. Submissions requesting separation distances to address 'reverse sensitivity' effects

Relevant Provisions (Rural Volume):

- Part 2, 3 People's Health, Safety and Values, 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (pages 138-150)
- Part 2, 4 Growth of Rural Area, 4.1 Residential Density and Subdivision in the Rural Area (pages 151-162)
- Part 3, Section 2, Rule III – Buildings, Rule 1.16 Building Position (pages 214-215)

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.13)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert further provisions within Part 2: Section 4.1 and within Part 3: Rules (refer to submission point 321.14, page 173) in order to impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations. And The decisions sought under submission points 321.09, page 154; 321.10, page 207; 321.11, page 283; 321.12, page 207; 321.14 and 321.15, page 173; 321.16, page 315; 321.17, page 206; 321.18, page 208 and 321.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
Canterbury Poultry Meat Producers Association (321.14)	Aristippus Farm Ltd (F858)	Oppose
	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert further provisions within Part 3: Rules and within Part 2: Section 4.1 (refer to submission point 321.13, page 151) in order to impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations. And The decisions sought under submission points 321.09, page 154; 321.10, page 207; 321.11, page 283; 321.12, page 207; 321.13, page 151; 321.15, page 173; 321.16, page 315; 321.17, page 206; 321.18, page 208 and 321.19, page 209.

Submission No.	Summary of Submission	Decision Requested
		And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations (F565)	Oppose
	Aristippus Farm Ltd (F858)	Oppose
Canterbury Poultry Meat Producers Association (321.15)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert provisions within Part 3: Rules to ensure that sensitive land uses (e.g. residential activities) in the Rural Zone that are not able to achieve the specified separation distances require resource consent as either a Discretionary or Non-Complying Activity. And The decisions sought under submission points 321.09, page 154; 321.10, page 207; 321.11, page 283; 321.12, page 207; 321.13, page 151; 321.14, page 173; 321.16, page 315; 321.17, page 206; 321.18, page 208 and 321.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	Aristippus Farm Ltd (F858)	Oppose
Tegel Foods Ltd (679.13)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert further provisions within Part 2: Section 4.1 and within Part 3: Rules (refer to submission point 679.14, page 173) in order to impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations. And The decisions sought under submission points 679.09, page 154; 679.10, page 207; 679.11, page 283; 679.12, page 207; 679.14 and 679.15, page 173; 679.16, page 315; 679.17, page 206; 679.18, page 208 and 679.19, page 209. And Similar and consequential amendments to the Proposed District Plan.

Submission No.	Summary of Submission	Decision Requested
		And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	MJ & TD Rickerby (F607)	Support
Tegel Foods Ltd (679.14)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert further provisions within Part 3: Rules and within Part 2: Section 4.1 (refer to submission point 679.13, page 151) in order to impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations. And The decisions sought under submission points 679.09, page 154; 679.10, page 207; 679.11, page 283; 679.12, page 207; 679.13, page 151; 679.15, page 173; 679.16, page 315; 679.17, page 206; 679.18, page 208 and 679.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	MJ & TD Rickerby (F607)	Support

Submission No.	Summary of Submission	Decision Requested
Tegel Foods Ltd (679.15)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert provisions within Part 3: Rules to ensure that sensitive land uses (e.g. residential activities) in the Rural Zone that are not able to achieve the specified separation distances require resource consent as either a Discretionary or Non-Complying Activity. And The decisions sought under submission points 679.09, page 154; 679.10, page 207; 679.11, page 283; 679.12, page 207; 679.13, page 151; 679.14, page 173; 679.16, page 315; 679.17, page 206; 679.18, page 208 and 679.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	MJ & TD Rickerby (F607)	Support

Submission No.	Summary of Submission	Decision Requested
New Zealand Pork Industry Board (564.12) The submitter contends that a setback distance should be specified for new or relocated residential units or principal buildings used for hospitality or visitor accommodation purposes, from existing intensive livestock production operations. In Part 2 of the Plan, it is stated that one of the mechanisms for avoiding reverse sensitivity effects will be the use of separation or buffer distances (Explanation to Policy 19, Section 3.4, page 149). Similarly, the maintenance of buffer zones between residential activities and activities with which they may be incompatible, is listed as an anticipated Environmental Result arising from the objectives and policies in Section 3.4. Policy 2 of Section 1.3 also purports to avoid or mitigate nuisance effects created in part by situations where an existing activity becomes surrounded by people through subdivision and residential development. Also in a similar vein is Policy 4 of Section 1.3, which seeks to "Allow the collocation of residential and business activities and the location of business activities in the Rural Zone, unless activities need to be separated to mitigate adverse effects". As present, however, the submitter contends that neither Policy 2, Policy 4 (both section 1.3) nor Policy 19 (section 3.4) are implemented in any of the proposed Rules in a way that will provide existing intensive livestock production operations any protection from potential reverse sensitivity effects arising from new incompatible activities that wish to locate nearby. It follows, therefore, that the anticipated Environmental Result from section 3.4 will also not be achieved by the current Rules. The submitter believes that buildings such as residential units, hospitality activities and visitor accommodation are some of the most likely sources of reverse sensitivity effects, and as such, a setback distance from existing intensive farming operations is appropriate in order to a) minimise the potential for those existing intensive farming operations to be adversely affected; and b) implement the objectives and policies in Part 2 of the Plan in a way that will achieve the stated Environmental Results.		That the following separation distance be added to the Building Position Rules: "1.20 Any new or relocated Residential Unit, or Building used for any form of hospitality activity or visitor accommodation is set back a minimum distance of 100m from any building used for intensive livestock production." And The decision sought under submission point 564.13, page 241. Or The decision sought under submission point 564.27, page 214. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Support
	Graeme Vanstone Irving (F935)	Support
	Tegel Foods Ltd (F679)	Support in Part
	Chris Trengrove (F688)	Support

Submission No.	Summary of Submission	Decision Requested
New Zealand Pork Industry Board (564.13)	The submitter contends that a setback distance should be specified for new or relocated residential units or principal buildings used for hospitality or visitor accommodation purposes, from existing intensive livestock production operations. In Part 2 of the Plan, it is stated that one of the mechanisms for avoiding reverse sensitivity effects will be the use of separation or buffer distances (Explanation to Policy 19, Section 3.4, page 149). Similarly, the maintenance of buffer zones between residential activities and activities with which they may be incompatible, is listed as an anticipated Environmental Result arising from the objectives and policies in Section 3.4. Policy 2 of Section 1.3 also purports to avoid or mitigate nuisance effects created in part by situations where an existing activity becomes surrounded by people through subdivision and residential development. Also in a similar vein is Policy 4 of Section 1.3, which seeks to "Allow the collocation of residential and business activities and the location of business activities in the Rural Zone, unless activities need to be separated to mitigate adverse effects". As present, however, the submitter contends that neither Policy 2, Policy 4 (both section 1.3) nor Policy 19 (section 3.4) are implemented in any of the proposed Rules in a way that will provide existing intensive livestock production operations any protection from potential reverse sensitivity effects arising from new incompatible activities that wish to locate nearby. It follows, therefore, that the anticipated Environmental Result from section 3.4 will also not be achieved by the current Rules. The submitter believes that buildings such as residential units, hospitality activities and visitor accommodation are some of the most likely sources of reverse sensitivity effects, and as such, a setback distance from existing intensive farming operations is appropriate in order to a) minimise the potential for those existing intensive farming operations to be adversely affected; and b) implement the objectives and policies in Part 2 of the Plan in a way that will achieve the stated Environmental Results.	That a new Rule be added stating that: "Any Residential Unit, or Building used for any form of hospitality activity or visitor accommodation that does not comply with Rule 1.20 shall be a non-complying activity." And The decision sought under submission point 564.12, page 214. Or The decision sought under submission point 564.18, page 263. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested. Note: the submitter has requested that this relates to 1.20 which is incorrect as this is on page 216 and relates to night lighting.
	Further Submission	Support/Oppose
	Tegel Foods Ltd (F679)	Support

Submission No.	Summary of Submission	Decision Requested
PIC New Zealand (594.02)	Having two large intensive farming operations located in the Selwyn District, the submitter is concerned that there appears to be little protection for its businesses, from potential 'reverse sensitivity' effects resulting from incompatible activities locating in inappropriate places. The submitter appreciates that the likelihood of someone choosing to locate next to a large intensive farming operation is low, but thinks that the risks to its businesses, should this occur, are too high to warrant leaving the Plan as it currently stands. The submitter notes that there are several policies in Part 2 of the Plan that acknowledge the importance of reverse sensitivity. It is in support of these policies (see above submission), but believes that their intent is not currently implemented through any rules that will provide protection for existing intensive farming operations. In order to put these policies into practice, the submitter believe it is necessary to include buffer distances in the Plan, which new activities such as residential dwellings, restaurants, and visitor accommodation must meet in order to be treated as a permitted activity. The submitter contends that this would be consistent with what is stated in the Explanation to Policy 19 of section 3.4 (page 149), which makes specific mention of using buffer distances as a method of mitigating reverse sensitivity effects.	Add the following to the Building Position Rules: "Any new or relocated residential unit or building used for any form of hospitality activity or visitor accommodation is set back a minimum distance of 100 metres from any building used for intensive livestock production".
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
MJ & TD Rickerby (607.07)	The rules and various matters the Council is required to consider in respect of restricted discretionary activities with respect to building set-backs, animals, residential density and subdivision are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere in the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities.	Insert new Rule 1.20 controlling the location of buildings adjacent to existing intensive farming activities as follows: "1.20 No new residential activity may be established within 500 metres of an intensive farming activity other than new residential activity within the property on which the intensive farming activity is located." That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission. Note: As Rule 1.20 already exists, it is unclear as to whether the submitter wishes to replace the existing Rule 1.20 or add a new rule to be inserted and the remaining to be renumbered.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	New Zealand Pork Industry Board (F564)	Unclear
	Tegel Foods Ltd (F679)	Support in Part

Submission No.	Summary of Submission	Decision Requested
	McFarlane Group Developments Ltd (F955)	Oppose
MJ & TD Rickerby (607.08)	The rules and various matters the Council is required to consider in respect of restricted discretionary activities with respect to building set-backs, animals, residential density and subdivision are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere in the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities.	Insert new set-back with respect to location of new intensive farming activities as follows: "1.21 No intensive farming activity may be established less than 500 metres from a residential or open space zone or from an existing residential activity other than an existing residential activity within the property on which the intensive farming activity is proposed." That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission. Note: As Rule 1.21 already exists, it is unclear as to whether the submitter wishes to replace the existing Rule 1.21 or add a new rule to be inserted and the remaining to be renumbered.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Oppose in Part
MJ & TD Rickerby (607.09)	The rules and various matters the Council is required to consider in respect of restricted discretionary activities with respect to building set-backs, animals, residential density and subdivision are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere in the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities.	Amend the assessment criteria regarding the exercise of the Council's discretion when considering applications that are in breach of new Rules 1.20 and 1.21 to include criteria regarding assessment of reverse sensitivity effects and methods to avoid, remedy or mitigate such effects. That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Support
Chris Trengrove (688.01)	Several Policies, and the Explanations to them, in Part 2 of the Plan make mention of the concept of 'reverse sensitivity' and the need to provide protection for existing activities from the effects of new, potentially incompatible, activities that propose to locate nearby. The submitter is in full support of these Policies, but unfortunately, does not see their intent being carried through into any of the Rules in Part 3 of the Plan in a way that relates to existing intensive farming operations. Existing intensive livestock production operations are very susceptible to reverse sensitivity effects. Once a new incompatible activity becomes established, existing activities that may	Add the following to the Building Position Rules: "Any new or relocated residential unit or building used for any form of hospitality activity or visitor accommodation is set back a minimum distance of 100 metres from any building used for intensive livestock production".

Submission No.	Summary of Submission	Decision Requested
	be discharging odour into the air, have no protection in the form of 'existing use rights' under s20 of the RMA. This means that an existing discharger may be forced to curtail their operation, or make other expensive alterations, in order to accommodate the new sensitive activity and comply with Regional Council discharge requirements. It is therefore very important for appropriate land use controls to be put in place at the District Council level, if problems are to be avoided in the future. In terms of new activities that existing intensive livestock production operations would be sensitive to, new residences, hospitality activities and visitor accommodation facilities are three of the main ones that the submitter believes need some degree of control. This control should be in the form of a minimum separation distance, in order to provide a buffer area in which odours can disperse and dilute. The submitter considers that if used in conjunction with the proposed residential densities, this should go some way towards protecting existing farmers.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Ross & Julie Sadler (622.03)	The issue of reverse sensitivity is discussed in the Plan as an issue in the District and as an example of a situation where reverse sensitivity issues have arisen, houses and restaurants close to intensive pig or poultry farms are mentioned. It is stated on pages 139 to 140 of the Plan that reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. The Plan is said to contain provisions to manage potential reverse sensitivity effects and as part of its strategy, it is said that policies and rules manage the location of activities which may have significant effects on surrounding properties, when set up. It is further stated that once set up, policies and rules protect these activities from reverse sensitivity effects from activities locating near them. Objectives and policies are referred to, including Objective 2 on page 141. The explanation provides that the Rural Zone is recognised principally as a business area rather than as a residential area, in the Plan and that policies and rules are not as stringent as those for living areas. It states that policies and rules allow for day to day farming and other activities which have effects typical of a rural area but manage activities which have potentially stronger effects. It states that the Plan recognises the Rural Zone as an area where a variety of activities take place. It goes on to recognise that while a variety of activities create potential reverse sensitivity effects particularly	The inclusion of a new Rules 1.19.4 to Rule 1.19, that is to the effect that: "Any building is set back a minimum distance of 200 metres from a building, compound or part of a site used for intensive livestock management". And Any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein, including amendments to the explanations for relevant objectives, policies and methods for giving effect to them.

Submission No.	Summary of Submission	Decision Requested
	between residential activities and other activities, it is said that the above objective is achieved by policies and rules which require resource consents for activities to set up which may affect surrounding properties and which recognise and protect activities from potential reverse sensitivity effects once they are set up. However, there are no rules that relate to activities other than residential activities in the Rural Zone that will achieve this objective insofar as the establishment of other activities may give rise to the potential for reverse sensitivity effects to occur. For instance, notwithstanding that a restaurant is recognised in the Plan as an activity that potentially results in reverse sensitivity effects if located opposite a pig farm, there are no controls that relate to the establishment of this sort of activity that will prevent reverse sensitivity effects from occurring (or indeed any other activity that might be described as one that is sensitive to the effects of a pig farm over the road from it, for instance, any hospitality activities such as a travellers' accommodation). There ought to be rules included in the Plan to prevent activities such as pig farms from being surrounded by potentially incompatible activities.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
	Tegel Foods Ltd (F679)	Support in Part

Relevant Submission from Report No.22

Submission No.	Summary of Submission	Decision Requested
PIC New Zealand (594.01)	The submitter is in support of this policy in that it sets out to provide some protection for existing activities from reverse sensitivity effects caused by incompatible activities locating close to them. The submitter considers that this policy provides the basis for including controls in the Plan that will limit where new activities can locate in relation to existing ones, and is pleased to note that buffer distances are mentioned as an appropriate tool for ensuring that this occurs. The submitter is disappointed, however, that this commitment to protecting existing activities does not extend as far as the Methods by which this policy (along with Policies 18 and 20) will be achieved. The submitter notes that 'residential density' is one of the Methods listed, but believes that this on its own is not sufficient to control the location of new or relocated buildings in relation to existing activities. It is of the opinion that controls relating specifically to the location of buildings are also required if adequate protection is going to be provided.	Retain Policy 19. And "Building position controls" be added to the list of methods by which this Policy will be implemented.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

The Submissions

8.1.1 Submissions by **Canterbury Poultry Meat Producers Association** and **Tegel Foods Ltd** request two types of amendments to the PDP in this instance. The first is to “impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations”. The second is to require resource consent for either a discretionary or non-complying activity for such sensitive uses that do not comply with the specified separation distances. The further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** opposes the whole of the submission by Canterbury Poultry Meat Producers Association and Tegel Foods Ltd due to concerns including “the submission appears to seek to legalise effects of activities that create nuisance on neighbouring properties and should legitimately be confined within their own property”, and that the “submission attempts to prevent further legitimate expansion of rural townships...”. **Aristipuss Farm Ltd** oppose those parts of the submissions by Canterbury Poultry Meat Producers Association “that seek to make both the subdivision and residential density standards more restrictive”. **NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations** oppose submission point 321.14 of Canterbury Poultry Meat Producers Association as “it is not considered that mandatory buffer zones are appropriate mechanisms to address this issue – as the requirement in each case may vary”. **AgResearch Limited, Landcare Research New Zealand Limited** and **New Zealand Institute of Crop and Food Research Limited** on the other hand, support these submission points to protect rural based activities from reverse sensitivity effects. **MJ & TD Rickerby** support the whole of the submission by Tegel Foods Ltd for reasons similar to those of the original submitter.

8.1.2 The submissions of **New Zealand Pork Industry Board, PIC New Zealand** and **Chris Trengrove** all request the inclusion of a new building position rule under Rule III – Buildings, Rule 1.16 (pages 214-215) to require any residential unit, hospitality or accommodation activity to be setback a minimum distance of 100m from any building used for intensive livestock production. Further submissions by **Stephen Dean Glass, Graeme Vanstone Irving** and **Chris Trengrove** support the New Zealand Pork Industry Board in this respect, while **Tegel Foods Ltd** offers its partial support. The **New Zealand Pork Industry Board** has also lodged a further submission in support of Chris Trengrove in this respect. In addition, **New Zealand Pork Industry Board** request that any proposal which does not comply with this separation distance be assessed as a non-complying activity. This proposition is fully supported by **Tegel Foods Ltd**. I also note the submission by **PIC New Zealand** (594.01), which was also included in Report No.22, seeks to include “building

position controls” as a method for achieving Policies 2 and 19 of Section 3.4 of the Rural Volume.

- 8.1.3 **MJ & TD Rickerby** submit that a new building position rule should be inserted to require any new residential activity to be setback at least 500m from an intensive farming activity (other than a residential activity located on the same site as the existing intensive farming activity). **Tegel Foods Ltd** supports this submission point in part to the extent that the imposition of buffers needs to be given “careful consideration”. **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** on the other hand oppose the whole submission by MJ & TD Rickerby, and **McFarlane Group Developments Ltd** oppose the proposed rule as such a buffer is considered excessive. The **New Zealand Pork Industry Board** appears to support this submission point; however the further submission is not explicit in this regard.
- 8.1.4 **MJ & TD Rickerby** also request that another rule is inserted so as to conversely apply the same 500m setback to a new intensive farming activity from a residential or open space zone, or from an existing residential activity (other than on the same site as the proposed intensive farming activity). **Tegel Foods Ltd** opposes this submission point in part as such a blanket separation distance is considered inappropriate. **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** oppose the whole submission by MJ & TD Rickerby.
- 8.1.5 The third submission point by **MJ & TD Rickerby** listed above is an amendment to the assessment criteria for considering applications in breach of the proposed new rules for separation distances relating to both residential and intensive farming activities. Such assessment criteria are requested to include any methods for avoiding, remedying or mitigating reverse sensitivity effects. This submission point is supported by **Tegel Foods Ltd** and opposed by the blanket submission of **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson**.
- 8.1.6 **Ross and Julie Sadler** seek the inclusion of a new building position rule under Rule III – Buildings, Rule 1.19 (page 215) that requires a 200m separation distance for “any building” from “a building, compound or part of a site used for intensive livestock management”. A further submission by **New Zealand Pork Industry Board** supports this submission point and once again, **Tegel Foods Ltd** offers conditional support to the extent that the imposition of buffers needs to be given “careful consideration”.
- 8.1.7 In my opinion, the crux of these submitters’ concerns is that while the PDP appears to have a relatively robust policy framework for recognising and managing reverse sensitivity

effects, there appears to be a lack of provisions to ensure that such objectives and policies are implemented. In order to deal with this perceived 'gap', the submissions request various District Plan Rules be inserted, ranging from "appropriate" separation or buffer distances to setbacks of 100m, 200m or 500m for 'sensitive' land uses from existing intensive farming operations. There is also a variance in whether the separation distances should apply to hospitality or accommodation activities, in addition to residential units, or to all buildings regardless of their intended use. The other side of the coin, which is raised by MJ & TD Rickerby, is whether a reciprocal setback should apply to new intensive farming activities from existing land uses that are likely to be sensitive to the effects of such intensive farming activities. While this suggestion seems to be reasonable, I consider that the effects of new intensive farming activities are better described as general amenity effects, rather than reverse sensitivity effects. The reason for this conclusion is that reverse sensitivity effects impact on the existing intensive farming activity, whereas a new intensive farm has the potential to impact on surrounding amenity values. As such, a discussion of amenity effects arising from intensive livestock farming is found at Section 8.6 of this report.

Techniques for Managing Reverse Sensitivity

8.1.8 As mentioned in paragraph 7.1.4 of this report, the Council has chosen to manage reverse sensitivity effects associated with intensive farming activities primarily through general residential density provisions. Other methods (some of which do feature within the PDP) to address reverse sensitivity conflicts include:

- a) **Differentiated zones** – dividing the rural area into zones according to amenity characteristics and directing certain types of effects to certain parts of the rural area;
- b) **Effects-based environmental standards** – provisions targeting specific effects at site boundaries eg. noise, odour and dust emissions.
- c) **Codes of practice and guidelines** – regulatory (if incorporated into the district plan) or non-regulatory documents to address operational practices and management of environmental effects of particular rural activities eg. pork and poultry industries.
- d) **Separation distances** – based on the concept that certain effects of activities diminish with distance from a boundary, and usually implemented by rules establishing minimum distances separating buildings and activities from boundaries, special sites and other activities.
- e) **Site coverage** – based on the assumption that the higher the intensity of buildings on site, the greater the level of effects.
- f) **Resource consents** – requiring certain types of activities, or activities within certain areas to obtain resource consent to enable an assessment of environmental effects.
- g) **Nominating building platforms** – nominating future building platforms at the time of subdivision to ensure that dwellings are located in the best position to avoid reverse

sensitivity effects occurring.

- h) **Controlling subdivision and allotment size** – based on the assumption that subdivision leads to residential development therefore increasing the potential for the co-location of incompatible activities.
- i) **Controlling the rate of development through infrastructure controls** – managing the residential density by limiting the capacity of certain infrastructure eg. number of traffic movements on an unsealed road.
- j) **Property purchase and lease-back** – property is purchased to provide a buffer between an activity and adjoining properties which may be leased back provided that there are no complaints or constraints from the occupants of the buffer area.
- k) **Compensation, easements and private agreements** – private negotiation between the generator of adverse effects and affected parties to the satisfaction of all stakeholders.

(Ministry for the Environment, 2000)

The Framework of the PDP

8.1.9 The Council has a duty under Section 32 of the Act to ensure that any rule, or other method, is necessary to achieve the purpose of the Act and is the most appropriate means in terms of its efficiency and effectiveness compared to other means. It is therefore necessary before adopting any of the above-mentioned techniques to manage reverse sensitivity effects that the Council evaluates the likely benefits and costs, including the likely implementation and compliance costs, of any preferred and alternative methods.

8.1.10 In preparing the PDP, the Council considered a report prepared by Mr Max Barber entitled “Policy on Reverse Sensitivity” (March 1999). In his report Mr Barber recommended a policy direction that consisted of a combination of the status quo and separating distances for managing reverse sensitivity effects (the policy options contained in Mr Barber’s report are contained in Attachment B). While separation distances do not directly address specific environmental effects, they can be effective in dealing with odour, dust, spraydrift, privacy and noise effects, effects which diminish with distance. Such measures are simple to enforce, keeping compliance costs relatively low. However, as expressed by some further submitters above, separation distances are inflexible and do not take into account the nature of the topography, wind patterns, vegetation or other features that might influence the intensity or spread of the effect. I also note that separation distances cannot be applied to resolve existing reverse sensitivity conflicts arising from activities that have existing use rights and they are not suited to addressing the cumulative impact of adverse effects³.

³ Ministry for the Environment, 2000

8.1.11 Applying a minimum separation distance in the manner sought by the above submitters raises the issue of fairness of constraining the use of land on one property because another activity on adjoining land has not contained its effects. Likewise, any separation distance should not compromise an existing lawfully established activity, which is unable to contain its effects on-site, by allowing sensitive activities to establish in close proximity that have a high probability of complaining about the existing level of effects⁴. These matters have been more fully canvassed in Section 8.4 of Report No.22, where the Council considered two options for addressing reverse sensitivity effects that reflected the above dilemma. My conclusion from that report was that the objectives and policies of the PDP adopted a strategy to control the location of activities which may impact on surrounding properties in the first instance, but also to protect lawfully established existing activities from the risk of complaints from sensitive activities.

8.1.12 In terms of evaluating whether the proposed implementation methods of the PDP are effective in achieving this strategy for managing reverse sensitivity effects, I refer to a recent Commissioner decision of the Council in determining a resource consent application concerning reverse sensitivity effects⁵. This application sought to establish a restaurant activity within an existing heritage building, on a property located in the rural area. Among the submitters who opposed the application were the owners of an intensive pig farming operation within close proximity to the application site⁶. They were concerned that a restaurant activity may give rise to reverse sensitivity effects that could compromise the viability of their pig farm. In assessing the proposal under the PDP, the Commissioner noted that there are a number of objectives and policies which expressly refer to reverse sensitivity, in particular Policies 18, 19 and 20 (page 149 of the Rural Volume). However the Commissioner highlighted that “insofar as I could see, these objectives and policies do not flow through into the rules which apply to the Rural zone” (page 30). This statement also reflects the concerns of the submitters identified above, and I agree that the proposed implementation methods are ineffective in achieving the objective of avoiding reverse sensitivity effects.

⁴ Ministry for the Environment, 2000

⁵ Land use consent application R305802 by JM & DM Sugrue – Commissioner Decision of Dr E.D. Wylie Q.C.

⁶ TR & JA Sadler, who have also lodged submissions on the PDP as referred to above.

The Options for the PDP

- 8.1.13 Having reached this conclusion, the task is to determine the most efficient and effective means of dealing with this situation, taking into account the relief sought by submitters in this regard. In this context, I note that the submissions request various District Plan Rules be inserted, ranging from “appropriate” separation or buffer distances to setbacks of 100m, 200m or 500m for ‘sensitive’ land uses from existing intensive farming operations. There is also a variance in whether the separation distances should apply to hospitality or accommodation activities, in addition to residential units, or to all buildings regardless of their intended use.
- 8.1.14 Submissions subject to this report primarily relate to issues associated with the keeping of animals, and in particular intensive livestock production. Potential adverse effects arising from such activities typically include odour, noise, dust and an increase in traffic generation. Any separation distance imposed on new ‘sensitive’ activities would therefore need to represent a buffer that was sufficient to ensure that overlapping effects were minor, while not to be so excessive as to render the adjoining property incapable of reasonable use.
- 8.1.15 From a perusal of literature relating to odour effects in particular, it is apparent that a fixed buffer fails to take into account the causes of adverse odour effects. Whether an odour has an objectionable or offensive effect will depend on the frequency, intensity, duration, offensiveness and location of the odour events (collectively known as the FIDOL factors)⁷. In addition, dispersion of odours is dependent on the influence of terrain and wind characteristics which can vary significantly for a site depending on the wind direction. The implication of this and the varying FIDOL factors is that, for example, while a separation distance of 100m may be sufficient to protect the amenity of a property in one direction, an adverse odour effect from the same source may be experienced several hundred metres in the opposite direction. In this respect I note the following passage by odour expert, Mr Roger Cudmore, in an assessment of potential odour effects from proposed chicken rearing sheds (my bold emphasis added):

*Separation distance recommendations for mitigation against odour effects have not been developed for the New Zealand chick farming industry. **Previously it has been recommended that separation distance specifications be not used in New Zealand for the assessment of the potential for adverse odour effects in specific cases** (Aurora Environmental, 2000). **This is because such criteria do not account for site-specific features such as the local terrain and meteorology.** This does not preclude their use as an effective planning tool for indicating when a site-specific assessment of odour effects is necessary, or for establishing the appropriate permitting process that an application for a chicken shed expansion should follow. Finally the consideration of Australian separation distance criteria provides an alternative crosscheck against dispersion modelling predictions and conclusions.*

⁷ Ministry for the Environment, 2002

(Cudmore, August 2002, Evidence prepared for Tegel Foods Ltd, page 11)

8.1.16 Another factor influencing the effectiveness of separation distances is the individual management practices of intensive livestock farming operations and whether codes of practice can be relied upon to assess potential adverse effects. To illustrate this, I refer to the following extract from a Technical Background Report prepared by Tracy Freeman and Roger Cudmore for the Ministry for the Environment (2002, page 134), relating to a discussion of why one odour control solution may not be suitable for another:

...Similarly, for a piggery the strength and character of odours discharged from sheds housing the pigs will depend on building temperature, building design and means of ventilation (passive or active), pig population density, type of feed, method of food and water supply, effluent collection and removal system, shed-flushing arrangements, and age of buildings.

Industry codes of practice can also be used as a guide, but you must be aware what the objective of the code of practice is (for example, to protect neighbours from odour, noise or health effects), the type of land use anticipated at the boundary of the site or separation distance, the types of processes envisaged in the code of practice (these could affect the character and offensiveness of the odour – have recent changes in processes made the code of practice out of date?), the degree of operator skill, and management practices required/anticipated by the code of practice.

Industry codes of practice for minimising odour effects should not be relied on as proof of acceptable odour effects for new proposals. However, good operating practice and design criteria specified in an industry code can be considered to represent the BPO [Best Practical Option] for that industry.

8.1.17 Furthermore, the varying facets of each intensive farming operation give rise to different adverse effects which makes it difficult to determine the appropriate boundary from which the separation distance should be measured. For example, a separation distance may be applied from a building or compound housing pigs, however the adverse effect may arise from another part of the property. This is highlighted in the Commissioners Decision of R305802 (page 26) which states “...That shed however does not seem to be the cause of any odour problem. Rather the odour arises from the spreading of effluent”. While in this particular example, the provisions of the PDP relating to the spreading of effluent are assessed in Section 8.4 of this report, the outer limits to where any buffer should apply are relevant to addressing reverse sensitivity effects.

Recommended Approach

8.1.18 Having considered the advantages and disadvantages of applying separation distances to sensitive activities, I am confident that while separation distances are somewhat arbitrary and should not be relied on as the answer to avoiding adverse effects in all circumstances, the alternatives are, in my view, limited by their effectiveness, practicality, costs of implementation and lack of certainty. To require resource consent for all sensitive

activities, regardless of their proximity to an existing intensive farm; or relying solely on controlling residential density; or on non-regulatory methods to avoid reverse sensitivity effects are options that are not supported.

8.1.19 However, the use of a more effects-based approach is considered appropriate for addressing general amenity effects of new or expanding intensive farming activities, bearing in mind the overarching responsibility of all landowners and occupiers under s.17 of the Act 'Duty to avoid, remedy, or mitigate adverse effects'. Submissions relating to general amenity effects of intensive farming activities are addressed in Section 8.6 of this report.

8.1.20 In order to determine the appropriate separation distance to manage reverse sensitivity effects, I received the following advice from odour expert, Ms Tracy Freeman of Aurora Pacific Ltd (emphasis added):

*There are several types of intensive livestock farming, as you have recognised in your recommendations for definitions in the plan. The two most common types in New Zealand are pig and poultry farms. Poultry farms can be broken down further into layer farms and broiler farms, although the published guidelines for poultry farm separation distances do not distinguish between these two types. There are a number of published guidelines available for separation distances for pig and poultry farms. **Adherence to these guidelines would prevent neighbours from being subjected to major adverse effects from odour, provided that the farming activity is being run according to industry good practice. However, these separation distances may not guarantee that there will never be any noticeable or objectionable odour, particularly for sensitive receiving environments and locations which are downwind of the farm under katabatic drainage wind conditions (generally to the east/southeast of a farm in the Selwyn District).** For this reason we recommend the following approach:*

1. Calculate actual separation distance based on size of production unit (see discussion below).
2. If the calculated separation distance is less than 300m, **set the minimum separation distance to 300m between a new house and the nearest edge of intensive farming buildings.** This separation distance would also apply to any type of intensive factory farm other than pig or poultry.
3. **For very sensitive activities** outside of a residential zone, such as restaurants, hotels/B&Bs/maraes, sports grounds, and especially where there is visitor presence in the evenings or early mornings, **a much larger separation distance would be required of 500m.** This separation distance would also apply to any type of intensive factory farm other than pig or poultry.
4. Minimum separation distance for any type of intensive factory farm to a residential zone boundary is 1000m.

The minimum separation distances above are based on our experience and observations of existing pig and poultry farms, and also the recommendations in the Victorian Code of Practice for Broiler Farms.

For pig farms, we recommend using the separation distances derived from the NZ Pork Industry Board's Code of Practice as amended and reproduced in the Taranaki Regional Air Quality Plan (Operative 1997), Appendix II Tables 1-4 and accompanying text/definitions, which can be downloaded at the following internet address: <http://www.trc.govt.nz/PDFS/AirPlan/Default.htm>.

For poultry farms, the following separation distances are examples of those used elsewhere in Australasia in similar climates to Canterbury:

Reference	Size of poultry farm (no. birds)	Separation distance – minimum required distance from the source of the odour emission or edge of building to dwelling on another property
<i>Victoria Code for Best Practice Broiler Farms, 2001</i>	<80,000	300m
	80,000-120,000	400m
	120,000-160,000	500m
	160,000-200,000	550m
<i>Taranaki Regional Plan for Air, 1997, Appendix III (derived from a number of references)</i>	<30,000	100m
	30,000-60,000	200m
	60,000-80,000	300m
	>80,000	400m
<i>Proposed Waimakariri District Plan</i>	<30,000	100m
	30,000-60,000	200m
	60,000-80,000	300m

These three sources of separation distance data are all consistent, and I recommend that the categories used in the Victoria Code of Best Practice be adopted in the Selwyn District Plan.

8.1.21 A full copy of Ms Freeman's letter is contained in Attachment C. The separation distances contained in the Taranaki Regional Air Quality Plan that are derived from the NZ Pork Industry Board's Code of Practice are contained in Attachment D. I note that such separation distances are calculated using a "P value", which equates to the maximum number of pigs kept in a piggery, and the distances are measured from the perimeter of an intensive piggery, including all pig housing and enclosures. There is also provision to reduce the 'standard' buffer distances (Table 1) by implementing any of the listed odour mitigation measures (Table 2).

8.1.22 In summary, Ms Freeman recommends that the actual separation distance should be calculated according to either the NZ Pork Industry Board's Code of Practice (for piggeries) or the Victoria Code of Best Practice (for poultry farms). A minimum separation distance of 300m is recommended between a new dwelling and the "nearest edge of intensive farming buildings", increasing to 500m for "very sensitive activities" including "restaurants, hotels/B&B's/maraes and sports grounds". I note that the recommended separation of 1000m is between an intensive farm and a residential zone boundary, which would relate to general amenity effects in the case of a new or expanding intensive farming activity and reverse sensitivity effects in the case of a new or expanding residential zone. The

implications of imposing separation distances raises issues of the appropriateness of 'reciprocal' buffers; how the buffers could be implemented; and how it affects landowners in the vicinity of an existing intensive farming activity. Each of these matters is discussed in turn:

'Reciprocal' Buffers

- 8.1.23 My understanding of the separation distances contained in the industry codes of practice referred to above, is that they are intended to be used for determining the buffers for new or expanding intensive farming activities. Whether it is appropriate to apply a reciprocal buffer on 'sensitive' activities needs to be considered. In most cases, reverse sensitivity effects in the rural environment arise where a person moves near to an existing activity that it is producing cross-boundary effects and then that person complains about the effects arising from the existing activity. While a "buyer beware" argument may exist, it does little to alleviate the conflict or prevent the next reverse sensitivity problem occurring. However, in my view, reverse sensitivity effects need to be balanced with recognition of the sort of activities and associated effects that do exist within a rural area. If intensive farming activities are not anticipated in the rural zone, where else should they occur? Some weight must also be given to the historical existence of intensive farming operations throughout the rural area and that such activities do generate effects that may extend beyond the boundaries of the site. On this basis, I suggest that a buffer distance should be designed to mitigate, rather than avoid all adverse effects.

Implementation

- 8.1.24 In order for Council to administer separation distances effectively, it will be necessary to establish an inventory of all intensive farming activities, including location and size (in production units). Each intensive farm would then need to be identified and mapped on a register that is freely available for reference and public inspection. Another option would be for the activities to be identified on the Planning Maps of the PDP, however this may mean that the addition, removal or alteration of any of the notations will necessitate a formal plan change procedure. Notwithstanding what recording instrument is used, it will be necessary for the inventory to be regularly maintained and updated to record the establishment, change or closure of such activities.
- 8.1.25 While I consider that an inventory is fundamental to the effective implementation of separation distances, developing and maintaining an accurate record of all intensive farming activities, particularly in terms of the number of production units, may be difficult. Firstly, there is likely to be a number of intensive farms that have been legally established

but for which Council has no records of any building or resource consents or whether such permissions were required at the time of founding. Secondly, it would be difficult for Council to monitor the size of the farm in terms of production units, unless an increase resulted in additional buildings which required building consent. Thirdly, while Council would be aware of new intensive farming activities (as resource consent is required), it is unlikely to be aware if an existing intensive farm ceases, whether permanently or intermittently. Lastly, the Council is likely to be liable for the accuracy of information contained on the register and the implications of applying an incorrect buffer distance.

- 8.1.26 Notwithstanding the above shortfalls associated with maintaining a register of all intensive farming activities, in my view it is a prerequisite to ensuring separation distances are implemented fairly and effectively.

Affected Landowners

- 8.1.27 The imposition of separation distances around existing intensive farming activities will affect how these landowners are able to use their land. In particular, it will imply that any new residential or other 'sensitive' activity will need to comply with the minimum buffer distance; otherwise resource consent will be required.
- 8.1.28 If a minimum buffer distance of (say) 300m is imposed around all existing intensive farming operations, it is likely to affect multiple properties to varying degrees. For some properties, especially within the Inner Plains area, it may mean that the entire property is located within the minimum buffer radius. Such a scenario may also arise for newly created lots that comply with minimum lot sizes, but may still be wholly encompassed unless a minimum shape factor implies that the width of all lots exceeded 300m. I am not aware of the PDP containing a minimum shape factor to avoid such a situation occurring. In cases where all suitable building sites on a property are located wholly within the specified separation distance, and the land was purchased prior to the introduction of the new rule with the intention of building a dwelling (or any other 'sensitive' activity), the affected landowners may have a case for claiming compensation.
- 8.1.29 My understanding of section 85 of the Act 'Compensation not payable in respect of controls on land' is that it implies that landowners cannot claim compensation from any provision in a district plan, unless such a provision renders any land incapable of reasonable use and it places an unfair and unreasonable burden on any person having an interest in the land. In relation to requiring a landowner to obtain a resource consent to undertake an activity (that would not have significant effects on the environment – s.85(6)), I note a recent Environment Court case of Seabreeze Investments v Christchurch City Council (C081/02)

where it was found that the possibility of obtaining resource consent as a non-complying activity does not mean that a district plan provides for reasonable use in terms of s.85. In my view, it would therefore seem that non-compliance with a specified separation distance could not be classified as a non-complying activity without raising questions of compensation for the affected landowners.

8.1.30 In this respect, I note that Ms Freeman offers the following advice (in her letter dated 2 July 03):

In some circumstances, a new house may be able to be built closer to a farm than in the recommended separation distances, particularly if the farm is well designed and managed or the local meteorology and terrain is such that odours do not carry to the location where the house is proposed. I would envisage that such a house would be a "restricted discretionary" activity and would require the written agreement of the farm owner/operator, and also that an explanatory note would be added to the property information memorandum for the property where the house is located.

8.1.31 I note that several submitters requested that a breach in separation distances should be assessed either as a discretionary or non-complying activity. However, given that a new rule which introduces new controls on the location of 'sensitive' activities must not render land incapable of reasonable use, which the Court has determined includes a non-complying activity (as referred to above), I would support a 'restricted discretionary' status as suggested by Ms Freeman. In such circumstances, Council could restrict its exercise of discretion to the potential for reverse sensitivity effects in terms of the location of the proposed activity and any mitigation measures. Such an activity status would also be comparable to the rules for the establishment or expansion of an intensive farming activity, providing some degree of reciprocation. I also recommend that such a rule does not preclude public notification as it would be difficult to undertake a proper assessment of reverse sensitivity effects without consultation with the affected landowner(s)/occupier(s).

8.1.32 Notwithstanding the approach recommended above, it may be that a restricted discretionary activity status will not overcome a requirement to pay compensation where a property is located wholly within the minimum buffer area and the establishment of a 'sensitive' activity would otherwise be a permitted activity. In determining an application of this nature, I consider that it would be appropriate for Council to evaluate whether the applicant could make reasonable use of their interest in the land, irrespective of the whether potential reverse sensitivity effects can be adequately mitigated. In light of these circumstances, I recommend that Council's exercise of discretion extends to include an assessment of whether the applicant could otherwise make reasonable use of their interest in the land.

Overall Approach

8.1.33 Taking into account the above assessment, I recommend that Council adopt a minimum separation distance between existing intensive farming activities and new 'sensitive' activities. I do however have reservations with regard to the method of determining the appropriate separation distance, as recommended by Ms Freeman. Ms Freeman supports the application of a 300m minimum buffer, with provision for this to be increased where a calculation based on either the NZ Pork Industry Board's Code of Practice (for piggeries) or the Victoria Code of Best Practice (for poultry farms) suggests that it should be larger. While I have no doubt that adherence to such guidelines "would prevent neighbours from being subjected to major adverse effects from odour, provided that the farming activity is being run according to industry good practice" as stated by Ms Freeman, I have concerns that such a regime would be too difficult for Council to enforce effectively and consistently.

8.1.34 The primary reasons for this conclusion are:

- (a) Developing and maintaining a register that identifies the nature and location of all operating intensive farming activities in the District is likely to be an arduous task. To also require that the inventory contain an accurate record of production units or bird numbers is likely to be even more difficult. If such a task is embarked on and found to be inaccurate, it may undermine the integrity of the whole rule. It may also be difficult for Council to verify the actual size of the intensive farm, as the operators of such an operation would have an incentive to inflate their stock numbers in order to increase buffer distances.
- (b) As mentioned previously, the NZ Pork Industry Board's Code of Practice includes a formula which allows for the 'standard' buffer distance to be reduced where any of the listed mitigation measures are implemented. Given that such information could only be sourced from the intensive farm operator, it would be difficult for landowners to calculate the appropriate buffer distance and determine whether resource consent was required or not. Once again, the operator would have an incentive to withhold information that may reduce the separation distance.
- (c) A flexible buffer does not provide certainty for nearby landowners (beyond the 300m minimum radius). Such a provision may allow an intensive farming activity to increase stock numbers, without the need for additional housing or resource consent, resulting in an extension of the buffer distance without any consultation with affected landowners.

8.1.35 I acknowledge that the advice received from Ms Freeman indicates that even with a combination of a minimum and variable buffer distances there is no "guarantee that there will never be any noticeable or objectionable odour, particularly for sensitive receiving

environments...". However, as a consequence of my concerns regarding the implementation of variable buffer distances to manage reverse sensitivity effects, I recommend that Council adopt a fixed buffer distance. Referring to my previous discussion of 'reciprocal' buffers, I am of the view that such a buffer should be designed to mitigate, rather than avoid all adverse effects of an existing intensive farming activity. On this basis, I recommend that a minimum separation distance of 300m be imposed between an existing intensive livestock production operation and a new 'sensitive' activity. Where a 'sensitive' activity wishes to establish within this buffer zone I recommend that a resource consent application be required for a restricted discretionary activity, which allows for affected party consultation. An assessment of the type of activities that could be considered 'sensitive' to existing intensive farming activities is contained in Section 8.3 of this report.

Where should the Buffer be Measured from?

- 8.1.36 As mentioned previously, intensive farming operations consist of varying processes that give rise to different effects, thus making it difficult to determine the appropriate boundary from which the separation distance should be measured. For example, should a separation distance be applied from a building or compound housing pigs when an adverse odour effect may arise from the spreading of pig effluent on another part of the property? I note that Ms Freeman advises that the 300m minimum separation distance should be applied "between a new house and the nearest edge of intensive farming buildings".
- 8.1.37 In my view, the most appropriate way to deal with this issue is to separate the use of land for the housing or enclosure of an intensive farming operation from the use of land and/or air for the discharge of contaminants. In other words, the separation distance should be measured from the edge of any permanent building, enclosure or yard in which the intensive farming activity occurs.
- 8.1.38 While I acknowledge that this approach may mean that not all potential reverse sensitivity effects associated with the whole of the intensive farming activity are captured by the buffer distance, in my view the alternative has little merit. For the same reasons as expressed in Section 8.4 of this report (paragraph 8.4.12) I have reservations as to how a meaningful buffer distance could be calculated if it is measured from the edge of an effluent spreading site, where such activities can occur rotationally, intermittently or remote from the property where the effluent was generated. I am also concerned that the district council is largely unaware of where or when effluent spreading activities occur as the discharge of contaminants is controlled by the regional council (despite the PDP containing similar rules, as discussed in Section 8.4 of this report). Due to the complexity and lack of certainty for adjoining landowners that is likely to arise from trying to measure a buffer distance from

what could be described as a 'moving target', I recommend that the separation be taken from the edge of any permanent building, enclosure or yard in which the intensive farming activity occurs. It would be helpful to users of the PDP if this interpretation was included as part of the new rule recommended above.

Submissions

8.1.39 In light of the preceding assessment, I subsequently recommend that all submissions requesting the introduction of separation distances to manage reverse sensitivity effects be accepted in part. The only submissions that I recommend Council reject entirely are those seeking to make the status of such a resource consent application a non-complying activity and those that request a similar separation distance for new intensive farming activities (reciprocal buffers).

Recommendation 23.2

That the Council:

1. **Accepts in part** the submissions by **Canterbury Poultry Meat Producers Association** (321.13, 321.14 and 321.15) and the further submissions by **AgResearch Limited** (F255), **Landcare Research New Zealand Limited** (F474) and **New Zealand Institute of Crop and Food Research Limited** (F560), and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) and **Aristippus Farm Ltd** (F858) in so far as they relate to submission numbers 321.13, 321.14 and 321.15 and the further submission by **NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations** (F565) in so far as it relates to submission number 321.14.
2. **Accepts in part** the submissions by **Tegel Foods Ltd** (679.13, 679.14 and 679.15) and the further submissions by **AgResearch Limited** (F255), **Landcare Research New Zealand Limited** (F474) **New Zealand Institute of Crop and Food Research Limited** (F560) and **MJ & TD Rickerby** (F607) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission numbers 679.13, 679.14 and 679.15.
3. **Accepts in part** the submission by **New Zealand Pork Industry Board** (564.12) and the further submissions by **Stephen Dean Glass** (F916), **Graeme Vanstone Irving** (F935), **Tegel Foods Ltd** (F679) and **Chris Trengrove** (F688) in so far as they relate to submission number 564.12.
4. **Rejects** the submission by **New Zealand Pork Industry Board** (564.13) and the further submission by **Tegel Foods Ltd** (F679) in so far as it relates to submission number 564.13.
5. **Accepts in part** the submission by **PIC New Zealand** (594.02) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 594.02.
6. **Accepts in part** the submission by **MJ & TD Rickerby** (607.07) and the further submissions by **Tegel Foods Ltd** (F679) and **New Zealand Pork Industry Board** (F564), and **rejects** the further submissions by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) and **McFarlane Group Developments Ltd** (F955) in so far as they relate to submission number 607.07.

7. **Rejects** the submission by **MJ & TD Rickerby** (607.08) and **accepts** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) and **Tegel Foods Ltd** (F679) in so far as they relate to submission number 607.08.
8. **Accepts in part** the submission by **MJ & TD Rickerby** (607.09) and the further submission by **Tegel Foods Ltd** (F679) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission number 607.09.
9. **Accepts in part** the submission by **Chris Trengrove** (688.01) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 688.01.
10. **Accepts in part** the submission by **Ross & Julie Sadler** (622.03) and the further submissions by **New Zealand Pork Industry Board** (F564) and **Tegel Foods Ltd** (F679) in so far as they relate to submission number 622.03.

Relevant Submission from Report No.22

11. **Accepts in part** the submission by **PIC New Zealand** (594.01) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 594.01.
12. That Council establishes and regularly maintains an inventory of all existing lawfully established intensive farming activities in the District. This record must be as accurate as possible and be available for public inspection.

Amendments to the Proposed Plan

1. Insert new rules in Part 3, Section 2, Rule III – Buildings under the title 'Building Position' (Rural Volume) – page 215, and renumber Rules 1.20 and 1.21 accordingly. The new rules are to read as follows:

Permitted Activities

1.20 Any sensitive activity is setback a minimum distance of 300m from any existing lawfully established intensive livestock production activity.

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs to the position of the new sensitive activity.

Other Activities

17.8 Any sensitive activity which does not comply with Rule 1.20 shall be a restricted discretionary activity if all of the following standards and terms are met:

17.8.1 All of Rules 1.1 to 1.19, 1.21 and 1.22 (inclusive).

17.9 Under Rule 17.8 the Council shall restrict its discretion to consideration of:

17.9.1 The potential for reverse sensitivity effects on the existing intensive livestock production activity;

17.9.2 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects;

17.9.3 Whether the applicant could otherwise make reasonable use of their interest in the land;

17.9.4 Any financial contributions payable under Rules X;

17.9.5 Any positive effects which may offset any adverse effects; and

17.9.6 Any monitoring or review conditions.

(Note that the above reference to “intensive livestock production activity” is consistent with the term currently used in the PDP, however I recommend that the term be substituted for “intensive farming activity” if the Council accepts the recommendations in 23.7.1 of this report)

2. Amend the ‘Reasons for Rules’ for Part 3, Rule III – Buildings, Rules 1.16 to 1.19 (Rural Volume) – page 222, as follows:

Rules 1.16 to 1.19 manage the position of buildings in relation to property boundaries, road boundaries, railway crossings, lakes and waterways, **and existing intensive livestock production activities**. The reasons for the rules are to:

- manage the effects of: shading adjoining properties; road works and the cleaning of waterways; and to allow maintenance strips for the trimming of hedges, road works and the cleaning of waterways;
- allow for future road widening on arterial roads and Strategic Routes;
- maintain good visibility at railway crossings;
- maintain the natural character of the edge of lakes and rivers.; **and**
- maintain the panoramic views of the Upper Waimakariri Basin along SH 73.; **and**
- **reduce the potential for reverse sensitivity effects on existing intensive farming activities.**

The setback distances for property boundaries relate to property size so as to allow efficient use of smaller properties in the Rural Zone. Buildings may be allowed within the setback distances specified in these rules, as a discretionary activity, except for Rule 1.17 – railway crossings; **and** Rule 1.19 – waterways; **and Rule 1.20 – intensive livestock production activities**. Encroaching the line of sight at railway crossings is a non-complying activity, because of the importance of maintaining lines of sight for traffic safety. Similarly, residential units and other principal buildings are discouraged from locating closer to the edge of waterways than the setback distances, due to the effects of larger buildings and their associated activities on the natural character of the margins of these waterways. The setbacks also provide some minimal protection from inundation and bank instability. **Reverse sensitivity effects can arise when a new activity establishes near an existing intensive farm and then the occupiers of the new ‘sensitive activity’ complain about the effects generated by the existing land use. Establishing a new ‘sensitive activity’ within 300m of an existing intensive farming activity is a restricted discretionary activity to allow an assessment of potential reverse sensitivity effects on the intensive farm. Council’s discretion also extends to consider whether the applicant could otherwise make reasonable use of their interest in the land, particularly in circumstances where the entire site is located wholly within the minimum buffer area.**

3. Amend the ‘Methods’ for Policies 18-21 in Part 3, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – page 150 to include “building position controls”, as follows:

Methods

• District Plan	-	Discretionary activities
Rules	-	Intensive livestock farming
	-	Waste disposal

	- Aircraft - Residential density - <u>Building position controls</u>
• District Plan Policies	- Township Volume, Section 4.3, Growth of Towns - Rural Volume, Section 4.1, Policy 1.
4.	Please note that a new definition of a 'sensitive activity' is recommended in Section 8.3 of this report.

8.2. Submissions requesting subdivision controls to address reverse sensitivity effects

Part 3, Section 2, Rule IX – Subdivision, Rule 1.1 Controlled Activities (Rural Volume) – page 284

Submission No.	Summary of Submission	Decision Requested
MJ & TD Rickerby (607.10)	The subdivision controls do not provide for a buffer or set-back distance between potentially incompatible activities. In addition the matters for consideration with respect to restricted discretionary activities do not include assessment of the potential for reverse sensitivity effects arising from the proposed subdivision.	Insert additional standard for controlled activities as follows: "1.1.5 Any allotment created is not located within 500 metres of an intensive farming activity." That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission. Note: As Rule 1.15 already exists, it is unclear as to whether the submitter wishes to replace the existing Rule 1.15 or add a new rule to be inserted and the remaining to be renumbered.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Support in Part
	McFarlane Group Developments Ltd (F955)	Oppose
MJ & TD Rickerby (607.11)	The subdivision controls do not provide for a buffer or set-back distance between potentially incompatible activities. In addition the matters for consideration with respect to restricted discretionary activities do not include assessment of the potential for reverse sensitivity effects arising from the proposed subdivision.	Insert additional criteria for assessment of restricted discretionary subdivision consent applications as follows: "Allotment Location Any reverse sensitivity effects of the proposed subdivision on intensive farming activities in the area and the extent to which the potential for such effects may be avoided, remedied or mitigated." That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission.

Submission No.	Summary of Submission	Decision Requested
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Support

8.2.1 **MJ & TD Rickerby** seek to include an additional standard for controlled activity subdivision that effectively imposes a 500m buffer distance between an existing intensive farming activity and any proposed allotment. **Tegel Foods Ltd** supports this submission point in part due to reservations about the need for careful consideration in imposing separation distances. **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** oppose the whole submission by MJ & TD Rickerby and **McFarlane Group Developments Ltd** oppose this submission point as it is considered that “such a buffer or setback is excessive”.

8.2.2 The second submission point in this topic area by **MJ & TD Rickerby** requests the inclusion of an assessment matter associated with the relief sought above. This submission is opposed by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** and **Tegel Foods Ltd** offers its full support in this instance.

8.2.3 I have addressed the issue of managing reverse sensitivity effects through subdivision controls in previous reports, namely Report No's 8 & 22. At a policy level I agreed with the concerns of some submitters that “there is an absence of policies that address reverse sensitivity matters in relation to the size and shape of proposed allotments, and within all rural areas generally” (Report No.22, page 53). I therefore recommended that Policy 9 of Part 3, Section 4.1 Residential Density & Subdivision in the Rural Area (page 160, Rural Volume) be amended to read:

Policy 9. Ensure any allotment created is of sufficient size and shape for its intended use, including the avoidance of reverse sensitivity effects on existing lawful uses.

8.2.4 In terms of the location of new allotments, a similar issue arose in the assessment of submissions to Variation 17 relating to the insertion of boundary adjustment provisions in the Rural Zone. In this case, submitters requested an additional boundary adjustment rule which controlled the erection of a dwelling within 500m of the boundary of a research farm (Report No.8, pages 38-42). In the assessment of these submissions, I noted (on page 40):

In order to manage the effects of residential development, the PDP uses a combination of subdivision and land use rules. The primary reason for this approach is that while subdivision itself, does not increase residential density, it is in most cases the precursor to development occurring (refer to Report No.13 “Background Report on Rural Subdivision and Residential Density”, L. Weastell, para 4.2.1.3).

8.2.5 I accept that it may be difficult to undertake an assessment of reverse sensitivity effects without knowing what the proposed lot is to be used for. However, to allow the creation of an (otherwise complying) allotment that is located wholly within the minimum buffer distance could result in a situation where a new Certificate of Title is issued and on-sold to an unsuspecting party with the intention of establishing a 'sensitive activity', only to find that resource consent may not be granted if reverse sensitivity effects are found to be significant. To allow a subdivision to proceed in this manner is likely to be contrary to Policy 12 of Part 3, Section 4.1 Residential Density & Subdivision in the Rural Area (page 160, Rural Volume) inserted by Variation 16. Policy 12 reads (my emphasis added):

*Policy 12 Ensure subdivisions do not create separately saleable allotments which due to their size, shape, **location** or legal restrictions on the Certificate of Title, **cannot be used to erect a residential unit as a permitted activity**, unless that allotment shall be used as a utility lot or for some other specified purpose; and that purpose is unlikely to result in the need to erect a residential unit at some stage."*

8.2.6 As discussed in Report No.8, the concerns of the submitters that sought to introduce land use controls through the boundary adjustment provisions of Variation 17 were likely to be alleviated as a land use consent is required to erect a dwelling on any 'under-sized' lot that is created by boundary adjustment. The present situation varies in that a potential reverse sensitivity effect could arise where a proposed allotment complies with the minimum lot size, but is located wholly within the minimum buffer distance to an existing intensive farm.

8.2.7 In order to ensure that new allotments are suitable for their intended use and to promote consistency between subdivision and land use provisions, I concur with the submissions by MJ & TD Rickerby that an additional standard for a controlled subdivision activity should be inserted in Rule IX – Subdivision, Rule 1.1 (page 285). I recommend that such a standard should state that no proposed lots are located within 300m of an intensive farming activity, to mirror the corresponding recommendation for a new 'building position' Rule 1.20 (as canvassed in Section 8.1 of this report). Where a proposed allotment is located within the minimum buffer distance I also agree that additional assessment criteria should be inserted for consideration as a restricted discretionary activity. I support a restricted discretionary status, as the assessment of a controlled activity may prove inadequate to address a proposed subdivision that is unable to provide any potential building sites outside the recommended separation distance. Restricting Council's discretion to matters of reverse sensitivity effects on the existing intensive farm, would also give the subdivider an opportunity to consider whether or not a 'sensitive activity' was intended to establish on any of the resultant lots within the minimum buffer area. If not, and this was offered as a condition of consent, then the applicant could eliminate any potential reverse sensitivity effects.

8.2.8 As a result of the preceding assessment I recommend that the submission points by **MJ & TD Rickerby** be accepted in part, insofar as they request subdivision provisions that reflect a minimum buffer distance of 300m (as opposed to 500m) between an existing intensive farming activity to any proposed new allotment. I also note that the submissions request that “all amendments which are consequential or appropriate to give effect to the intent of this submission...are made so as to give full effect to this submission”. In my view the Council therefore has the scope to include additional assessment matters that are in the same form as other assessment matters contained in Subdivision Rules 2 to 4 and 5 to 12, as suggested in the following table.

Recommendation 23.3

That the Council:

1. **Accepts in part** the submission by **MJ & TD Rickerby** (607.10) and the further submission by **Tegel Foods Ltd** (F679), and **rejects** the further submissions by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) and **McFarlane Group Developments Ltd** (F955) in so far as they relate to submission number 607.10.
2. **Accepts in part** the submission by **MJ & TD Rickerby** (607.11) and the further submission by **Tegel Foods Ltd** (F679) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission number 607.11.

Amendments to the Proposed Plan

1. Insert a new controlled activity standard in Part 3, Section 2, Rule IX – Subdivision (Rural Volume) – page 284 after Rule 1.1.3 and a new Rule for ‘Other Activities’ with an associated ‘Matter of Discretion’ to be inserted after Rule 4.1 ‘Special Sites’ (page 290). Other rules are to be renumbered accordingly. The new rules are to read as follows:

Controlled Activities

1.1.4 Any allotment created is not located within 300m of any existing lawfully established intensive livestock production activity.

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs to the nearest boundary of any proposed allotment.

Other Activities

Intensive Farming Activities

5.1 Any subdivision of land which does not comply with Rule 1.1.4 shall be a restricted discretionary activity if all of the following standards and terms are met:

5.1.1 All of Rules 1.1.1 to 1.1.3 and 1.1.5 to 1.1.7 (inclusive).

5.2 Any subdivision of land which does not comply with Rule 5.1.1 shall have the status set out in Rules 2 to 4 and Rules 5 to 12.

Matters of Discretion

5.3 Under Rule 5.1 the Council shall restrict its discretion to consideration of:

5.3.1 All the matters listed in Rules 1.3.1 to 1.1.13;

5.3.2 The potential for reverse sensitivity effects on the existing intensive livestock production activity;

5.3.3 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects.

5.3.4 Any positive effects which may offset any adverse effects; and

5.3.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that establishing a sensitive activity within 300m of an intensive livestock production activity is not a permitted activity.

(Note that the above reference to “intensive livestock production activity” is consistent with the term currently used in the PDP, however I recommend that the term be substituted for “intensive farming activity” if the Council accepts the recommendations in 23.7.1 of this report)

2. Amend the ‘Methods’ for Policies 18-21 in Part 3, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – page 150 to include “Subdivision standards”, as follows:

Methods

- District Plan Rules
 - Discretionary activates
 - Intensive livestock farming
 - Waste disposal
 - Aircraft
 - Residential density
 - **Building position controls**
 - **Subdivision standards**
- District Plan Policies
 - Township Volume, Section 4.3, Growth of Towns
 - Rural Volume, Section 4.1, Policy 1.

8.3. Submissions seeking to control activities that could be sensitive to existing land uses

Part 3, Section 2, Rule VIII – Activities, Listed Discretionary Activities (Rural Volume) – page 263

Submission No.	Summary of Submission	Decision Requested
New Zealand Pork Industry Board (564.18)	The submitter contends that in order to provide sufficient protection to existing rural activities that are susceptible to the effects of reverse sensitivity, hospitality activities and visitor accommodation should also be included in the list of discretionary activities. Throughout Part 2 of the Plan, there is considerable mention made of the concept of 'reverse sensitivity' and the need to protect existing activities from the adverse effects of potentially incompatible activities that propose to locate nearby. In the submitter's opinion, however, the Policies relating to reverse sensitivity are not implemented in Part 3 of the Plan in relation to existing intensive livestock production operations. For instance, it appears that any buildings that are not residential buildings or relocated buildings are uncontrolled in parts of the Rural Zone such as the Outer Plains area. This being the case, the submitter is very concerned that a building that is erected specifically for any sort of business activity, may be a permitted activity, and therefore able to locate in an inappropriate location where it can cause reverse sensitivity effects. For example, a hospitality activity such as a restaurant could site in close proximity to an existing intensive pig farm. The submitter's concern is that once established, there would be little, if any, protection for the existing activity from reverse sensitivity effects. The submitter considers that there could be potential problems associated with discharges of contaminants to air (controlled by Environment Canterbury), for which there are no existing use rights. Using the Council's own justification for making certain activities in the Rural Zone discretionary, it could indeed be argued that hospitality activities and visitor accommodation "have the potential for effects on surrounding properties". The submitter therefore contends that they "need to be managed through a resource consent process so that effects on surrounding properties...can be considered and affected parties identified" (justification for Rule 3, page 280).	Amend Rule 3.1 by adding the following: "3.1.7 Camping ground facilities and any form of visitor accommodation. 3.1.8 Any hospitality activities." There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
	Further Submission	Support/Oppose
	Tegel Foods Ltd (F679)	Support

Submission No.	Summary of Submission	Decision Requested
Ross & Julie Sadler (622.04)	The issue of reverse sensitivity is discussed in the Plan as an issue in the District and as an example of a situation where reverse sensitivity issues have arisen, houses and restaurants close to intensive pig or poultry farms are mentioned. It is stated on pages 139 to 140 of the Plan that reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. The Plan is said to contain provisions to manage potential reverse sensitivity effects and as part of its strategy, it is said that policies and rules manage the location of activities which may have significant effects on surrounding properties, when set up. It is further stated that once set up, policies and rules protect these activities from reverse sensitivity effects from activities locating near them. Objectives and policies are referred to, including Objective 2 on page 141. The explanation provides that the Rural Zone is recognised principally as a business area rather than as a residential area, in the Plan and that policies and rules are not as stringent as those for living areas. It states that policies and rules allow for day to day farming and other activities which have effects typical of a rural area but manage activities which have potentially stronger effects. It states that the Plan recognises the Rural Zone as an area where a variety of activities take place. It goes on to recognise that while a variety of activities create potential reverse sensitivity effects particularly between residential activities and other activities, it is said that the above objective is achieved by policies and rules which require resource consents for activities to set up which may affect surrounding properties and which recognise and protect activities from potential reverse sensitivity effects once they are set up. However, there are no rules that relate to activities other than residential activities in the Rural Zone that will achieve this objective insofar as the establishment of other activities may give rise to the potential for reverse sensitivity effects to occur. For instance, notwithstanding that a restaurant is recognised in the Plan as an activity that potentially results in reverse sensitivity effects if located opposite a pig farm, there are no controls that relate to the establishment of this sort of activity that will prevent reverse sensitivity effects from occurring (or indeed any other activity that might be described as one that is sensitive to the effects of a pig farm over the road from it, for instance, any hospitality activities such as a travellers' accommodation). There ought to be rules included in the Plan to prevent activities such as pig	The inclusion of additional new Rules 3.1.8 and 3.1.9 to the list of discretionary activities including 'restaurants' and 'travelling accommodation' activities. And Any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein, including amendments to the explanation s for relevant objectives, policies and methods for giving effect to them.

Submission No.	Summary of Submission	Decision Requested
	farms from being surrounded by potentially incompatible activities.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Pork Industry (696.04)	No particular reason given.	Add the following to Rule 3.1.7: "Camping ground facilities and any form of visitor accommodation, any hospitality activities."

Part 3, Section 3. Definitions (Rural Volume) – pages 315-323

Ross & Julie Sadler (622.05)	The issue of reverse sensitivity is discussed in the Plan as an issue in the District and as an example of a situation where reverse sensitivity issues have arisen, houses and restaurants close to intensive pig or poultry farms are mentioned. It is stated on pages 139 to 140 of the Plan that reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. The Plan is said to contain provisions to manage potential reverse sensitivity effects and as part of its strategy, it is said that policies and rules manage the location of activities which may have significant effects on surrounding properties, when set up. It is further stated that once set up, policies and rules protect these activities from reverse sensitivity effects from activities locating near them. Objectives and policies are referred to, including Objective 2 on page 141. The explanation provides that the Rural Zone is recognised principally as a business area rather than as a residential area, in the Plan and that policies and rules are not as stringent as those for living areas. It states that policies and rules allow for day to day farming and other activities which have effects typical of a rural area but manage activities which have potentially stronger effects. It states that the Plan recognises the Rural Zone as an area where a variety of activities take place. It goes on to recognise that while a variety of activities create potential reverse sensitivity effects particularly between residential activities and other activities, it is said that the above objective is achieved by policies and rules which require resource consents for activities to set up which may affect surrounding properties and which recognise and protect activities from potential reverse sensitivity effects once they are set up. However, there are no rules that relate to activities other than residential activities in the Rural Zone that will achieve this objective insofar as the establishment of other activities may give rise to the potential for reverse sensitivity effects to occur. For instance, notwithstanding that a restaurant is recognised in the Plan as an activity that potentially results in reverse sensitivity	The inclusion of a new definition of the term "Restaurant" which is to mean: "any land and or buildings of part thereof principally used for the sale of meals or light refreshments to the general public and the consumption of those meals or light refreshments on the premises. Such premises may be licensed under the Sale of Liquor Act 1989." And Any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein, including amendments to the explanations for relevant objectives, policies and methods for giving effect to them.

	effects if located opposite a pig farm, there are no controls that relate to the establishment of this sort of activity that will prevent reverse sensitivity effects from occurring (or indeed any other activity that might be described as one that is sensitive to the effects of a pig farm over the road from it, for instance, any hospitality activities such as a travellers' accommodation). There ought to be rules included in the Plan to prevent activities such as pig farms from being surrounded by potentially incompatible activities.	
Ross & Julie Sadler (622.06)	The issue of reverse sensitivity is discussed in the Plan as an issue in the District and as an example of a situation where reverse sensitivity issues have arisen, houses and restaurants close to intensive pig or poultry farms are mentioned. It is stated on pages 139 to 140 of the Plan that reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. The Plan is said to contain provisions to manage potential reverse sensitivity effects and as part of its strategy, it is said that policies and rules manage the location of activities which may have significant effects on surrounding properties, when set up. It is further stated that once set up, policies and rules protect these activities from reverse sensitivity effects from activities locating near them. Objectives and policies are referred to, including Objective 2 on page 141. The explanation provides that the Rural Zone is recognised principally as a business area rather than as a residential area, in the Plan and that policies and rules are not as stringent as those for living areas. It states that policies and rules allow for day to day farming and other activities which have effects typical of a rural area but manage activities which have potentially stronger effects. It states that the Plan recognises the Rural Zone as an area where a variety of activities take place. It goes on to recognise that while a variety of activities create potential reverse sensitivity effects particularly between residential activities and other activities, it is said that the above objective is achieved by policies and rules which require resource consents for activities to set up which may affect surrounding properties and which recognise and protect activities from potential reverse sensitivity effects once they are set up. However, there are no rules that relate to activities other than residential activities in the Rural Zone that will achieve this objective insofar as the establishment of other activities may give rise to the potential for reverse sensitivity effects to occur. For instance, notwithstanding that a restaurant is recognised in the Plan as an activity that	Add the term "Travelling Accommodation" which is to mean: "the use of land and buildings for transient residential accommodation offered for a daily tariff which may involve the sale of liquor to in-house guests and the sale of food and liquor in conjunction with food to both the public and in-house guests. Travellers accommodation includes motels, holiday flats, motor and tourist lodges and hostels." And Any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein, including amendments to the explanations for relevant objectives, policies and methods for giving effect to them.

	potentially results in reverse sensitivity effects if located opposite a pig farm, there are no controls that relate to the establishment of this sort of activity that will prevent reverse sensitivity effects from occurring (or indeed any other activity that might be described as one that is sensitive to the effects of a pig farm over the road from it, for instance, any hospitality activities such as a travellers' accommodation). There ought to be rules included in the Plan to prevent activities such as pig farms from being surrounded by potentially incompatible activities.	

8.3.1 The submission by the **New Zealand Pork Industry Board** and **Pork Industry** requests that “camping grounds and any form of visitor accommodation” and “any hospitality activities” be listed as a discretionary activity under Rule VIII – Activities, Rule 3.1 – Listed Discretionary Activities (page 263). In the view of **New Zealand Pork Industry Board** “the Policies relating to reverse sensitivity are not implemented in Part 3 of the Plan in relation to existing intensive livestock production operations”. **Tegel Foods Ltd** support this submission point by NZPIB on the grounds that it is “appropriate to require resource consent to be obtained for sensitive activities establishing within the Rural Zone, as these have the potential to adversely affect existing rural activities in terms of reverse sensitivity conflicts”.

8.3.2 **Ross & Julie Sadler** seek to include “restaurants” and “travelling accommodation” as a listed discretionary activity under Rule 3.1. **New Zealand Pork Industry Board** has lodged a further submission in support of this request. The original submitters also suggest that a definition of each of these terms be included in the Definitions section of the PDP, as set out in subsequent submission points.

8.3.3 As discussed in Section 8.1 of this report, I agree with the above submitters that while the PDP appears to have a relatively robust policy framework for recognising and managing reverse sensitivity effects, there is a lack of provisions to ensure that such objectives and policies are implemented. In order to address this issue I recommended that a minimum separation distance be applied between existing intensive farming activities and new ‘sensitive’ activities. The suggested new Rule 1.20 in Recommendation 23.2 states:

1.20 Any sensitive activity is setback a minimum distance of 300m from any existing lawfully established intensive livestock production activity.

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs to the position of the new sensitive activity.

8.3.4 In reaching this recommendation I received advice from odour expert, Ms Tracy Freeman of Aurora Pacific Ltd. Included in Ms Freeman's suggested approach was a minimum separation distance of 300m between a new rural dwelling and the "nearest edge of intensive farming buildings", increasing to 500m for "very sensitive activities" including "restaurants, hotels/B&B's/maraes and sports grounds". I concur with Ms Freeman that activities "...outside of a residential zone, such as restaurants, hotels/B&B's/maraes and sports grounds, and especially where there is visitor presence in the evenings or early mornings..." are likely to be sensitive to any cross-boundary effects of a nearby intensive farming activity. However, I am not sure that such activities are likely to be more sensitive than an occupied dwelling in the same situation, as people who visit such places have the opportunity to leave if they find the amenity unpleasant, compared to residents who permanently reside on-site. Business activities may also be affected if customers are put off by unpleasant amenity effects. However, I consider that those who were responsible for establishing and/or managing such activities would (or should) have factored in the effects from the existing intensive farm in the site selection process.

8.3.5 In order to implement suggested Rule 1.20 above, I recommend that a new definition of "sensitive activity" be inserted in the Definitions section of the PDP. In this regard, I note that Chapter 1: Overview of the proposed NRRP includes the following definition of a "sensitive activity":

Sensitive activity means:

- (a) *the area encompassed by notional boundary of an occupied dwelling; or*
- (b) *a residential area; or*
- (c) *a public amenity area; or*
- (d) *a place of public assembly.*

8.3.6 Each of the key terms in (a) to (d) above are also defined in Chapter 1 of the NRRP as:

- (a) **Dwelling** means any permanent structure, that is occupied or intended to be occupied in whole or in part as a residence, and includes (but is not limited to) travellers' accommodation.
- (b) **Residential area** means an area, as distinct from a site or individual dwelling, that is used primarily for residential purposes and is specified in an operative district planning map as a residential zone or living zone.
- (c) **Public amenity areas** means those areas to which the public have right of access under any statute, regulation, law or by-law, and are limited to:
 - (a) *Crown and Local Authority properties, reserves, gardens, and parks;*
 - (b) *sports grounds;*
 - (c) *forest and bush areas;*
 - (d) *pedestrian walkways, malls and precincts;*
 - (e) *beaches, beach reserves, and adjacent foreshore areas;*
 but shall exclude roadways.
- (d) **Place of public assembly** means land or buildings which are used in whole or in part for the assembly or gathering of people for such purposes as meetings, conferences, worship, entertainment, recreation, celebration, education, health

care or similar purposes and includes such buildings associated with public or private hotels, retail stores, travellers' accommodation and marae.

8.3.7 In relation to the sorts of activities considered by submitters to be sensitive to the effects of intensive farming activities, I note that it is clear that the above definition of “sensitive activity” would include “visitor accommodation” or “travelling accommodation”, however I am not certain that it would extend to include “camping grounds”, “hospitality activities” or “restaurants”.

8.3.8 In terms of the definitions contained in the Rural Volume of the PDP which are relevant to the types of activities that could be considered ‘sensitive’ in the context referred to above, I note that it includes definitions of the following activities:

- Camping ground facilities;
- Community facility – includes reserves and recreation facilities;
- Dwelling;
- Educational facility;
- Family flat;
- Recreational Facility or Recreational Activity;
- Residential activity; and
- Temporary Accommodation.

8.3.9 Notably absent from the Rural Volume definitions is a “Place of assembly”, which is however defined within the Township Volume. To avoid confusing the above definitions or introducing more new terms than are necessary; and taking into account the concerns of the submitters, I recommend that a definition of ‘sensitive activity’ be inserted as follows:

Sensitive activity: *includes any of the following activities:*

- Residential Activity;
- Travelling Accommodation;
- Community Facility;
- Recreational Facility or Recreational Activity;
- Place of Assembly;
- Restaurant;
- Educational Facility;
- Camping Ground Facility;

but excludes Temporary Accommodation.

8.3.10 To assist in the interpretation of the terms “travelling accommodation” and “restaurant” I recommend that the definitions requested by Ross & Julie Sadler are inserted. I also note that some definitions in the PDP exclude “travelling accommodation” activities; however there is currently no associated definition. Furthermore, reference to the term “place of assembly” as a “sensitive activity” implies that this definition should be included in both volumes of the PDP, not just the Township Volume. As a consequence of adding these

three additional definitions all of the activities that constitute a “sensitive activity” are separately defined, in a similar fashion to the example described in the proposed NRRP. I do not consider it necessary to include the terms “dwelling” or “family flat” as a “sensitive activity” given that these terms are more descriptive of the buildings, rather than the land use which is already covered by the term “residential activity”. I am confident that the changes recommended above can be made as a result of the relief sought in submissions to the PDP, particularly in light of those contained in Section 8.1 of this report.

8.3.11 I do not overlook that the submitters requested that “camping grounds and any form of visitor accommodation”, “any hospitality activities”, “restaurants” or “travelling accommodation” be listed as a discretionary activity in Rule 3.1. However, given that the primary reason for this request appears to stem from concerns over potential reverse sensitivity effects, the inclusion of recommended Rule 1.20 and its associated parts, including the suggested definition of “sensitive activity”, may alleviate their concerns to some extent. In absence of any wider concerns as to why such activities should be listed as discretionary activities, regardless of their proximity to an existing intensive farming activity, I recommend that these submissions be accepted in part (to the extent that Rule 1.20 requires any “sensitive activity” to be setback 300m otherwise resource consent is required for a restricted discretionary activity).

Recommendation 23.4

That the Council:

1. **Accepts in part** the submission by **New Zealand Pork Industry Board** (564.18) and the further submission by **Tegel Foods Ltd** (F679) in so far as it relates to submission number 564.18.
2. **Accepts in part** the submission by **Ross & Julie Sadler** (622.04) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 622.04.
3. **Accepts in part** the submission by **Pork Industry** (696.04).
4. **Accepts** the submissions by **Ross & Julie Sadler** (622.05 and 622.06).

Amendments to the Proposed Plan

1. Insert a new definition of “Sensitive Activity” in Part 3, Section 3 Definitions (Rural Volume) on page 319 as follows:

Sensitive activity: **includes any of the following activities:**

- **Residential Activity;**
- **Travelling Accommodation;**
- **Community Facility;**
- **Recreational Facility or Recreational Activity;**
- **Place of Assembly;**

- Restaurant;
- Educational Facility;
- Camping Ground Facility;
- but excludes Temporary Accommodation.

2. Insert a new definition of “Restaurant” in Part 3, Section 3 Definitions (Rural Volume) on page 319 as follows:

Restaurant: means any land and/or buildings of part thereof principally used for the sale of meals or light refreshments to the general public and the consumption of those meals or light refreshments on the premises. Such premises may be licensed under the Sale of Liquor Act 1989.

3. Insert a new definition of “Travelling Accommodation” in Part 3, Section 3 Definitions (Rural Volume) on page 320 as follows:

Travelling Accommodation: means any land and/or buildings of part thereof principally used for the sale of meals or light refreshments to the general public and the consumption of those meals or light refreshments on the premises. Such premises may be licensed under the Sale of Liquor Act 1989.

4. Insert the same definition of “Place of Assembly” that is contained in the Township Volume into Part 3, Section 3 Definitions (Rural Volume) on page 318 as follows:

Place of Assembly: means any land and building used for the gathering of people. It does not include residential accommodation or places of work.

8.4. Submissions relating to odour effects from livestock effluent

Part 3, Section 2, Rule VII – Waste, Generation, Storage and Disposal, Rule 6 Livestock Effluent (Rural Volume) – pages 258-259

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.27)	It is considered by the submitter that it is inequitable to impose the separation distances under Rules 6.1 and 6.4 on the storage or disposal of livestock effluent, particularly given that no separation distances or buffers are imposed on sensitive activities wishing to establish within the Rural Zone. It is also considered unreasonable to require consent as a Discretionary Activity for activities not meeting Rules 6.2, 6.3 and 6.4.	Either Delete Rules 6.1 and 6.4 their entirety, Or Amend Rules 6.1 and 6.4 to impose reduced separation distances on activities involving the storage and disposal of livestock effluent. And Amend Rule 7.1 and 7.4 to provide for activities not meeting the standards under Rules 6.2, 6.3 and 6.4 as a Restricted Discretionary Activity. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
Norman Archie Dunlop (370.01)	The submitter has concerns that if effluent was to be spread every 48 hours then any smell created by the spreading would be too regular.	Amend Rule 6.2 as indicated in the summary.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Norman Archie Dunlop (370.05)	"50m to any property boundary" is unnecessarily restrictive.	Amend Rule 6.4 so that provided there are no houses within 50m of one's boundary then we should be able to spread effluent up to the fence boundary - especially if there are hedged trees on the boundary. Note: this is referred to in the body of the submission, but not specifically in the relief sought.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Federated Farmers of New Zealand (385.78)	While the submitter notes that this Rule is cross referenced to objectives and policies concerned with air quality, waste disposal and amenity values it is unclear what this particular rule is trying to achieve. The Rule certainly should only apply to untreated livestock effluent, as livestock effluent is usually required to be stored in effluent ponds prior to disposal.	Either: Delete Rule 6.2. Or Clarify Rule 6.2 including amending the Rule so that it only applies to the storage of "untreated" livestock effluent. Where the submitter has requested that a rule be amended or deleted, the submitter has attempted to locate all other rules or notes associated with it, and request either their amendment or deletion as well. In the event that the submitter has overlooked any rules or notes that are associated requested deletions or amendments, the submitter requests that the Council make the appropriate changes to the Plan to reflect the purpose and intent of the submitter's submission.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support

Submission No.	Summary of Submission	Decision Requested
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
	New Zealand Pork Industry Board (F564)	Support in Part
Willaden Farms (399.06)	Pig effluent is a valuable resource as a natural fertiliser and has no toxic waste materials. The application of pig effluent supports the RMA principle of recycling and should be encouraged.	Delete Rule 6.2.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Willaden Farms (399.07)	Piggery effluent is a valuable resource as a natural fertiliser and has no toxic waste materials such as cadmium or high florine levels as found in superphosphate. It should be treated in a similar manner to other fertilizers when applied to land. The application of pig effluent supports the RMA principle of recycling and should be encouraged.	Amend Rule 6.4 to read: "Any spreading of live-stock effluent is no closer than 50m to a residential dwelling..."
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
New Zealand Pork Industry Board (564.17)	Effluent spreading is a normal part of the rural environment, and is intricately linked with modern farming practices, whereby nutrients are recycled back into the land in a sustainable way. Providing for it to be a permitted activity recognises that this is the case, and that any adverse effects on the environment will be of short duration and therefore minor. Rule 6.3 further ensures that any adverse effects will be very sporadic in nature, by limiting the frequency of effluent spreading on any one piece of land. Similarly, the Environment Canterbury requirement that there be no more than 200 kg of nitrogen spread per hectare per year, also limits the	Delete Rule 6.2. And Amend Rule 6.4 to read: "Any spreading of livestock effluent is not closer than: 50m to a residential unit on another property..." There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan

Submission No.	Summary of Submission	Decision Requested
	number of times effluent can be applied to any given piece of land, furthering ensuring that the frequency of any odour generated will be limited. Given these facts, the submitter considers it unnecessary to impose an additional limit on the length of time that effluent is stored before application onto pasture. International experience from both Germany and Australia, as well as the practical experiences of farmers in the Selwyn District, has in fact found that there is a correlation between the frequency of exposure to an odour, and the degree of annoyance experienced. This has previously led farmers to reduce the frequency at which effluent is spread, so that there is a larger amount of effluent spread on a more infrequent basis. Addressing the second area of concern, the submitter contends that the part of Rule 6.4 relating to buffer distances for effluent spreading from a property boundary, fails to take into account Policy 1 of Section 1.3 of this Plan. That is, effluent spreading is not being recognised as having short term or minor effects (which condition 6.3 essentially ensures), and likewise, it is not being recognised as a normal part of rural life. Nor, in the opinion of the submitter, does using the property boundary as a point of reference (as opposed to a residential dwelling on a neighbouring property) take into account Policy 1 of section 3.4, which seeks to recognise the rural environment as principally a business area. In practical terms, a 50m buffer distance from a property boundary does not take into account the fact that the boundary may be separating two paddocks between adjoining farms. This restricts a farmer's ability to undertake what is recognised as a sustainable farming practice, for the sake of stopping odour adversely affecting another paddock. By way of an example, the current requirement means that a 200 hectare farm, two kilometres long by one kilometre wide, would effectively have 29 hectares unavailable for use for effluent spreading. This is without taking into account any Regional Council setback requirements from things such as watercourses. What makes both of the proposed conditions covered above even less acceptable to the submitter, is the fact that non-compliance with either aspect causes the activity to default to having discretionary status.	be made in order to achieve consistency with, and the intent of, the changes requested.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Support
	Graeme Vanstone Irving (F935)	Support
	NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations (F565)	Support
	Thomas Ross & Julie Ann Sadler (F612)	Support
	Chris Trengrove (F688)	Support

Submission No.	Summary of Submission	Decision Requested
PIC New Zealand (594.04)	The submitter supports the 'permitted activity' status for the spreading of livestock effluent, but believes that Rule 6.2 and 6.4 are unnecessarily restrictive, could not easily be policed, and would be generally impractical to adhere to on-farm. In terms of the practicalities of adhering to Rule 6.2, which requires that effluent be stored for no longer than 48 hours before spreading, what happens in the winter if there is a prolonged period of wet weather and effluent is unable to be spread onto land? What happens over long weekends when staff are not available to spread the effluent? At the Burnalan site, the submitter has storage capacity for 3 to 4 days effluent to account for practical situations such as these, but their worth would be reduced if an impractical requirement such as Rule 6.2 were put into place. How would such a condition would actually be policed in practice? In terms of reducing impacts on rural residents, the submitter is actually aware of farmers who have deliberately reduced the frequency that they spread effluent in response to requests from neighbours. The neighbours prefer the potential for a slightly more intense odour to be generated, as long as the potential for their frequency of exposure to it is reduced. The Bardfield farm makes use of an on-farm weather station in order to determine wind direction and velocity, and adjusts where effluent is spread accordingly, to ensure the potential for adverse effects on neighbouring properties is minimised. Common sense, practical approaches are far preferable than trying to impose controversial regulations. It was agreed to have six-monthly meetings (chaired by Environment Canterbury) with the neighbouring community to discuss any issues or concerns they might have regarding the Barfield operation. At the suggestion of the neighbouring residents, this meeting is now held only annually, which is a direct reflection of the lack of problems being generated by an effluent spreading regime. Rule 6.4 is similarly impractical in the way it goes about trying to control adverse effects through imposing buffer distances based on property boundaries, and that such an approach goes against the tenor of Policy 1 in section 3.4 of the Plan. The submitter does not consider that placing a restriction on where effluent can be spread based purely on property boundaries, is allowing businesses "to operate efficiently and with as few restrictions as practical" (Explanation to Policy 1, page 142). It is quite impractical to restrict the utilisation of a natural fertiliser, for the	Delete Rule 6.2. And Delete the reference to "any property boundary" in Clause 6.4, and replace with "50 metres to a residential unit on another property..."

Submission No.	Summary of Submission	Decision Requested
	sake of maintaining amenity levels in a neighbouring paddock. A much more realistic, and effects based approach, would be to base separation distances on nearby activities that are sensitive to the adverse effects of odour. This would be giving effect to Policy 1 of section 3.4, in that it would be recognising that the rural zone is essentially a business area, whilst at the same time recognising that within the Rural Zone, there are specific areas that require higher levels of amenity.	
	Further Submission New Zealand Pork Industry Board (F564)	Support/Oppose Support
Thomas Ross & Julie Ann Sadler (612.03)	The submitter supports the spreading of livestock effluent being provided for as permitted activity, but oppose the inclusion of a time limit for storing effluent and basing setback distances for the effluent spreading on property boundaries. Effluent spreading is a normal part of the rural environment, and is intricately linked with modern farming practices, whereby nutrients are recycled back into the land in a sustainable way. Providing for it as a permitted activity recognises that this is the case and that the adverse effects on the environment will be of short duration and therefore minor. Rule 6.3 further ensures that any adverse effects will be sporadic in nature, by limiting the frequency of effluent spreading on any one piece of land. Similarly the Environment Canterbury requirement that there be no more than 200kg of nitrogen spread per ha/yr also limits the number of times effluent can be applied to any given piece of land further ensuring that the frequency of any odour generated will be limited. Given these facts the submitter considers it unnecessary to impose an additional limit on the length of time that the effluent is stored before application onto pasture. What makes this proposed Rule even less acceptable is that non-compliance with either aspect causes the activity to default to having discretionary status. Rule 6.4 relating to buffer distances for effluent spreading from a "property boundary" fails to take into account Policy 1 of Section 1.3 of the Plan. In practical terms a 50m buffer distance from a property boundary does not take into account the fact that the boundary may be separating two paddocks between adjoining farms. This restricts a farmer's ability to undertake what is recognised as sustainable farming practices for the sake of stopping odour adversely affecting another paddock. The Regional Council already have setbacks from boundaries and watercourses which have to be met. What makes this proposed Rule even less acceptable is that non-compliance	Delete Rule 6.2. And Amend Rule 6.4 to read: "Any spreading of livestock effluent is not closer than: 50m to a residential unit on another property..."

Submission No.	Summary of Submission	Decision Requested
	with either aspect causes the activity to default to having discretionary status.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Ray Seebeck (632.01)	The submitter supports effluent spreading being a permitted activity but would like to make two amendments. Effluent spreading is part of livestock farming practices, especially intensive farming. Any nuisance that it may cause is generally for a short time, and with a degree of practicality it will cause little concern to anyone. Also, people who live in the country have to be part of the country and put up with some country practices. The storage of effluent should not be restricted to 48 hours, because in all cases this would mean spreading effluent on weekends and public holidays. The submitter suggests that most people would prefer to have effluent spreading take place during the week, possibly while they were away at work.	Delete the 48 hour effluent storage restriction of Rule 6.2.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Ray Seebeck (632.02)	The submitter supports effluent spreading being a permitted activity but would like to make two amendments. Effluent spreading is part of livestock farming practices, especially intensive farming. Any nuisance that it may cause is generally for a short time, and with a degree of practicality it will cause little concern to anyone. Also, people who live in the country have to be part of the country and put up with some country practices. It makes no sense to have a limit of 50 metres for effluent spreading from all boundaries, as in most case the boundaries are paddocks, plantations or shelter belts. The submitter supports the 50 metre ruling on residential property or dwellings on neighbouring properties.	Change the 50m boundary restriction of Rule 6.4 on 'All Boundaries' - except residential areas or neighbouring houses.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Tegel Foods Ltd (679.27)	It is considered by the submitter that it is inequitable to impose the separation distances under Rules 6.1 and 6.4 on the storage or disposal of livestock effluent, particularly given that no separation distances or buffers are imposed on sensitive activities wishing to establish within the Rural Zone. It is also considered unreasonable to require consent as a Discretionary Activity for activities not meeting Rules 6.2, 6.3 and 6.4.	Either Delete Rules 6.1 and 6.4 their entirety, Or Amend Rules 6.1 and 6.4 to impose reduced separation distances on activities involving the storage and disposal of livestock effluent. And Amend Rule 7.1 and 7.4 to provide for activities not meeting the standards under Rules 6.2, 6.3 and 6.4 as a Restricted Discretionary Activity. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

Submission No.	Summary of Submission	Decision Requested
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	MJ & TD Rickerby (F607)	Support
Chris Trengrove (688.02)	While the submitter generally supports spreading of livestock effluent being provided for as a permitted activity, both clause 6.2 and 6.4 of this Rule are impractical as they currently stand, and do not provide for what is an integral part of modern sustainable agriculture. Additionally, they do not reflect Policy 1 in Section 1.3 of the Plan, which states that short term or minor effects of odour from rural activities will be recognised as part of the rural environment. The fact that there is a standard which requires that effluent be spread no more than six times per year on any given piece of land (clause 6.3), reinforces the argument that any adverse effects will be sporadic and minor in nature. In terms of clause 6.2, the submitter's own personal experience has been that neighbours on the properties surrounding where my piggery effluent is applied to land, prefer for the effluent to be spread on a more infrequent basis, even if there is the potential for a slightly more intense odour to be generated. Requiring that effluent be stored for no longer than 48 hours before spreading is not an appropriate way to reduce potential adverse effects, and will have the opposite effect. In addition, how would such a condition be policed in practice? The submitter does not believe there is an easily implemented and practical way of doing so. Likewise, clause 6.4 is also impractical, and as stated above, takes no account of the fact that the rural zone is largely a business area, in which occasional odours are to be expected by rural residents as part of choosing to live where they do. The submitter notes that the Plan avoids specifying a buffer distance for intensive livestock production operations, on the basis that it could result in an inefficient use of land (page 281). The submitter argues that this is precisely what clause 6.4 of this Rule encourages, in that a potentially huge area of land – which may well border another farm paddock – is being excluded from having effluent spread on it (without the need to first obtain a discretionary resource consent). By way of an example of the impact of this clause, a 150 hectare farm, that is approximately square in shape, would have 24 hectares (or 16 percent of the total farm area) unavailable for effluent spreading. Additionally, in terms of effects on the environment, the submitter does not see why it is necessary to use property boundaries as a point of reference, rather than a sensitive activity such as a	Delete Rule 6.2. And Delete the reference to “any property boundary” in Rule 6.4, and replace with “50 metres to a residential unit on another property...”

Submission No.	Summary of Submission	Decision Requested
	residential dwelling on another property. In terms of potential future adverse effects, should someone wish to build a new dwelling in an area currently used for effluent spreading, the RMA section 17 duty to avoid, remedy or mitigate adverse effects should be sufficient to ensure that common sense prevails and the buffer is adjusted accordingly.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Pork Industry (696.06)	The submitter opposes the inclusion of a time limit for storing effluent and basing setback distances for effluent spreading on property boundaries.	Deleted Rule 6.2. And Amend Rule 6.4 to read: "Any spreading of livestock effluent is not closer than 50m to a residential unit on another property."
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

8.4.1 Rule VII – Waste Generation, Storage and Disposal, Rule 6 – Livestock Effluent (page 258) provides for the storage or disposal of livestock effluent as a permitted activity if the following conditions are met:

- 6.1 *Any open-to-air livestock effluent holding or treatment pond is setback a minimum distance of 150m from any property boundary;*
- 6.2 *Any storage of livestock effluent is for less than 48 hours;*
- 6.3 *Any spreading of livestock effluent on the same area of land does not occur more than 6 times in any calendar year; and*
- 6.4 *Any spreading of livestock effluent is not closer than: 50m to any property boundary; 150m to the nearest property boundary of any area shown on the Planning Maps as an Existing Development Area; or 500m to the nearest boundary of any Living Zone.*

8.4.2 Submissions by **Canterbury Poultry Meat Producers Association** and **Tegel Foods Ltd** request that Rules 6.1 and 6.4 above be deleted, or alternatively be amended to impose "reduced separation distances". In addition, it is requested that activities which do not comply with Rules 6.2, 6.3 and 6.4 be assessed as a restricted discretionary activity, rather than as a discretionary activity. The further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** opposes the whole of the submission by Canterbury Poultry Meat Producers Association and Tegel Foods Ltd. The **New Zealand Pork Industry Board** supports both submitters in this regard and **MJ & TD Rickerby** support the whole submission of Tegel Foods Ltd.

8.4.3 A number of submitters express concern in regard to Rule 6.2 and either seek that it be deleted or amended so as to apply to "untreated" livestock effluent only. Such submitters are **Norman Archie Dunlop, Federated Farmers of New Zealand, Willaden Farms, New Zealand Pork Industry Board, PIC New Zealand, Thomas Ross & Julie Ann Sadler,**

Ray Seebeck, Chris Trengrove and Pork Industry. The **New Zealand Pork Industry Board** has lodged several submissions in support of other submitters in this respect, while a ‘blanket’ further submission supporting the whole submission of Federated Farmers of New Zealand has been lodged by **Lawrence Croft, George Timothy Deans, Craig Eggleston, P J Fleming, A D Florance, David Florance, Margaret C George, Brian Goddard, Peter Graham, Christopher C A Gray, Rodger & Caroline Hardwick, B L & D J Haylock, H G and P M Innes, Garry & Honoria Lamers, Jim Macartney, Mount White Station Ltd, L M Nicoll I H Reed, Mark Robert McAtamney, Dwight William Love, L McKenzie, Kelly Frame, Bridget Frame, L I Bradley, Matthew Davis Bradley, M G Bradley, Castle Hill Partnership, Fiona J Hussey, Scott Hussey, Bruce Nell, R F James, Guy Martin, Philip W Wareing, Lyn Nell and John McDermott.**

8.4.4 The remaining submissions pertaining to the conditions of Rule 6 request that Rule 6.4 be amended so that the 50m setback applies to any residential unit on another property, instead of “any property boundary”. Submissions requesting this relief were lodged by **New Zealand Pork Industry Board, PIC New Zealand, Thomas Ross & Julie Ann Sadler, Chris Trengrove and Pork Industry.** Further submissions by **Stephen Dean Glass, Graeme Vanstone Irving, NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations, Thomas Ross & Julie Ann Sadler and Chris Trengrove** support the New Zealand Pork Industry Board in this respect, and **New Zealand Pork Industry Board** have themselves supported other submitters seeking similar amendments. A submission by **Norman Archie Dunlop** requests that Rule 6.4 be amended to allow for livestock effluent to be spread up to the fence boundary of a property, provided that there are no houses within 50m of the common boundary. **New Zealand Pork Industry Board** also supports this submission. In addition, **Willaden Farms** request that the 50m setback should apply to any residential dwelling, and **Ray Seebeck** seeks that the separation distance only applies to “residential areas or neighbouring houses”. Both of these submissions are supported by **New Zealand Pork Industry Board.**

8.4.5 Before the merits of the above submissions are assessed, I consider it pertinent to recognise that the storage and disposal of livestock effluent is an area which involves the jurisdiction of both district and regional council functions. Odour is produced both as result of the use of land and from discharges to air, land or water and can therefore be covered by Sections 9 (use of land) & 15 (discharge of contaminants) of the Act. This overlap is highlighted in the Reasons for Rules (page 261), which reads as follows (note, incorrect rule reference to Rule VII(9) and my bold emphasis added):

*Rule VII(9) allows for the spreading of livestock effluent onto land as a permitted activity, subject to conditions. The rules are needed to manage potential nuisance effects from these activities on surrounding properties, **particularly potential odour effects**. The discharge of odour from production land does not require a resource consent under Section 418 of the Act, unless it is required by a regional rule. **Until a regional rule is formulated to deal with this issue, the District Plan will manage land uses which have the potential for strong odour effects.***

- 8.4.6 Chapter 3: Air Quality of the Proposed NRRP was notified on 1 June 2002 and the provisions of this Proposed Plan have effect from the date of notification. Section 3.3.6 – ‘Discharges to air from waste management processes’, includes Rules AQL63 to AQL65 which relate specifically to the discharge of contaminants into air from the storage and disposal of livestock effluent (refer to Attachment E for a copy of Rules AQL63 to AQL65).
- 8.4.7 In particular, Rule AQL64 provides for the discharge of contaminants into air from the application of pig effluent (derived from the same property) as a permitted activity, subject to compliance with 3 conditions. Condition 1 requires separation distances from land uses such as residential areas, public amenity areas or place of public assembly, a dwelling in a rural zone on a separate site and waterbodies, depending on the level of treatment of effluent being spread. Condition 2 requires that odour discharge does not cause an objectionable or offensive effect beyond the boundary of the property where the discharge originates⁸. Condition 3 controls the dispersion of liquid droplets beyond the boundary of where the effluent is spread.
- 8.4.8 Rule AQL65 relates to the discharge of contaminants into air from the application of all other animal effluent and manure onto production land. In this instance six conditions control whether the discharge is a permitted activity. Such conditions are similar to those outlined above for pig effluent, however the setback distances are somewhat reduced and refer to a fixed buffer distance from “any sensitive activity”. The term “sensitive activity” is defined in Chapter 1 of the Proposed NRRP as being:
- (a) *the area encompassed by notional boundary of an occupied dwelling; or*
 - (b) *a residential area; or*
 - (c) *a public amenity area; or*
 - (d) *a place of public assembly.*
- 8.4.9 Other terms referred to above, such as “residential area”, “public amenity area” and “place of public assembly” are also defined in Chapter 1 of the Proposed NRRP.

⁸ Appendix AQL5 of the Air Chapter contains the criteria for assessing offensive or objectionable odour.

- 8.4.10 I recognise that the provisions described above are subject to various submissions in support and opposition, including submissions by a number of submitters who also feature within this report. However, I am concerned that there is currently an overlap and conflict between the provisions of the PDP and the PNRRP controlling the spreading of livestock effluent. At present, it is possible that such an activity could require two resource consents (a land use consent and discharge consent) from two different councils in order to manage the same effect.
- 8.4.11 A district council's function under s.31 of the Act includes the control of any actual or potential effects of the use, development or protection of land. Whereas a regional council's function under s.30 of the Act includes the control of discharges of contaminants into or onto land, air or water. As mentioned previously, every local authority has a duty under s.32 of the Act to ensure that any rule, or other method, is necessary to achieve the purpose of the Act and is the most appropriate means of exercising its function, in terms of its efficiency and effectiveness compared to other means. I also note that s.75(2)(c)(ii) of the Act states that a district plan must not be inconsistent with any (operative) regional plan in regard to any matter for which the regional council has primary responsibility for. The issue concerning odour effects is that it is unclear which local authority has primary responsibility for managing adverse effects arising from both the use of land and the discharge of contaminants.
- 8.4.12 In my opinion, the control of the same effect through conflicting provisions of two planning documents is not the most efficient or effective means of achieving the purpose of the Act. I am also of the opinion that odour effects arising from the spreading of livestock effluent are more appropriately addressed through the provisions of a regional plan. The three primary reasons for my conclusion are:
- b) The spreading of livestock effluent is a discharge to land that has the potential to not only produce adverse odour effects, but to adversely affect water quality, which clearly rests within the ambit of the regional council. Therefore it would seem to be most cost-effective and efficient for all effects of the discharge to be considered at the same time.
 - c) Land use activities that are controlled by the district council are usually associated with the erection of buildings and the requirement for resource consent is commonly identified through an application for building consent. While the spreading of livestock effluent could be associated with buildings, effluent is also spread on sites that are remote from the property where it was generated and/or stored. In my opinion, the only way in which the district council is likely to be made aware of effluent spreading activities, in order to assess compliance with the PDP, is via notice

from the regional council or from a complaint. I also note that planning staff at SDC have advised that there have been no land use consent applications lodged for the spreading of livestock effluent since the PDP was notified (September, 2001). While I speculate that perhaps some activities “have slipped through the cracks”, I would have thought it unusual that all new effluent spreading activities⁹ strictly complied with Rules 6.1-6.4 of the PDP, particularly given the submissions opposing the practicality of these provisions. In this context, SDC’s monitoring and compliance costs of administering Rule 6 are therefore likely to be sizeable.

- d) It appears from the ‘Reasons for Rules’ and various statements made in the associated s.32 information that rules controlling the storage or disposal of livestock effluent in the PDP are perhaps an interim measure to manage odour effects until regional rules were formulated under the Act.

8.4.13 On the basis of the preceding assessment, I consider it appropriate that Rule VII – Waste Generation, Storage and Disposal, Rule 6 – Livestock Effluent (pages 258-259) be deleted in its entirety. However, whether this amendment to the PDP can be made by accepting the submissions that request Rules 6.1, 6.2 and 6.4 be deleted and making a consequential amendment to delete Rule 6.3 and the associated text in 7.1 – 7.4 is questionable. If such amendments are found to be outside the scope of these submissions I recommend that Council initiate a Variation to delete Rule 6 in its entirety. In the interim, I therefore recommend that those submissions seeking to delete parts of Rule 6 be accepted and that those submissions seeking to amend parts of Rule 6 be rejected.

Recommendation 23.5

That the Council:

1. **Accepts in part** the submission by **Canterbury Poultry Meat Producers Association** (321.27) and the further submission by **New Zealand Pork Industry Board** (F564) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission number 321.27.
2. **Rejects** the submissions by **Norman Archie Dunlop** (370.01 and 370.05) and the further submissions by **New Zealand Pork Industry Board** (F564) in so far as they relate to submission numbers 370.01 and 370.05.
3. **Accepts** the submission by **Federated Farmers of New Zealand** (385.78) and the further submissions by **Lawrence Croft** (F890), **George Timothy Deans** (F894), **Craig Eggleston** (F901), **P J Fleming** (F902), **A D Florance** (F903), **David Florance** (F904), **Margaret C George** (F913), **Brian Goddard** (F919), **Peter Graham** (F920), **Christopher C A Gray** (F921), **Rodger & Caroline Hardwick** (F926), **B L & D J Haylock** (F928), **H G and P M Innes** (F934), **Garry & Honoria Lamers** (F944), **Jim Macartney** (F953), **Mount White**

⁹ Environment Canterbury records indicate that 51 discharge consent applications have been lodged for the storage/spreading of livestock effluent in Selwyn District since the notification of the Rural Volume of the PDP (8 September 2001 – 20 May 03).

Station Ltd (F974), L M Nicoll (F980), I H Reed (F996), Mark Robert McAtamney (F952), Dwight William Love (F950), L McKenzie (F958), Kelly Frame (F909), Bridget Frame (F908), L I Bradley (F867), Matthew Davis Bradley (F868), M G Bradley (F869), Castle Hill Partnership (F881), Fiona J Hussey (F930), Scott Hussey (F931), Bruce Nell (F977), R F James (F936), Guy Martin (F1039), Philip W Wareing (F1026), Lyn Nell (F978), John McDermott (F954) and New Zealand Pork Industry Board (F564) in so far as they relate to submission number 385.78.

4. **Accepts** the submission by **Willaden Farms (399.06)** and the further submission by **New Zealand Pork Industry Board (F564)** in so far as it relates to submission number 399.06.
5. **Rejects** the submission by **Willaden Farms (399.07)** and the further submission by **New Zealand Pork Industry Board (F564)** in so far as it relates to submission number 399.07.
6. **Accepts in part** the submission by **New Zealand Pork Industry Board (564.17)** and the further submissions by **Stephen Dean Glass (F916), Graeme Vanstone Irving (F935), NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations (F565), Thomas Ross & Julie Ann Sadler (F612) and Chris Trengrove (F688)** in so far as they relate to submission number 564.17.
7. **Accepts in part** the submission by **PIC New Zealand (594.04)** and the further submission by **New Zealand Pork Industry Board (F564)** in so far as it relates to submission number 594.04.
8. **Accepts in part** the submission by **Thomas Ross & Julie Ann Sadler (612.03)** and the further submission by **New Zealand Pork Industry Board (F564)** in so far as it relates to submission number 612.03.
9. **Accepts** the submission by **Ray Seebeck (632.01)** and the further submission by **New Zealand Pork Industry Board (F564)** in so far as it relates to submission number 632.01.
10. **Rejects** the submission by **Ray Seebeck (632.02)** and the further submission by **New Zealand Pork Industry Board (F564)** in so far as it relates to submission number 632.02.
11. **Accepts in part** the submission by **Tegel Foods Ltd (679.27)** and the further submissions by **Zealand Pork Industry Board (F564)** and **MJ & TD Rickerby (F607)** and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)** in so far as they relate to submission number 679.27.
12. **Accepts in part** the submission by **Chris Trengrove (688.02)** and the further submission by **New Zealand Pork Industry Board (F564)** in so far as it relates to submission number 688.02.
13. **Accepts in part** the submission by **Pork Industry (696.06)** and the further submission by **New Zealand Pork Industry Board (F564)** in so far as it relates to submission number 696.06.

Amendments to the Proposed Plan

1. **Delete** Rule VII – Waste Generation, Storage and Disposal, Rule 6 – Livestock Effluent (Rural Volume) – pages 258-259 in its entirety. As a consequence, delete all references to these provisions throughout the Rural Volume of the PDP.

Livestock Effluent

~~6. The storage or disposal of livestock effluent if all of the following conditions are met:~~

~~6.1 Any open-to-air livestock effluent holding or treatment pond is setback a minimum distance of 150m from any property boundary;~~

~~6.2 Any storage of livestock effluent is for less than 48 hours;~~

~~6.3 Any spreading of livestock effluent on the same area of land does not occur more than 6 times in any calendar year; and~~

~~6.4 Any spreading of livestock effluent is not closer than: 50m to any property boundary; 150m to the nearest property boundary of any area shown on the Planning Maps as an Existing Development Area; or 500m to the nearest boundary of any Living Zone.~~

Livestock Effluent

~~7.1 Any activity which does not comply with Rule 6.1 shall be a restricted discretionary activity if all of the following standards and terms are met:~~

~~7.1.1 The activity complies with all of Rules 6.2 to 6.4~~

~~7.2 Under Rule 7.1, the Council shall restrict its discretion to consideration of:~~

~~7.2.1 The potential for nuisance effects on surrounding properties;~~

~~7.2.2 The effectiveness of any proposed measures to mitigate any potential nuisance effects; and~~

~~7.2.3 Any monitoring or review conditions.~~

~~7.3 Any activity which does not comply with Rule 7.1.1 shall have the status set out in the column headed 'Other Activities' for the rules which it does not comply.~~

~~7.4 Any activity which does not comply with Rule 6.2, 6.3 or 6.4 shall be a discretionary activity.~~

8.5. Submissions relating to the boarding of animals

8.5.1 Part 3, Section 6, Definitions (Township Volume) – page 342

“Boarding Kennels and/or Catteries”

Submission No.	Summary of Submission	Decision Requested
Selwyn District Council (228.32)	The definition does not relate to any of the rules and is therefore superfluous or alternatively it does not need to be defined (ie the dictionary definition can be relied upon).	Delete the definition of "Boarding Kennels or Catteries" from Section 6 - Definitions.

New Definition of “Boarding of Animals”

Selwyn District Council (228.40)	This definition is sought to be included as it was inadvertently omitted from the document. This definition is contained in the Rural Volume of the Proposed District Plan.	Insert the following definition for "Boarding of Animals" into Section 6 - Definitions: “Boarding of Animals: includes the use of any land, building or structure for the boarding or care of animals which do not permanently reside on the site. It includes veterinary hospitals or clinics which provide overnight accommodation for ill or recuperating animals.”

8.5.1.1 **Selwyn District Council** seeks to delete the definition of “boarding kennels and/or catteries” in the Township Volume of the PDP and replace it with a new definition of “boarding of animals”, as described in the above table. The reasons for this amendment do not sit comfortably with these particular submission points, however it is apparent that the substitute definition is the same as that contained in the Rural Volume. I therefore consider that the amendment sought is to promote consistency between the two volumes, rather than of any material challenge to the requirement for a definition of animal boarding activities. On this basis I recommend that these submission points be accepted.

Recommendation 23.6.1

That the Council:

1. **Accepts** the submissions by **Selwyn District Council** (228.32 and 228.40).

Amendments to the Proposed Plan

1. Delete the definition of “Boarding Kennels and/or Catteries” in Part 3, Section 6 Definitions (Township Volume) on page 342 and insert a new definition of “Boarding of Animals” as follows:

~~Boarding Kennels and/or Catteries: means land and/or buildings used for the boarding and/or care of animals for reward and includes veterinary clinics and veterinary hospitals which provide accommodation for recuperating animals.~~

And insert the following:

Boarding of Animals *includes the use of any land, building or structure for the boarding or care of animals which do not permanently reside on the site. It includes veterinary hospitals or clinics which provide overnight accommodation for ill or recuperating animals.*

As a consequence, replace all references to “boarding kennels and/or catteries” throughout the Township Volume of the PDP with the term “boarding of animals”.

8.5.2 Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals – Keeping Animals (Rural Volume) – pages 266-267

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.22)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That the Boarding of Animals (Rule 7.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	R Dally & Others (F352)	Support
Prebbleton Community Association (599.22)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That the Boarding of Animals (Rule 7.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Federated Farmers of New Zealand (F385)	Oppose
R Dally & Others (352.01)	The submitter supports controls on boarding of animals in the Rural zone, however it opposes the status of the activity as a restricted discretionary activity under Rule 7.1. The boarding of animals has the potential to generate adverse effects that are more than minor in particular, effects associated with the noise of barking dogs. The characteristics of the noise generated by dogs kept in kennels has the potential to significantly affect the amenities of the adjoining land owners. The barking of dogs in kennels are not a typical part of the character of the rural area, particularly in areas of relatively high density dwellings. There is a need to	Amend Rule 7.1 to read: "Boarding of animals 7.1 Any activity which involves the boarding of animals shall be a discretionary activity if all of the following standards and terms are met: 7.1.1 All of Rules 1.1 to 1.6 and 1.8 to 1.18: 7.1.2 Any building or compound is setback a minimum distance of 60m from any property boundary; 7.1.3 Any building or compound is setback a minimum distance of 30m from any road boundary; 7.1.4 Any building or compound used for a boarding kennel is set back a minimum

Submission No.	Summary of Submission	Decision Requested
	impose reasonable separation distances between animal boarding buildings or compounds and adjoining residential units to avoid adverse effects of noise associated with barking dogs. However, it is not possible to internalise all adverse effects even if more stringent separation distances are imposed. The adverse effects are significantly increased given many of the persons in the Rural Zone have chosen to live in the area for lifestyle or intensive farming. Further adverse effects may also include increased traffic generation associated with the activity and potential reverse sensitivity effects associated with existing established activities. The submitter considers that the activity of boarding animals should be a full discretionary if all of the (amended) standards in Rule 7.1 are met.	distance of 400m from the nearest boundary of any Living Zone; or any Existing Development Area, as shown on the Planning Maps, or any residential unit". And any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein.
	Further Submission	Support/Oppose
	Robert John Dally (F892)	Support
R Dally & Others (352.02)	The submitter considers that the activity of boarding animals should be a full discretionary activity if all of the (amended) standards in Rule 7.1 are met. Refer to submission point 352.01, page 266.	Delete Rule 7.2. And any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein.
	Further Submission	Support/Oppose
	Robert John Dally (F892)	Support
R Dally & Others (352.03)	The submitter considers that the activity of boarding animals should be a full discretionary activity if all of the (amended) standards in Rule 7.1 are met. Refer to submission point 352.01, page 266. The submitter thereby submits that any activity not complying with Rules 7.1.2, 7.1.3 or 7.1.4 should be a non-complying activity rather than a discretionary activity.	Amend Rule 7.4 to read: "7.4 Any activity which does not comply with Rules 7.1.2, 7.1.3 or 7.1.4 shall be a non-complying activity." And any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein.
	Further Submission	Support/Oppose
	Robert John Dally (F892)	Support
Heinz Watties Australasia (419.19)	The boarding of animals are restricted discretionary activities. Matters of discretion are restricted to the nuisance effects of noise. The boarding of animals has the potential to result in adverse effects on bio-security in the area. As such, consideration should be given to bio-security of adjacent food crop or livestock producers.	Amend Rule 7.2 to include bio-security as a further matter to which Council will restrict its discretion to. Or Any other decision to provide relief consistent with what is sought. And Any necessary consequential amendments to give effect to the above relief.

Relevant Submissions from Report No.18

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.19)	It is considered that this rule does not adequately recognise the adverse effects of different forms of intensive and factory farming on the character and amenity values of the rural area. The lack of opportunity for public submission in respect to the establishment of Boarding of Animals, Intensive Livestock farming and the Expansion of Existing Farms does not recognise the effects that these activities have on rural character and amenity. Further there is considerable doubt in terms of the definition of Intensive Livestock Production as to whether this definition includes poultry etc., and there is not actual definition for Livestock Farming. Also with the problems which have been experienced with mushroom farming in the locality of Prebbleton there is doubt as to whether these Rules have regard to the establishment, operation and adverse effects of these type of activities.	Re-write the rules relating to intensive farming activities (including, but not only, Intensive Livestock Farming, Factory Farming and the Expansion of these farming activities) and the Boarding of Animals, so that they properly control and minimise the adverse effects of these activities on rural character and amenity values. Further definitions should be included eg "Factory Farming" to clarify and distinguish between activities. That these activities be classified as discretionary activities. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Oppose
	Graeme Vanstone Irving (F935)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
	Ross & Julie Sadler (F622)	Oppose
	Chris Trengrove (F688)	Oppose
	Tegel Foods Ltd (F679)	Oppose
Prebbleton Community Association (599.19)	It is considered that this rule does not adequately recognise the adverse effects of different forms of intensive and factory farming on the character and amenity values of the rural area. The lack of opportunity for public submission in respect to the establishment of Boarding of Animals, Intensive Livestock farming and the Expansion of Existing Farms does not recognise the effects that these activities have on rural character and amenity. Further there is considerable doubt in terms of the definition of Intensive Livestock Production as to whether this definition includes poultry etc., and there is not actual definition for Livestock Farming. Also with the problems which have been experienced with mushroom farming in the locality of Prebbleton there is doubt as to whether these Rules have regard to the establishment, operation and adverse effects of these type of activities.	Re-write the rules relating to intensive farming activities (including, but not only, Intensive Livestock Farming, Factory Farming and the Expansion of these farming activities) and the Boarding of Animals, so that they properly control and minimise the adverse effects of these activities on rural character and amenity values. Further definitions should be included eg "Factory Farming" to clarify and distinguish between activities. That these activities be classified as discretionary activities. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	R Dally & Others (F352)	Support
	Federated Farmers of New Zealand (F385)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose

- 8.5.2.1 The provisions pertaining to the “boarding of animals” in the Rural Volume of the PDP are as follows:

Boarding of Animals

- 7.1 *Any activity which involves the boarding of animals shall be a restricted discretionary activity if all of the following standards and terms are met:*
- 7.1.1 *All of Rules 1.1 to 1.6 and 1.8 to 1.18;*
 - 7.1.2 *Any building or compound is setback a minimum distance of 50m from any property boundary;*
 - 7.1.3 *Any building or compound is setback a minimum distance of 30m from any road boundary; and*
 - 7.1.4 *Any building or compound used for a boarding kennel is be set back a minimum distance of 200m from the nearest boundary of: any Living Zone; or any Existing Development Area, as shown on the Planning Maps.*
- 7.2 *Under Rule 7.1, the Council shall restrict its discretion to consideration of:*
- 7.2.1 *Any potential nuisance effects from noise on surrounding properties;*
 - 7.2.2 *The effectiveness of any proposed mitigation measures to reduce effects of noise on surrounding properties;*
 - 7.2.3 *Any financial contributions payable under Rule X(1) or (3);*
 - 7.2.4 *Any positive effects which may offset any adverse effects;*
 - and*
 - 7.2.5 *Any monitoring or review conditions.*
- 7.3 *Any activity which does not comply with Rule 7.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.*
- 7.4 *Any activity which does not comply with Rules 7.1.2, 7.1.3 or 7.1.4 shall be a discretionary activity.*

- 8.5.2.2 Submissions by **Victor Melvyn Challies** and **Prebbleton Community Association** request that Rule 7.1 be amended to classify the boarding of animals as a discretionary activity, rather than a restricted discretionary activity. The primary reason for this relief is that “the effects of...keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values”. A further submission by **R Dally & Others** supports the relief sought on the basis that “the boarding of animals has the potential to generate adverse effects that are more than minor in particular, effects associated with the noise of barking dogs”. **Federated Farmers of New Zealand** on the other hand, oppose this proposition as such activities are considered to form part of the rural environment.

- 8.5.2.3 I also note two submission points by **Victor Melvyn Challies** (332.19) and **Prebbleton Community Association** (599.19) that were considered in Report No.18 “Amenity Values” are relevant to the assessment of Rule 7.1 (such submission points and relevant assessment from this Officer Report are contained in Attachment F, however this assessment was primarily undertaken with regard to provisions relating to intensive

farming activities). The relief sought in these submission points is that “...rules relating to ...Boarding of Animals...are rewritten so that they properly control and minimise the adverse effects of these activities on rural character and amenity values...” and “...that these activities be classified as discretionary activities”. Among the reasons for this submission point, the submitters express concern that there is a lack of opportunity for public submission. Further submissions opposing such amendments were made by **Stephen Dean Glass, Graeme Vanstone Irving, New Zealand Pork Industry Board, Chris Trengrove, Tegel Foods Ltd, Ross & Julie Sadler, Tegel Foods Ltd** and **Federated Farmers of New Zealand**, and a further submission by **R Dally and Others** supports the Prebbleton Community Association.

- 8.5.2.4 An original submission by **R Dally & Others** also seeks to change the status of Rule 7.1 to a fully discretionary activity. Among the reasons for this submission the submitter states that there are other effects, apart from noise, associated with boarding kennels that may adversely impact on amenity values, such as increased traffic generation and potential reverse sensitivity effects. It is therefore requested that the status of Rule 7.1 should be a full discretionary activity to encapsulate all potential nuisance effects. Rule 7.2 currently restricts Council's discretion to “potential nuisance effects from noise on surrounding properties”. As a consequence of this amendment the submitter requests that Rule 7.2 be deleted.
- 8.5.2.5 Other amendments sought by **R Dally & Others** include an increase in separation distances between a boarding establishment and property boundaries (60m); and to the nearest boundary of any Living Zone or Existing Development Area (400m). A new separation distance of 400m is sought between a boarding establishment and any residential unit. As a result of these amendments the submitter also requests that Rule 7.4 is amended to change the status of any proposal which does not comply with the (amended) separation distances to a non-complying activity. A further submission by **R J Dally** supports all of the above submission points by **R Dally & Others**.
- 8.5.2.6 Some submitters that seek to change the status under Rule 7.1 to fully discretionary also express concern “that this activity is taken out of the public process by classifying these activities as restricted discretionary”. My understanding of the notification provisions of the Act in relation to a restricted discretionary activity, is that the assessment of notification can only be dispensed with if the plan expressly permits consideration of the application without the need to obtain the written approval of affected persons (s.94(1A)). An example of such a provision is contained in Rule 9.2 relating to the expansion of existing intensive livestock farms. I agree with the submitters that the establishment of

new animal boarding activities could adversely impact on rural amenity values. However, it is whether the matters to which Council has restricted its discretion are sufficiently broad to ensure that all potential adverse effects on surrounding properties can be considered. In this instance, Rule 7.2 restricts the assessment of effects to potential noise generation and the effectiveness of any noise mitigation measures proposed.

- 8.5.2.7 While Rules 7.1 to 7.4 do not preclude the opportunity for affected party consultation and/or public notification of such an application, it could create a situation where people have concerns about other amenity effects, aside from noise, but the Council would not have the ability to take such concerns into account. As raised by **R Dally & Others**, such effects could include traffic generation, and in my view, possibly odour and issues associated with inadequate animal containment. I do not agree however that the establishment of an animal boarding facility is likely to give rise to reverse sensitivity effects, given that site suitability would form a primary basis for such a proposal.
- 8.5.2.8 I therefore agree with the concerns raised by the above submitters that the matters of discretion listed under Rule 7.2 are insufficient to safeguard the amenity of the surrounding environment. However, provided that the matters of discretion are broadened to include potential traffic and odour effects, and matters of inadequate animal containment, I do not support an amendment to change the status to a fully discretionary activity. As stated in the 'Reasons for Rules' (on pages 280-281) the boarding of animals is considered an appropriate activity in the Rural zone, however "...resource consent is required to ensure any potential nuisance effects are adequately mitigated". If the matters of discretion are amended to include all potential adverse effects, I see no need to amend the status to a full discretionary activity.
- 8.5.2.9 On this basis, I recommend that traffic and odour effects, and matters of inadequate animal containment, are included in the assessment matters of 7.2.1 and 7.2.2. Given that such amendments go some way towards meeting the submitters concerns, I recommend that submission points by **Victor Melvyn Challies** (332.19 and 332.22), **Prebbleton Community Association** (599.19 and 599.22) and **R Dally & Others** (352.01) be accepted in part. As a consequence, I also recommend that the submission points by **R Dally & Others** (352.02 and 352.03) to delete Rule 7.2 and to amend Rule 7.4 to a non-complying activity, be rejected.
- 8.5.2.10 The other part of submission point 352.01 by **R Dally & Others** is a request to amend the separation distances in Rule 7.1, which act as criteria for determining whether the application is a restricted discretionary or a discretionary activity. The changes sought

are to: (a) increase the distance from a property boundary from 50m to 60m; (b) increase the distance from a Living Zone or Existing Development Area from 200m to 400m; and (c) introduce a new separation distance of 400m from any residential unit.

8.5.2.11 I note that the separation distances prescribed, and sought, in Rule 7.1.4 apply only to a “boarding kennel”. While this term is underlined in the PDP there is no associated definition of a “boarding kennel”. In my view however, it is apparent that Rule 7.1.4 refers to the boarding of dogs only.

8.5.2.12 I have been unable to determine from the PDP or supporting information how the separation distances contained in Rule 7.1.2 to 7.1.4 were devised, however I understand that reference was made to provisions for the “boarding of domestic animals” in the Proposed Christchurch City Plan. The relevant rule in this document is Rural Zone Rule 2.4.3 (page 4/11) which reads:

2.4.3 Boarding of domestic animals

No building, compound or part of a site used for the housing of domestic animals shall be located within 50 metres of any site boundary, or 200 metres of any living zone boundary.

8.5.2.13 Non-compliance with the above rule would require resource consent for a discretionary activity. The associated reason for this rule states (on page 4/27):

5.1.6 Boarding of domestic animals

The primary potential adverse effects on the environment from this form of activity are likely to be noise and, to a lesser extent, smell. Rules in relation to separation distances have been set in order to mitigate such potential effects in relation to living zones and to reduce the effects on adjoining rural dwellings. Siting buildings closer than the specified distance for boarding purposes will enable necessary assessment of site suitability or mitigation measures that may be required.

8.5.2.14 In my view, the 50m buffer distance from property boundaries is to reduce the impact of any adverse effect on neighbouring properties, including those containing dwellings. I do not agree with **R Dally & Others** that a dwelling located in a rural area should be afforded the same separation as a Living zone or an Existing Development Area as the amenity associated (or to be expected) with a rural-based dwelling is very different to that of a predominantly residential environment. Nevertheless I accept the submitters’ statements as follows (emphasis added):

“A person residing in the Rural Zone could be expected to tolerate noises typically associated with rural activities including farm or domestic dogs barking, the characteristics of noise generated by dogs kept in kennels has the potential to have a significant effect on the amenities of adjoining land owners.

...There is a need to impose reasonable separation distances between buildings or compounds used for the boarding of animals and adjoining

residential units to avoid the potential for adverse effects associated with noise of dog barking.”

8.5.2.15 Notwithstanding the request to increase separation distances in Rules 7.1.2 and 7.1.4, the submission goes on to state:

“However in the case of dog kennels for instance, it is not possible to achieve an absolute internalisation of adverse effects associated with noise (dog barking) even if more stringent separation distances are imposed.”

8.5.2.16 The submission does not contain any supporting acoustic advice as to why the distances contained in Rule 7.1 are considered inadequate and it seems that the last statement referred to above recognises that separation distances are likely to be somewhat arbitrary in their application and relative effectiveness in attempting to mitigate potential noise effects from dog kennels. It is for this reason that Council retains the ability to consider noise generation and any proposed mitigation measures where it is proposed to locate an animal boarding facility outside the minimum setbacks. Any application which does not comply with the prescribed minimum buffer distances is to be considered as a fully discretionary activity, where all potential effects can be taken into account.

8.5.2.17 While I do not have the specialist expertise to determine the effectiveness of the proposed setbacks in mitigating noise from dog barking, I note the following:

- (f) The separation distances in Rules 7.1.2 to 7.1.4 serve only as a ‘trigger’ to determine whether the application is considered as a restricted discretionary or a discretionary activity. Resource consent is required regardless of whether such setbacks are complied with, unlike the Proposed City Plan where compliance with Rule 2.4.3 implies that the boarding of animals would be a permitted activity.
- (g) If the separation distances are complied with (even if they are considered lenient) the proposal would still be subject to a full assessment of potential noise effects (and traffic and odour effects, and matters of inadequate animal containment, in accordance with my recommendation above). If noise effects were found to be significant, the Council may notify and/or decline an application for a restricted discretionary activity on the grounds that noise effects is a matter to which it has restricted its discretion.
- (h) Any fixed buffer distance is likely to contain a degree of subjectiveness, which reflects the variation in site and locality characteristics, as well as the nature of the proposed activity, including mitigation measures and management practices.

8.5.2.18 In light of the above assessment and considering the absence of any specific evidence to suggest that the buffers proposed by **R Dally & Others** are more appropriate than those contained in the PDP, I recommend that this part of submission point 352.01 be rejected.

I note that as this submission point contains multiple parts, overall, this submission point is recommended to be accepted in part.

8.5.2.19 **Heinz Watties Australasia** seeks to include bio-security as an additional matter of discretion for considering applications under Rule 7.1. The basis for this submission is that the “boarding of animals has the potential to result in adverse effects on bio-security in the area. As such, consideration should be given to the bio-security of adjacent food crop or livestock producers”.

8.5.2.20 Biosecurity is described in a Parliamentary Commissioner for the Environment publication “New Zealand under Siege – A review of the management of biosecurity risks to the environment” (Nov 2000, page 18) as:

“...the management of exotic biological risks that may harm New Zealand's economic, environmental and social interests. But it also includes the management of risks arising from the translocation of species from their natural range within New Zealand. Biosecurity is the means by which these risks are managed rather than being an end in itself.”

8.5.2.21 This document describes the Biosecurity Act 1993 as “the main statute governing the management of biosecurity risks and the control or eradication of pests, diseases and unwanted organisms” (page 37). In terms of the relationship between the Biosecurity Act and the Resource Management Act, it is stated that the Biosecurity Act does not affect the provisions of the RMA, although actions taken under the Biosecurity Act to eradicate an organism may be exempted from the RMA provisions for up to 20 days to enable a quick response.

8.5.2.22 Whether biosecurity is a resource management matter is canvassed in the following extract from Ministry for the Environment publication “Bio-What?” (2000):

“While the RMA does not specifically provide for biosecurity matters, it is relevant to biosecurity in that a biosecurity system is intended to protect biodiversity (along with human health and international trade), which is an aspect of the environment covered by the Resource Management Act 1991”.

8.5.2.23 In terms of s.32 of the Act, the Council must be satisfied that the introduction of provisions designed to manage adverse environmental effects in the PDP is the most efficient and effective means of avoiding, remedying or mitigating adverse effects. It will therefore be necessary to consider whether biosecurity effects are already sufficiently managed through other legislation, being the Biosecurity Act 1993. While Council may wish to undertake further investigation in this respect, I have reservations as to how an assessment of biosecurity matters could be undertaken effectively in considering a resource consent application for an animal boarding facility. The primary reason for my

concern is that unless Council compiled an inventory of all sites that could be subject to biosecurity effects, and that such a record was regularly updated and maintained, it would be very difficult to determine when biosecurity matters might be at issue. It would also be difficult, in my opinion, to assess the potential significance of such effects and the extent of land which may be adversely affected without detailed reference material (that is also widely accepted) to assist in this assessment. As a consequence of my reservations as to the monitoring and compliance costs of addressing biosecurity matters effectively in a resource consent process, I recommend that the submission by Heinz Watties Australasia be rejected in this instance.

Recommendation 23.6.2

That the Council:

1. **Accepts in part** the submission by **Victor Melvyn Challies** (332.22) and the further submission by **R Dally & Others** (F352) in so far as it relates to submission number 332.22.
2. **Accepts in part** the submission by **Prebbleton Community Association** (599.22) and **rejects** the further submission by **Federated Farmers of New Zealand** (F385) in so far as it relates to submission number 599.22.
3. **Accepts in part** the submission by **R Dally & Others** (352.01) and the further submission by **Robert John Dally** (F892) in so far as it relates to submission number 352.01.
4. **Rejects** the submissions by **R Dally & Others** (352.02 and 352.03) and the further submissions by **Robert John Dally** (F892) in so far as they relate to submission numbers 352.02 and 352.03.
5. **Rejects** the submission by **Heinz Watties Australasia** (419.19).

Relevant Submissions from Report 18

6. **Accepts in part** the submission by **Victor Melvyn Challies** (332.19) and **rejects** the further submissions by **Stephen Dean Glass** (F916), **Graeme Vanstone Irving** (F935), **New Zealand Pork Industry Board** (F564), **Ross & Julie Sadler** (F622), **Chris Trengrove** (F688) and **Tegel Foods Ltd** (F679) in so far as they relate to submission number 332.19.
7. **Accepts in part** the submission by **Prebbleton Community Association** (599.19) and the further submission by **R Dally & Others** (F352) and **rejects** the further submissions by **Federated Farmers of New Zealand** (F385) and **New Zealand Pork Industry Board** (F564) in so far as they relate to submission number 599.19.

Amendments to the Proposed Plan

1. Amend Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals, **Rule 7.2** Boarding of Animals (page 267), as follows:

7.2 Under Rule 7.1, the Council shall restrict its discretion to consideration of:

- 7.2.1 Any potential nuisance effects from noise, **traffic, odour or inadequate animal containment** on surrounding properties;
- 7.2.2 The effectiveness of any proposed mitigation measures to reduce effects of noise, **traffic odour or inadequate animal containment** on surrounding properties;
- 7.2.3 Any financial contributions payable under Rule X(1) or (3);
- 7.2.4 Any positive effects which may offset any adverse effects;
and
- 7.2.5 Any monitoring or review conditions.

8.6. Submissions relating to intensive livestock farming

8.6.1 Definitions

Part 3, Section 3. Definitions (Rural Volume) – pages 315-323

“Intensive Livestock Production”

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.31)	This definition needs to clearly define what is to be included within the meaning of livestock. For example whether exotic animals, poultry, other birds, fish and other species included within this definition.	Re-write the definition of "Intensive Livestock Production" to properly clarify what is included in the term Livestock under this definition. Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission than it will make any subsequent alterations which may be necessary to other parts of the Plan.
	Further Submission Tegel Foods Ltd (F679)	Support/Oppose Support in Part
Federated Farmers of New Zealand (385.84)	Similar definitions have been used in other District Plans and have the potential capture more activities than intended. This is exemplified in the currently ongoing case of Wilson vs. Waikato District Council where calf-rearing operations have been defined as intensive livestock production. This is clearly not the original intention of the definition; therefore the submitter submits that calf rearing operations should be clearly excluded from it.	Amend Definition of "Intensive Livestock Production" as follows: "Intensive Livestock Production: means the use of land and buildings for the commercial rearing and management of livestock where the viability of the activity is not dependent upon the soil fertility of the land on which the activity is undertaken. [Intensive Livestock production does not include the rearing of calves to weaning stage]." Where the submitter has requested that a rule be amended or deleted, the submitter has attempted to locate all other rules or notes associated with it, and request either their amendment or deletion as well. In the event that the submitter has overlooked any rules or notes that are associated requested deletions or amendments, the submitter requests that the Council make the appropriate changes to the Plan to reflect the purpose and intent of the submitter's submission.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support

Submission No.	Summary of Submission	Decision Requested
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
New Zealand Pork Industry Board (564.23)	The submitter supports provision being made for existing intensive livestock production operations to expand as a restricted discretionary activity without the need for notification or the approval of affected parties. The submitter contends, however, that an additional Rule should be included, which gives existing pig farming operations the option of expanding as a controlled activity if specified standards can be met. Additionally, the submitter believes it should be explicitly stated what constitutes an 'existing farm'.	That a consequential amendment be made to the definition of "Intensive Livestock Production" to make it clear that it includes intensive pig production. And The decisions sought under submission points 564.21 and 564.22, page 268. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
New Zealand Pork Industry Board (564.25)	The current wording of "Intensive Livestock Production" leaves some degree of uncertainty as to whether outdoor farmed pigs are included under the definition or not. It could be argued that because supplementary feeding of pigs occurs (i.e. they do not get all their nutritional requirements from grazing pasture), the rearing of them "is not dependant on the soil fertility of the land on which the activity [occurs]". The Board contends that this ambiguity does not provide sufficient certainty to Plan users as to how the outdoor farming of pigs is to be treated under the Plan. The submitter contends that in terms of	Change the definition of "Intensive Livestock Production" to read: "Means the use of land and buildings for the commercial farming of livestock where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. This include intensive pig farming, but excludes extensive pig farming". And The decision sought under submission point 564.26, page 315.

Submission No.	Summary of Submission	Decision Requested
	effects on the environment, it is necessary to differentiate between those pigs farmed intensively indoors and those farmed outdoors. Intensive farming is characterised by high stocking densities, with the animals being housed predominantly in buildings rather than paddocks. It is this high density which generates the potential adverse effects that justifies a higher degree of control over the activity.	There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
Prebbleton Community Association (599.31)	This definition needs to clearly define what is to be included within the meaning of livestock. For example whether exotic animals, poultry, other birds, fish and other species included within this definition.	Re-write the definition of "Intensive Livestock Production" to properly clarify what is included in the term Livestock under this definition. Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission than it will make any subsequent alterations which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Federated Farmers of New Zealand (F385)	Oppose
Thomas Ross & Julie Ann Sadler (612.05)	The current wording of Intensive Livestock Production leaves some degree of uncertainty as to whether outdoor farmed pigs are included under the definition or not. It could be argued that because supplementary feeding of pigs occurs the rearing of them "is not dependent on the soil fertility of the land on which the activity (occurs)". The submitter contends that this ambiguity does not provide sufficient certainty to Plan users as to how the outdoor farming of pigs is to be treated under the Plan.	Amend the definition of 'Intensive Livestock Production' to read: "Means the use of land and buildings for the commercial rearing and management of livestock where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. This includes intensive pig farming, but excludes extensive pig farming."
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Santa Enterprises (623.11)	It is submitted that there are problems with the definition of 'Intensive Livestock Production' due to lack of supplementary definition for meaning of 'land'. Also existing animal production in the District must be secured.	Add the following sentence to the definition of 'Intensive Livestock Production': "Livestock of the classes sheep, cattle, deer, horses, goats, llamas, alpacas, emu and ostrich shall not in any circumstances come within this definition."
	Further Submission	Support/Oppose
	George Timothy Deans (F894)	Support

New Definitions relating to Intensive Farming

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.36)	'Intensive Livestock Farming', there is no definition for this activity in the Plan. This definition needs to clearly define what is to be included within the meaning of livestock. For example whether exotic animals, poultry, other birds, fish and other species included within this definition.	Include a definition for "Livestock Farming" under "Definitions" in the District Plan. Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission than it will make any subsequent alterations which may be necessary to other parts of the Plan. Note: in their submission the submitter requests under the 'Decision Sought' a definition for Livestock Farming, but in their summary they refer to Intensive Livestock Farming.
Prebbleton Community Association (599.36)	'Intensive Livestock Farming', there is no definition for this activity in the Plan. This definition needs to clearly define what is to be included within the meaning of livestock. For example whether exotic animals, poultry, other birds, fish and other species included within this definition.	Include a definition for "Livestock Farming" under "Definitions" in the District Plan. Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission than it will make any subsequent alterations which may be necessary to other parts of the Plan. Note: in their submission the submitter requests under the 'Decision Sought' a definition for Livestock Farming, but in their summary they refer to Intensive Livestock Farming.
New Zealand Pork Industry Board (564.26)	Extensive (outdoor) pig farming is quite different from intensive pig farming, and has effects that are generally no different to those that could be expected from any other type of outdoor farming such as sheep, cattle, goat or deer farming. This highlights two issues: 1) its effects are obviously different to those generated when pigs are farmed intensively indoors, so demonstrates that it is not suitable to try and encompass them under the same definition or set of rules; and 2) it is not equitable in terms of the treatment given to other species of stock if a resource consent is required for pigs farmed outdoors, and not for other species of outdoor livestock.	A new definition of "Extensive Pig Farming" be included that reads: "Extensive pig farming – farming of pigs on pasture (including areas used for access to shelter) at a stocking density that sustains the maintenance of pasture or ground cover, or where the pigs are farmed as part of a rotational farming system". And The decision sought under submission point 564.25, page 318. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
Further Submission		Support/Oppose
Stephen Dean Glass (F916)		Support
Graeme Vanstone Irving (F935)		Support
Chris Trengrove (F688)		Support

Submission No.	Summary of Submission	Decision Requested
Thomas Ross & Julie Ann Sadler (612.04)	In terms of effects on the environment the submitter considers it necessary to differentiate between those pigs farmed intensively indoors and those farmed outdoors. Extensive (outdoor) pig farming is quite different from intensive pig farming, and has effects that are generally no different to those that could be expected from any other type of outdoor farming such as sheep, cattle, goat or deer farming. This highlights two issues: 1) Its effects are obviously different to those generated when pigs are farmed intensively indoors, so demonstrates that it is not suitable to try and encompass them under the same definition or set of rules, 2) It is not equitable in terms of the treatment given to other species of stock if a resource consent is required for pigs farmed outdoors and not for other species of outdoor livestock.	Add a new definition: "Extensive Pig Farming - farming of pigs on pasture (including areas used for access to shelter) at a stocking density that sustains maintenance of pasture or ground cover, or where pigs are farmed as part of a rotational farming system."
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Pork Industry (696.05)	No particular reason given.	Include a new definition as follows: "Extensive Pig Farming: Farming of pigs on pasture (including areas used for access to shelter) at a stocking density that sustains the maintenance of pasture or ground cover, or where the pigs are farmed as part of a rotational farming system."
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

Part 3, Section 6, Definitions (Township Volume) – pages 342-348

“Commercial Rearing”

Submission No.	Summary of Submission	Decision Requested
New Zealand Pork Industry (91.2)	Further clarification is necessary in order to more clearly differentiate between the terms 'commercial rearing' and 'intensive livestock production' and ensure the definitions are mutually exclusive.	Alter the definition of 'commercial rearing' to read: "in relation to livestock means the breeding an/or rearing and sale of animals and birds for financial gain, but excludes intensive livestock production."

“Intensive Livestock Production”

New Zealand Pork Industry (91.3)	Further clarification is necessary in order to more clearly differentiate between the terms 'commercial rearing' and 'intensive livestock production' and ensure the definitions are mutually exclusive.	Alter the definition of 'intensive livestock production' to read: "means the use of land and buildings for the commercial farming of livestock..."
	Further Submission	Support/Oppose
	North Canterbury Federated Farmers (F40)	Support in Part

Part 3, Section 3. Definitions (Rural Volume) – pages 315-323

“Intensive Livestock Production”

8.6.1.1 The definition of “Intensive Livestock Production” in the Rural Volume is as follows:

***Intensive Livestock Production:** means the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependant upon the soil fertility of the land on which that activity is undertaken.*

8.6.1.2 The submissions by **Victor Melvyn Challies** and **Prebbleton Community Association** request that the above definition is “re-written to properly clarify what is included in the term Livestock”, for example, whether it is intended to include “exotic animals, poultry, other birds, fish and other species”. A further submission by **Tegel Foods Ltd** supports this suggestion in part “on the basis that there may be improvements and clarifications that can be made to the existing definition...”.

8.6.1.3 **Federated Farmers of New Zealand** request that the definition be amended to specifically exclude “the rearing of calves to weaning stage”. A ‘blanket’ further submission supporting the whole submission of Federated Farmers of New Zealand has been lodged by **Lawrence Croft, George Timothy Deans, Craig Eggleston, P J Fleming, A D Florance, David Florance, Margaret C George, Brian Goddard, Peter Graham, Christopher C A Gray, Rodger & Caroline Hardwick, B L & D J Haylock, H G and P M Innes, Garry & Honoria Lamers, Jim Macartney, Mount White Station Ltd, L M Nicoll, I H Reed, Mark Robert McAtamney, Dwight William Love, L McKenzie, Kelly Frame, Bridget Frame, L I Bradley, Matthew Davis Bradley, M G Bradley, Castle Hill Partnership, Fiona J Hussey, Scott Hussey, Bruce Nell, R F James, Guy Martin, Philip W Wareing, Lyn Nell and John McDermott.**

8.6.1.4 The two submission points by **New Zealand Pork Industry Board** (564.23 and 564.25) seek to replace the definition with:

“Means the use of land and buildings for the commercial farming of livestock where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. This include[s] intensive pig farming, but excludes extensive pig farming”.

8.6.1.5 A further submission point (dealt with in paragraphs 8.6.1.15 and 8.6.1.16) requests the inclusion of a new definition for “extensive pig farming”. The amendments sought reflect the submitter’s concern that pigs farmed predominantly outdoors could be captured by the current definition.

8.6.1.6 **Thomas Ross & Julie Ann Sadler** request that the definition be amended in the same way as sought by the New Zealand Pork Industry Board, except that the text “commercial

farming” should read “commercial rearing and management”. I note however, that a further submission by **New Zealand Pork Industry Board** supports this submission point.

- 8.6.1.7 A submission by **Santa Enterprises**, which is supported by **George Timothy Deans**, seeks to include an additional sentence at the end of the definition to state:

"Livestock of the classes sheep, cattle, deer, horses, goats, llamas, alpacas, emu and ostrich shall not in any circumstances come within this definition."

- 8.6.1.8 I agree with the concerns of the above submitters that the current definition of “intensive livestock production” is ambiguous and unclear as to the types of livestock or farming practices that could fall within this definition. In my view, the type of livestock that is likely to generate adverse effects on the environment when farmed intensively for commercial purposes include poultry, pig, duck, rabbit, fitch and feedlots for commercial livestock such as cattle. This is not to say however, that the intensive farming of other species, such as deer, goats, alpacas or ostriches would not give rise to similar adverse effects that the associated rules are designed to manage. The definition should not be regarded as absolute or capable of categorising a complete range of intensive livestock activities, however it does need to be sufficiently specific to ensure as much certainty as possible in its interpretation.

- 8.6.1.9 In my opinion, the definition is also inadequate due to its specificity to livestock. Intensive cultivation of plant produce can also give rise to adverse amenity effects on surrounding properties if undertaken for commercial purposes eg. mushroom farming. I therefore consider it appropriate that the definition is broadened to refer simply to “intensive farming” encapsulating the intensive production of both plant and animal matter. An example of such a definition is contained in the Proposed Waimakariri District Plan which reads as follows:

Intensive Farming means the production of plant and animal produce, where the predominant productive processes are not dependent on the soil characteristics of the site on which it is situated. Processes may involve: poultry, pig, rabbit, fitch and opossum; production of compost; mushroom farming; and feedlots for commercial livestock such as cattle. It excludes those activities where production requires pasture or ground cover to be maintained, glasshouses and horticulture. **Intensive Farm** has the same meaning.

- 8.6.1.10 While I consider the amendments proposed by **New Zealand Pork Industry Board** and **Thomas Ross & Julie Ann Sadler** are effective in addressing the deficiencies of the definition in relation to intensive and extensive pig farming, the relief sought does not extend to include a broad definition of “intensive farming” along the lines of the above example. I recognise that although the submissions by **Victor Melvyn Challies** and

Prebbleton Community Association seek to rewrite the definition, their concerns appear to primarily relate to the interpretation of “livestock” only. The **Federated Farmers of New Zealand** submission is also specific to calf rearing.

8.6.1.11 Notwithstanding the limited scope available within the above submission points, I recommend that Council replace the existing definition of “intensive livestock production” with a new definition of “intensive farming”. Such a definition could be framed in a similar fashion to the same definition contained in the Waimakariri District Plan, but which also incorporates some of the amendments suggested by **New Zealand Pork Industry Board** and **Thomas Ross & Julie Ann Sadler**, as follows:

Intensive Farming means the use of land and buildings for the commercial production of plant and animal produce, where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density, or nature of the activity, precludes the maintenance of pasture or ground cover. Processes may involve: poultry, pig, duck, rabbit, fitch and opossum; mushroom farming; and feedlots for commercial livestock such as cattle. It excludes those activities where production requires pasture or ground cover to be maintained, glasshouses and horticulture. ***Intensive Farm*** has the same meaning.

8.6.1.12 Given that it is questionable whether the proposed alteration to the definition of “intensive livestock production” can be made within the scope of submissions, I recommend that Council initiate a variation to incorporate the above definition and replace all other references to “intensive livestock production” with “intensive farming” throughout both volumes of the PDP. I also note that the rule reference to “Keeping Animals” will need to be altered to provide for all intensive farming activities (i.e. including those involving plant matter).

8.6.1.13 On the basis of the above proposition I recommend that the submissions by **Victor Melvyn Challies, Prebbleton Community Association, New Zealand Pork Industry Board and Thomas Ross & Julie Ann Sadler** be accepted in part. With regard to the request by **Federated Farmers of New Zealand** to specifically exclude “the rearing of calves to weaning stage”, I consider that the proposed definition is sufficiently clear that such activities would not fall within the proposed definition of “intensive farming”. I therefore recommend that this submission be rejected. I do not agree however, with the relief sought by **Santa Enterprises** as I consider that the intensive farming of animals such as those listed in the submission could generate adverse effects on the environment which should be managed as “intensive farming” activities. I therefore recommend that this submission be rejected.

New Definitions relating to Intensive Farming

8.6.1.14 Submissions by **Victor Melvyn Challies** and **Prebbleton Community Association** seek to include a definition of “Livestock Farming”, however the reason for this submission refers to the need for a definition of “Intensive Livestock Farming”. I recognise that the use of the terms “Intensive Livestock Farming” and “Intensive Livestock Production” in the Rural Volume is internally inconsistent and there is only one definition of the latter to cover both terms. In order to correct this anomaly, I consider that the introduction of a new definition for “intensive farming” and consequential amendments as recommended above may alleviate the concerns of the above submitters to some extent. Consequently, I consider that the insertion of the proposed definition is unnecessary if a Variation proceeds. I therefore recommend that these submission points be rejected.

8.6.1.15 Submissions by **New Zealand Pork Industry Board, Thomas Ross & Julie Ann Sadler** and **Pork Industry** request that a new definition of “Extensive pig farming” be inserted to read as follows:

Extensive Pig Farming *farming of pigs on pasture (including areas used for access to shelter) at a stocking density that sustains the maintenance of pasture or ground cover, or where the pigs are farmed as part of a rotational farming system*

8.6.1.16 On the basis of the proposed introduction of a new definition for “intensive farming” that excludes those activities where production requires pasture or ground cover to be maintained (paragraph 8.6.1.11), I consider that the proposed definition of “extensive pig farming” is unnecessary and would result in the itemisation of only one type of extensive farming activity that occurs in the rural environment. I therefore recommend that these submission points be rejected.

Part 3, Section 6, Definitions (Township Volume) – pages 342-348

“Commercial Rearing” and “Intensive Livestock Production”

8.6.1.17 The definition of “Commercial Rearing” in the Township Volume is as follows:

Commercial rearing: *in relation to livestock means the breeding and/or rearing and sale of animals and birds for financial gain.*

8.6.1.18 The definition of “Intensive Livestock Production” in the Township Volume is as follows:

Intensive Livestock Production: *means the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependant upon the soil fertility of the land on which that activity is undertaken.*

8.6.1.19 The **New Zealand Pork Industry Board** requests that each of the above definitions be clarified so that they are mutually exclusive, in order to differentiate between the two

terms. The proposed amendment to the definition of “intensive livestock production” is supported in part by **North Canterbury Federated Farmers** as “we agree that clarification of intensive livestock production is required, but do not support the definition as written by the submitter”.

8.6.1.20 As asserted by the submitter, it is apparent that the necessity for the two definitions is brought about by “intensive livestock production” being listed as a non-complying activity, and “commercial rearing” being listed as a discretionary activity, in Living zones. In my opinion the PDP therefore anticipated that the effects arising from an “intensive livestock production” activity are likely to be greater than those generated by the “commercial rearing” of livestock in Living zones. For example, the rearing of livestock at a density, or in a manner, which is not dependent upon the soil fertility of the land would be categorised as “intensive livestock production” and capable of adversely affecting the amenity of surrounding residents; hence its status as a non-complying activity. On the other hand, if the rearing of livestock occurred at a low density which maintained pasture or ground cover (therefore falling within the ambit of “commercial rearing” only), the amenity effects on neighbours are likely to be substantially less; hence its status as a discretionary activity¹⁰.

8.6.1.21 However, I acknowledge the potential confusion caused by both existing definitions using the term “commercial rearing” and consider that the proposed amendment to the definition of “commercial rearing” would make it clear that it did not encompass activities that fell within “intensive livestock production”. As a consequential amendment to the suggested substitute definition of “intensive farming”, I recommend that this submission be accepted in part insofar as it relates to the exclusion of the intensive farming of livestock from this definition. I therefore propose that the definition is amended as follows:

Commercial rearing: *in relation to livestock means the breeding and/or rearing and sale of animals and birds for financial gain, but excludes intensive farming.*

8.6.1.22 Similarly, the relief sought in relation to the definition of “intensive livestock production” also becomes somewhat redundant due to the suggested text of a new definition for “intensive farming”. While the wording of the new definition may satisfy the submitter’s concerns to some extent, I recommend that the proposed change to the existing definition be rejected in favour of the insertion of an “intensive farming” definition.

¹⁰ I also note that this assessment remains unchanged if the new definition of “intensive farming” recommended in paragraph 8.6.1.11 of this report is adopted.

Recommendation 23.7.1

That the Council:

1. **Accepts in part** the submission by **Victor Melvyn Challies** (332.31) and the further submission by **Tegel Foods Ltd** (F679) in so far as it relates to submission number 332.31.
2. **Rejects** the submission by **Federated Farmers of New Zealand** (385.84) and the further submissions by **Lawrence Croft** (F890), **George Timothy Deans** (F894), **Craig Eggleston** (F901), **P J Fleming** (F902), **A D Florance** (F903), **David Florance** (F904), **Margaret C George** (F913), **Brian Goddard** (F919), **Peter Graham** (F920), **Christopher C A Gray** (F921), **Rodger & Caroline Hardwick** (F926), **B L & D J Haylock** (F928), **H G and P M Innes** (F934), **Garry & Honoria Lamers** (F944), **Jim Macartney** (F953), **Mount White Station Ltd** (F974), **L M Nicoll** (F980), **I H Reed** (F996), **Mark Robert McAtamney** (F952), **Dwight William Love** (F950), **L McKenzie** (F958), **Kelly Frame** (F909), **Bridget Frame** (F908), **L I Bradley** (F867), **Matthew Davis Bradley** (F868), **M G Bradley** (F869), **Castle Hill Partnership** (F881), **Fiona J Hussey** (F930), **Scott Hussey** (F931), **Bruce Nell** (F977), **R F James** (F936), **Guy Martin** (F1039), **Philip W Wareing** (F1026), **Lyn Nell** (F978) and **John McDermott** (F954) in so far as they relate to submission number 385.84.
3. **Accepts in part** the submissions by **New Zealand Pork Industry Board** (564.23 and 564.25).
4. **Accepts in part** the submission by **Prebbleton Community Association** (599.31) and **rejects** the further submission by **Federated Farmers of New Zealand** (F385) in so far as it relates to submission number 599.31.
5. **Accepts in part** the submission by **Thomas Ross & Julie Ann Sadler** (612.05) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 612.05.
6. **Rejects** the submission by **Santa Enterprises** (623.11) and the further submission by **George Timothy Deans** (F894) in so far as it relates to submission number 623.11.
7. **Rejects** the submission by **Victor Melvyn Challies** (332.36).
8. **Rejects** the submission by **Prebbleton Community Association** (599.36).
9. **Rejects** the submission by **New Zealand Pork Industry Board** (564.26) and the further submissions by **Stephen Dean Glass** (F916), **Graeme Vanstone Irving** (F935) and **Chris Trengrove** (F688) in so far as they relate to submission number 564.26.
10. **Rejects** the submission by **Thomas Ross & Julie Ann Sadler** (612.04) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 612.04.
11. **Rejects** the submission by **Pork Industry** (696.05) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 696.05.
12. **Accepts** the submission by **New Zealand Pork Industry** (91.2).
13. **Rejects** the submission by **New Zealand Pork Industry** (91.3) and the further submission by **North Canterbury Federated Farmers** (F40) in so far as it relates to submission number 91.3.

Amendments to the Proposed Plan

1. By way of Variation, delete the definition of “Intensive Livestock Production” in Part 3, Section 3 Definitions (Rural Volume) on page 318 and insert a new definition of “Intensive Farming” as follows:

Intensive Farming *means the use of land and buildings for the commercial production of plant and animal produce, where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density, or nature of the activity, precludes the maintenance of pasture or ground cover. Processes may involve: poultry, pig, duck, rabbit, fitch and opossum; mushroom farming; and feedlots for commercial livestock such as cattle. It excludes those activities where production requires pasture or ground cover to be maintained, glasshouses and horticulture. Intensive Farm has the same meaning.*

As a consequence, replace all references to “intensive livestock production” and “intensive livestock farming” throughout both volumes of the PDP with the term “intensive farming”. Further consequential amendments include altering the rule reference of “Keeping Animals” to provide for all intensive farming activities (i.e. including those involving plant matter) and replacing the definition of “intensive livestock production” in Part 3, Section 6 Definitions (Township Volume) on page 344 with the above definition of “intensive farming”.

2. Amend the definition of “Commercial Rearing” in Part 3, Section 6 Definitions (Township Volume) on page 342 as follows:

Commercial rearing: *in relation to livestock means the breeding and/or rearing and sale of animals and birds for financial gain-, but excludes intensive farming.*

8.6.2 Part 3, Section 2, Rule III – Buildings, Rule 1.16 Building Position (Rural Volume) – pages 214-215

Submission No.	Summary of Submission	Decision Requested
Willaden Farms (399.08)	The submitter considers that because pigs do not defecate or urinate inside their housings (therefore creating very little odour) there is no need for a setback from any boundary. The submitter makes reference to the definition of Utility Structure on page 321 and states that housing for outdoor pigs does not exceed the 10m ² or 2m. It is unclear why the submitter has made this reference.	Adopt Note 1. And The submitter seeks that no changes or amendments be made which will alter the intent of this submission.
New Zealand Pork Industry Board (564.14)	The submitter contends that a further explanatory note is required stating that the 30 metre setback for buildings housing animals, does not apply to 'arks' or shelters used for housing pigs farmed extensively outdoors. The submitter notes that arks or shelters used for housing pigs farmed outdoors are exempt from complying with the 30 metre setback, due to being excluded from the definition of "Building" by virtue of their size and height (i.e. less than 10m ² in area and 2m in height). However, this is not evident from reading Table Three and its accompanying notes, and the submitter thinks that for the avoidance of doubt, it should specifically be stated that the 30 metre setback does not apply to arks or shelters used as part of outdoor pig production.	That Note 1 following Table Three be altered to read: "The 30 metre setback for buildings housing animals does not apply to any building used as part of intensive livestock production, or for any shelters or arks used to house pigs farmed outdoors." There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.

8.6.2.1 Rule 1.16 specifies minimum setback requirements for buildings from property and road boundaries. Included in these provisions is a minimum setback of 30m from both internal and road boundaries for "any size building housing animals". Associated Note 1 of Rule 1.16 states:

1. *The 30 metre setback for buildings housing animals does not apply to any building used as part of intensive livestock production.*

8.6.2.2 While the Reasons for Rules do not offer any insight as to the reason for this exemption, in my view, the reason is that Rule VIII – Activities, Rules 8.1 and 9.1 'Intensive Livestock Farming' (pages 268-269) require resource consent for any new or expanding intensive livestock production activity. Issues associated with the proximity of proposed buildings from boundaries would, if relevant, therefore form part of the overall assessment of the proposal.

8.6.2.3 The submission by **Willaden Farms** appears to support Note 1 above for two reasons. The first is that housing structures for outdoor pigs do not exceed 10m² in area or 2m in height and are therefore exempt from the definition of a "building" in the PDP. Secondly, such structures are unlikely to cause adverse nuisance effects to neighbours as outdoor

pigs do not defecate or urinate inside their housing, and any visual effects should be accepted as part of the rural environment. While I acknowledge the submitter's support for Note 1, I note that any extensive pig farming activities would need to fall outside the definition of "intensive livestock production" in order to be a permitted activity (submissions relating to this definition are assessed in the preceding part of this report). Given that this submission point supports Note 1 above, I recommend that it be accepted.

- 8.6.2.4 **New Zealand Pork Industry Board** request that the exemption stipulated in Note 1 be extended to include "or for any shelters or arks used to house pigs farmed outdoors". The submitter recognises that such structures are excluded from the definition of a "building" (as explained above), however to avoid any doubt it is requested that Note 1 is explicit in this regard. While I understand that this submission is merely for clarification purposes, I have reservations in supporting this amendment. I note that both the subject rule and associated note apply to any "building" as defined in the PDP and introducing an additional exemption clause may confuse this definition. To exclude all "shelters or arks" from the setback provisions may also result in large pig shelters being permitted within the 30m setback, which would otherwise be defined as a "building" (if not "intensive livestock production"), and which could give rise to adverse effects on neighbouring properties. For these reasons I recommend that this submission be rejected.

Recommendation 23.7.2

That the Council:

1. **Accepts** the submission by **Willaden Farms** (399.08).
2. **Rejects** the submission by **New Zealand Pork Industry Board** (564.14).

Amendments to the Proposed Plan

Nil.

8.6.3 Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals – Keeping Animals (Rural Volume) – pages 268-269

Intensive Livestock Farming – New Farms (Rules 8.1, 8.2 and 8.3)

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.29)	Rule 8.2.1 allows the consideration of any nuisance effects that may arise from a new intensive livestock production activity. However, it is considered by the submitter that some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects.	Re-word Rule 8.2.1 to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties, with respect to establishing new intensive livestock production activities. And The decision sought under submission point 321.30, page 269. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
Victor Melvyn Challies (332.23)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That Intensive Livestock Farming (Rule 8.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Oppose
	Ross & Julie Sadler (F622)	Oppose
Heinz Watties Australasia (419.20)	Tegel Foods Ltd (F679)	Oppose
	Intensive livestock production are restricted discretionary activities. Matters of discretion with respect to nuisance effects are limited to odour, dust, noise, or traffic. Intensive livestock farming has the potential to result in adverse effects on bio-security in the area. As such, consideration should be given to the bio-security of adjacent food crop or livestock producers.	Amend Rule 8.2 to include bio-security as a further matter to which Council will restrict its discretion to. Or Any other decision to provide relief consistent with what is sought. And Any necessary consequential amendments to give effect to the above relief.
New Zealand Pork Industry Board (564.20)	The submitter supports the establishment of new intensive livestock farming operations being a restricted discretionary activity, but requests that it be explicitly stated what constitutes a 'new farm'. The submitter considers the fact that there will be a degree of uncertainty over the potential for adverse effects to be generated by new intensive farming operations, warrants the activity being classed as restricted discretionary. This will give the Council the certainty that it can decline consent applications for proposed operations that are unable to demonstrate that their potential adverse effects on the environment can be adequately mitigated. It will also give	Change the wording of Rule 8.1 to read: "The establishment of any new site, after 8 September 2001, for intensive livestock production..." There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.

Submission No.	Summary of Submission	Decision Requested
	other users of the Rural Zone some assurance that the nature and amenity levels of the Zone will be maintained at appropriate levels. For the avoidance of doubt, the submitter contends that it should be stated that 'new farms' are those that are established after the date on which this Plan was notified.	
Prebbleton Community Association (599.23)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That Intensive Livestock Farming (Rule 8.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Federated Farmers of New Zealand (F385)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
Tegel Foods Ltd (679.29)	Rule 8.2.1 allows the consideration of any nuisance effects that may arise from a new intensive livestock production activity. However, it is considered by the submitter that some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects.	Re-word Rule 8.2.1 to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties, with respect to establishing new intensive livestock production activities. And The decision sought under submission point 679.30, page 269. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	MJ & TD Rickerby (F607)	Support
Chris Trengrove (688.04)	The submitter supports new intensive livestock production operations being provided for as a restricted discretionary activity. The submitter agrees that the uncertainty surrounding the potential effects associated with a new operation warrants the Council retaining the ability to decline a consent application if it cannot be demonstrated that the effects on the environment will be adequately controlled.	Retain Rule 8.1.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

Intensive Livestock Farming – Expansion of Existing Farms (Rules 9.1, 9.2, 9.3 and 9.4)

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.30)	Rule 9.3.1 allows the consideration of any nuisance effects that may arise from expanding an existing intensive livestock production activity. This provision is opposed by the submitter as it is considered that some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects.	Re-word Rule 9.3.1 to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties, with respect to expanding existing intensive livestock production activities. And The decision sought under submission point 321.29, page 268. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
Victor Melvyn Challies (332.24)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That the Expansion of Existing Farms (Rule 9.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Oppose
	Graeme Vanstone Irving (F935)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
	Chris Trengrove (F688)	Oppose
	Tegel Foods Ltd (F679)	Oppose
Environment Canterbury (371.153)	The expansion of intensive livestock production does adversely affect neighbouring properties. The Regional Council also often requires consent for discharge of contaminants to air, and notification of consent is one method used by the Regional Council to ensure appropriate consents are applied for.	Delete Rule 9.2. Or Include a note under Rule 9.2: "A copy of the application shall however be sent to Environment Canterbury to determine whether other appropriate discharge consents are required."
	Further Submission	Support/Oppose
	Jules J Snoyink (F1013)	Support
	Rosalie Joy Snoyink (F1014)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Santa Enterprises (F623)	Oppose
	S T and C J Bell Ltd and R D Bell (F862)	Oppose
	Frank and Diane Denson (F896)	Oppose
	H G and P M Innes (F934)	Oppose
	Eclectic Energy (F374)	Support
	Tegel Foods Ltd (F679)	Oppose in Part

Submission No.	Summary of Submission	Decision Requested
T D & J A Gallagher (398.04)	The submitter supports the Rules 9.1 to 9.4 inclusive (in particular Rule 9.2) Rule 9.2 is "Any resource consent application made under Rule 9.1 shall not be notified and shall not require written approval of affected parties". The submitter supports the rule because the activity is already established and affected parties had the opportunity to have their say in the planning process at the time of establishment or have moved into the area since. Note: the submitter's reference to "the activity is already established" is a general reference and is not made to any particular farm. However, the submitter does operate a poultry farm (refer also to the decisions requested under the submission point 398.01, page 296).	Adopt Rules 9.1 to 9.4.
	Further Submission Transit New Zealand (F686)	Support/Oppose Oppose in Part
New Zealand Pork Industry Board (564.21)	The submitter supports provision being made for existing intensive livestock production operations to expand as a restricted discretionary activity without the need for notification or the approval of affected parties. The submitter contends, however, that an additional Rule should be included, which gives existing pig farming operations the option of expanding as a controlled activity if specified standards can be met. Additionally, the submitter believes it should be explicitly stated what constitutes an 'existing farm'. The submitter accepts that in some circumstances, it will not necessarily be appropriate for existing farms to expand. In these circumstances, the submitter agrees that the Council needs to retain the ability to decline consent, as is provided for in the current Rule 9.1. Having said this however, the submitter contends that where farmers have a proven track record of their ability to operate without causing adverse effects on the environment, they should have the option of applying for a controlled activity resource consent. As it stands, farmers that have no history of complaints against them are going to have to apply for a restricted discretionary consent, with all its associated costs and uncertainties. Regardless of whether resource consent is eventually granted, these farmers will all be regulated in order to control a few possible 'poorer performers', or put another way, in order to account for the 'worst case scenario'. The submitter contends that this is unfair and unnecessary, and that a 'worst case scenario' could still be governed through the use of appropriate controlled activity standards in the first instance, and a restricted discretionary activity class of consent could be used as a fall-back.	That a new Controlled Activity Rule be included: "Expansion of Existing Intensive Pig Production Operations: The expansion of intensive pig production operations that were lawfully established or authorised before the date of notification of this Plan, is a controlled activity subject to the following standards and terms: 1. Any change in the activity shall not alter the character or increase the scale or intensity of any adverse effects of the activity on the environment. 2. The activity shall have no verified complaints of objectionable effects of odour that has resulted in enforcement action being taken against the operation in the 12 months prior to the consent application. Selwyn District Council reserves control over the following matters: 1. Measures to control the nuisance effects of odour, dust, noise or traffic on surrounding properties. 2. Payment of financial contributions under Rule X (1) or (3). 3. Monitoring or review of conditions. Notification: Applicants for resource consent for activities under this rule will be considered without notification in accordance with s94(1)(b) of the RMA." And The decisions sought under submission points 564.22, page 268 and 564.23, page 318. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions.

Submission No.	Summary of Submission	Decision Requested
	This approach would have the added benefit of providing an incentive to producers to operate in a way that ensures adverse effects on the environment are adequately controlled, thus potentially resulting in an improved environmental outcome. As with the current proposal under Rule 9.2, the submitter considers the fact that the activity is already established, and neighbours would have either had the opportunity to participate in the planning process at the time it was originally set up, or have subsequently moved into the area with the knowledge that an intensive farm is located nearby, as sufficient justification for providing for a controlled activity consent application to be assessed on a non-notified basis without the need for written approval. For the avoidance of doubt, however, the submitter contends that it should be stated that 'existing farms' are those that were established before the date on which this Plan was notified.	The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
New Zealand Pork Industry Board (564.22)	The submitter considers the fact that a pig farming activity is already established, and neighbours would have either had the opportunity to participate in the planning process at the time it was originally set up, or have subsequently moved into the area with the knowledge that an intensive farm is located nearby, as sufficient justification for providing for a controlled activity consent application to be assessed on a non-notified basis without the need for written approval. For the avoidance of doubt, however, the submitter contends that it should be stated that 'existing farms' are those that were established before the date on which this Plan was notified.	That the wording of Rule 9.1 be changed to read: "The expansion of any intensive livestock production activity that was existing before 8 September 2001, shall be a..." And The decisions sought under submission points 564.21, page 268 and 564.23, page 318. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Support
	Graeme Vanstone Irving (F935)	Support
	Chris Trengrove (F688)	Support
PIC New Zealand (594.06)	The submitter agrees that in circumstances where there is doubt surrounding an established farmer's ability to adequately control adverse effects, the Council should have the ability to decline a resource consent application to expand a farming operation. On the other hand though, the submitter thinks that if a farmer has been able to demonstrate through a good 'track record' that they can manage the potential adverse effects of their farming operation, they should at least have the option of expanding their operation as a 'controlled activity'. This would work well in conjunction with retaining the current 'restricted discretionary' rule, which could	Retain the current Rule 9.1. And That a new, non-notified 'controlled activity' Rule be included in the Plan, to provide for existing intensive farmers who have a proven track record that they do not cause significant adverse effects on the environment.

Submission No.	Summary of Submission	Decision Requested
	be used as a 'fallback' if the specified 'controlled activity' conditions were unable to be met. Doing so would reflect the statement in the Explanation to Policy 3 (section 1.3, page 43), which acknowledges that the effects of an activity do not necessarily increase with an increase in the scale of the activity. By implication, this recognises that farm management practices have a large role to play in terms of the potential for adverse effects to be generated, rather than just the number of pigs on a site. The submitter contends that providing more than one option for a farmer wishing to expand, would also provide an incentive for them to maintain high environmental standards in the operation of their current farm. This could in fact be incorporated into a controlled activity rule, in that good past performance could be specified as a standard, as judged on a basis of there having been no verified complaints resulting in enforcement action, in the 12 months prior to a consent application being lodged. By way of an example, just such a controlled activity Rule could apply in expansions such as the one that is currently underway at the submitter's Burnalan farm. The farm has an excellent track record in terms of there having been no verified complaints resulting in enforcement action in the last 12 months (which demonstrates good management is currently occurring), and the potential for adverse effects on the environment will actually be reduced through a net reduction in the amount of effluent produced on site (through a change in the ratio of breeding to 'grower' pigs on site). Under the present proposal in the Plan a 'restricted discretionary' consent would need to be obtained, whereas the submitter believes the past performance of the operation, and the fact that the potential for adverse effects to be generated would actually be reduced, mean that this is a prime example of an expansion that should be allowed for as a 'controlled activity'.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Prebbleton Community Association (599.24)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That the Expansion of Existing Farms (Rule 9.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.

Submission No.	Summary of Submission	Decision Requested
	Further Submission	Support/Oppose
	Federated Farmers of New Zealand (F385)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
Ray Seebeck (632.03)	The submitter states that the expansion of existing farms should be a controlled activity because of an existing rights activity as long as the activity has been complying with Canterbury Regional Council resource consents.	Allow existing farms to expand their operation to maintain it as a sustainable operation without restrictions as long as it complies with existing consents.
	Further Submission	Support/Oppose
	Tegel Foods Ltd (F679)	Support
David William Stott (645.01)	The submitter supports Rule 9.2 regarding Intensive Livestock Farming, which states that applications to expand existing intensive livestock farms shall not be notified and shall not require the written consent of affected parties. The activity is already established and the affected parties had the chance to have a say in the planning process at the time of the establishment or have moved into the area since.	Support for the Rules 9.2 on Intensive Livestock Farming as written in the Proposed Plan.
Tegel Foods Ltd (679.30)	Rule 9.3.1 allows the consideration of any nuisance effects that may arise from expanding an existing intensive livestock production activity. This provision is opposed by the submitter as it is considered that some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects.	Re-word Rule 9.3.1 to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties, with respect to expanding existing intensive livestock production activities. And The decision sought under submission point 679.29, page 268. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	MJ & TD Rickerby (F607)	Support
Chris Trengrove (688.03)	The submitter is not opposed to the Council wishing to retain the ability to decline a resource consent application to expand a farm in situations where there is doubt as to the ability of the farmer to control potential adverse effects. However, those farmers who have a good track record and have demonstrated their ability to operate in a way that ensures potential adverse effects on the environment are controlled, should be given the option to expand their operation as a 'controlled activity', with the 'restricted discretionary' Rule being used as a 'fallback' if the specified 'controlled activity' conditions are unable to be met. Doing so would acknowledge that farm management practices are more important than the number of pigs on a site in terms of the potential for adverse effects to be generated. It would also send a message to existing farmers that if they are thinking of expanding their operations in the future, they should be doing everything within their power to ensure that their current operation runs with a minimum of adverse effects – the	Retain the current Rule 9.1. And That a new, 'controlled activity' Rule be included in the Plan, to provide for existing intensive farmers who have a proven track record that they do not cause significant adverse effects on the environment.

Submission No.	Summary of Submission	Decision Requested
	incentive of doing so being the option to apply for a consent that has less uncertainty associated with it. The submitter believes that the current approach, whereby all farmers are put through the inherently uncertain process of applying for a restricted discretionary consent, is unfair on those farmers who are currently performing at a high level.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Pork Industry (696.03)	No particular reason given.	Amend Rule 9.1 so that expansion of existing intensive livestock production farms becomes a controlled activity.

Relevant Submissions from Report No.18

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.19)	It is considered that this rule does not adequately recognise the adverse effects of different forms of intensive and factory farming on the character and amenity values of the rural area. The lack of opportunity for public submission in respect to the establishment of Boarding of Animals, Intensive Livestock farming and the Expansion of Existing Farms does not recognise the effects that these activities have on rural character and amenity. Further there is considerable doubt in terms of the definition of Intensive Livestock Production as to whether this definition includes poultry etc., and there is not actual definition for Livestock Farming. Also with the problems which have been experienced with mushroom farming in the locality of Prebbleton there is doubt as to whether these Rules have regard to the establishment, operation and adverse effects of these type of activities.	Re-write the rules relating to intensive farming activities (including, but not only, Intensive Livestock Farming , Factory Farming and the Expansion of these farming activities) and the Boarding of Animals, so that they properly control and minimise the adverse effects of these activities on rural character and amenity values. Further definitions should be included eg "Factory Farming" to clarify and distinguish between activities. That these activities be classified as discretionary activities. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Oppose
	Graeme Vanstone Irving (F935)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
	Ross & Julie Sadler (F622)	Oppose
	Chris Trengrove (F688)	Oppose
	Tegel Foods Ltd (F679)	Oppose
Prebbleton Community Association (599.19)	It is considered that this rule does not adequately recognise the adverse effects of different forms of intensive and factory farming on the character and amenity values of the rural area. The lack of opportunity for public submission in respect to the establishment of Boarding of Animals, Intensive Livestock farming and the Expansion of Existing Farms does not recognise the effects that these activities have on rural character and amenity. Further there is considerable doubt in terms of the definition of Intensive Livestock Production as to whether this definition includes poultry etc., and there is not actual definition for Livestock Farming. Also with the problems which have been experienced with mushroom farming in the locality of	Re-write the rules relating to intensive farming activities (including, but not only, Intensive Livestock Farming , Factory Farming and the Expansion of these farming activities) and the Boarding of Animals, so that they properly control and minimise the adverse effects of these activities on rural character and amenity values. Further definitions should be included eg "Factory Farming" to clarify and distinguish between activities. That these activities be classified as discretionary activities. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a

Submission No.	Summary of Submission	Decision Requested
	Prebbleton there is doubt as to whether these Rules have regard to the establishment, operation and adverse effects of these type of activities.	submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	R Dally & Others (F352)	Support
	Federated Farmers of New Zealand (F385)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose

Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals – Keeping Animals (Rural Volume) – pages 268-269

General approach for managing effects from Intensive Farming Activities

8.6.3.1 Following on from an assessment of reverse sensitivity effects in Section 8.1 of this report, I support the approach of the PDP in managing actual and potential effects from intensive farming activities. In brief, this approach is to require resource consent for any new or expanding intensive farming activity to allow for a full assessment of any adverse odour, dust, noise or traffic effects on surrounding properties. This procedure allows the applicants to demonstrate the effectiveness of any mitigation measures to address any adverse effects, particularly in regard to the identification of affected parties (presently only relevant to new intensive farming activities as a consequence of Rule 9.2).

8.6.3.2 While a blanket requirement for resource consent could be viewed as ‘non-effects-based’, in my opinion, this approach is more favourable than attempting to draft a comprehensive set of ‘effects-based’ rules that would effectively require a full assessment of relevant effects standards in order to determine whether a proposal was in fact a permitted activity. Alternatively, tools such as separation distances could be used as a somewhat arbitrary measure to try and mitigate potential adverse effects, however there may be no assurance that such effects are likely to be successfully mitigated, or conversely, that a minimum buffer distance is required in every case¹¹. I therefore favour the existing approach in the PDP, rather than the imposition of a separation distance as has been suggested by at least one submitter (MJ & TD Rickerby 607.08, addressed in Section 8.1 of this report).

¹¹ I also consider it relevant that proportionally the costs of compliance would be significantly less than requiring all new dwellings to obtain resource consent in order to manage reverse sensitivity effects (as discussed in Section 8.1 of this report).

Intensive Livestock Farming – New Farms (Rules 8.1, 8.2 and 8.3)

8.6.3.3 The provisions for the establishment of a new “intensive livestock production” activity are as follows:

New Farms

8.1 *The establishment of any new site for intensive livestock production shall be a restricted discretionary activity if all of the following standards and terms are met:*

8.1.1 *All of Rules 1.1 to 1.6 and 1.8 to 1.18.*

8.2 *Under Rule 8.1 the Council shall restrict its discretion to consideration of:*

8.2.1 *Any nuisance effects from odour, dust, noise or traffic on surrounding properties;*

8.2.2 *The effectiveness of any proposed mitigation measures to address potential nuisance effects;*

8.2.3 *Any financial contributions payable under Rules X(10 or (3);*

8.2.4 *Any positive effects which may offset any adverse effects;*
and

8.2.5 *Any monitoring or review conditions.*

8.3 *Any activity which does not comply with Rule 8.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.*

Rule 8.1

8.6.3.4 **New Zealand Pork Industry Board** seeks to alter Rule 8.1 to clarify that a ‘new farm’ is one which establishes after 8 September 2001, being the date of notification of the Rural Volume of the PDP. In my view, it is clear that a ‘new farm’ is simply that i.e. there is not one already on the site. I therefore see no merit in adding a date description to the rule as suggested. On this basis I recommend that this submission point be rejected.

8.6.3.5 Submissions by **Victor Melvyn Challies** and **Prebbleton Community Association** request that Rule 8.1 be amended to classify the establishment of a new intensive livestock production activity as a discretionary activity, rather than a restricted discretionary activity. The primary reason for this relief is that “the effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values”. This suggestion is opposed by **New Zealand Pork Industry Board, Ross & Julie Sadler, Tegel Foods Ltd** and **Federated Farmers of New Zealand** on the basis that intensive livestock production forms part of the rural environment.

8.6.3.6 The submissions that seek to change the status under Rule 8.1 to fully discretionary also express concern “that this activity is taken out of the public process by classifying these activities as restricted discretionary”. My understanding of the notification provisions of the Act in relation to a restricted discretionary activity, is that the assessment of notification can only be dispensed with if the plan expressly permits consideration of the

application without the need to obtain the written approval of affected persons (s.94(1A)). An example of such a provision is contained in Rule 9.2 relating to the expansion of existing intensive livestock farms. I agree with the submitters that the establishment of new intensive livestock production activities could adversely impact on rural amenity values. However, while Council's discretion is restricted under Rule 8.2, such discretion extends to include "any nuisance effects from odour, dust, noise or traffic on surrounding properties" and "the effectiveness of any proposed mitigation measures to address potential nuisance effects". The submitters do not indicate whether there may be other effects which could arise from such activities and cause adverse amenity effects that are not encapsulated by the matters of discretion.

- 8.6.3.7 On the basis that Rules 8.1 to 8.3 do not prevent affected party consultation and that the matters over which Council has retained discretion include the core adverse effects which may arise from a new intensive farming activity, I see no need to alter the status of Rule 8.1 to a discretionary activity. I therefore recommend that the submissions of **Victor Melvyn Challies** and **Prebbleton Community Association** be rejected.
- 8.6.3.8 A submission by **Chris Trengrove** supports Rule 8.1 on the basis that a new intensive livestock production activity is provided for as a restricted discretionary activity. A further submission by **New Zealand Pork Industry Board** supports this submission point. Given that I have not recommended changes to Rule 8.1 I recommend that this submission point be accepted.

Rule 8.2

- 8.6.3.9 **Canterbury Poultry Meat Producers Association** and **Tegel Foods Ltd** request that Rule 8.2.1 "be reworded to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties". The reason for this submission is that "some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects". The further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** opposes the whole of the submission by Canterbury Poultry Meat Producers Association and Tegel Foods Ltd, and **MJ & TD Rickerby** support the whole submission of Tegel Foods Ltd.
- 8.6.3.10 My understanding of the approach in the PDP is to allow people to undertake farming and other business activities relatively freely and that residents should expect odour, dust or noise effects to occur as part of the rural environment. However, as provided within the statutory framework of the Act and within objectives and policies of the PDP, it is only

where such effects adversely affect amenity values that controls should be considered. In the context of adverse odour effects I refer to the following passage from a Technical Background Report prepared by Tracy Freeman and Roger Cudmore for the Ministry for the Environment (2002, page 16 – my emphasis added):

*“The FIDOL factors [frequency, intensity, duration, offensiveness and location] discussed in section 3.2.1 and the other factors discussed in 3.2.2 are commonly used by regulators in New Zealand to **determine whether an odour is offensive or objectionable to the extent that it causes an adverse effect.** Adverse effects can be caused by odours of low intensity and offensiveness occurring frequently over a long period, or by odours of high intensity and offensiveness occurring infrequently...”*

8.6.3.11 I therefore concur with the submissions of Canterbury Poultry Meat Producers Association and Tegel Foods Ltd that Rule 8.2.1 should refer to adverse effects on the environment, rather than “nuisance effects” which could be open to further subjective assessment. Consequently, I recommend that these submission points be accepted. I also recommend that the word “nuisance” in Rule 8.2.2 is substituted with “adverse” as a consequential amendment to accepting these submissions. I acknowledge however, that the degree of effect, in terms of whether it is minor or not, is for the consent authority to determine in exercising its discretion and taking into account any mitigation measures proposed.

8.6.3.12 **Heinz Watties Australasia** seeks to include bio-security as an additional matter of discretion for considering applications under Rule 8.1. The basis for this submission is that “intensive livestock farming has the potential to result in adverse effects on bio-security in the area. As such, consideration should be given to the bio-security of adjacent food crop or livestock producers”.

8.6.3.13 The submitter made a similar submission to Rule 7.1 – Boarding of Animals, which was addressed in Section 8.5 of this report (paragraphs 8.5.2.19-23). I do not intend to repeat my assessment again here, but record that I hold the same reservations with regard to the evaluation of biosecurity effects in a resource consent process for a new intensive farming activity. I therefore recommend that the submission by Heinz Watties Australasia be rejected.

Intensive Livestock Farming – Expansion of Existing Farms (Rules 9.1, 9.2, 9.3 and 9.4)

8.6.3.14 The provisions pertaining to the expansion of any existing “intensive livestock production” activity are as follows:

Expansion of Existing Farms

9.1 *The expansion of any existing intensive livestock production activity shall be a restricted discretionary activity if all of the following standards and terms are met:*

9.1.1 *All of Rules 1.1 to 1.6 and 1.8 to 1.18.*

9.2 *Any resource consent application made under Rule 9.1 shall not be notified and shall not require the written approval of affected parties.*

9.3 *Under Rule 9.1, the Council shall restrict its discretion to consideration of:*

9.3.1 *Any nuisance effects from odour, dust, noise or traffic on surrounding properties;*

9.3.2 *The effectiveness of any proposed mitigation measures to address potential nuisance effects;*

9.3.3 *Any positive effects which may offset any adverse effects;*

9.3.4 *Any financial contributions payable under Rule X(1) or (3);
and*

9.3.5 *Any monitoring or review conditions.*

9.4 *Any activity which does not comply with Rule 9.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.*

Rule 9.1

8.6.3.15 **New Zealand Pork Industry Board** seeks to alter Rule 9.1 to clarify that an 'existing farm' is one which was established before 8 September 2001, being the date of notification of the Rural Volume of the PDP. This suggestion is supported in the further submissions by **Stephen Dean Glass, Graeme Vanstone Irving and Chris Trengrove**. As discussed with regard to Rule 8.1, in my view the interpretation of what is a 'new' or an 'existing' farm is unlikely to cause confusion as the activity is either physically existing or not. I also note that by stating that 'existing farms' are only those that established prior to 8 September 2001, then it is difficult to know how the rules would be interpreted for a 'new farm' that establishes under Rule 8.1 but then wishes to expand under Rule 9.1. On this basis I recommend that this submission point be rejected.

8.6.3.16 Submissions by **Victor Melvyn Challies and Prebbleton Community Association** request that Rule 9.1 be amended to classify the expansion of an existing intensive livestock production activity as a discretionary activity, rather than a restricted discretionary activity. Similar amendments have been sought in relation to Rule 8.1 relating to the establishment of new intensive farming activities. The primary reason for this relief is that "the effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values". This suggestion is opposed by **Stephen Dean Glass, Graeme Vanstone Irving, New Zealand Pork Industry Board, Chris Trengrove, Tegel Foods Ltd, Ross & Julie Sadler, Tegel Foods Ltd and Federated Farmers of New Zealand** on the basis that intensive livestock production forms part of the rural environment.

8.6.3.17 The submissions that seek to change the status under Rule 9.1 to fully discretionary also express concern “that this activity is taken out of the public process by classifying these activities as restricted discretionary”. I reach the same conclusion here as I did for similar submissions in relation to Rule 8.1, being that a status of restricted discretionary or discretionary has no basis in the assessment of notification, unless the plan expressly permits consideration of the application without the need to obtain the written approval of affected persons (s.94(1A) of the Act), as is the case for Rule 9.2 (the merits of which are assessed overleaf). Like Rule 8.2, the Council has restricted its discretion to include “any nuisance effects from odour, dust, noise or traffic on surrounding properties” and “the effectiveness of any proposed mitigation measures to address potential nuisance effects”. The submitters do not indicate whether there may be other effects which could arise from such activities and cause adverse amenity effects that are not encapsulated by the matters of discretion. I therefore see no need to alter the status of the expansion of an existing intensive farming activity to a discretionary activity and recommend that the submissions of Victor Melvyn Challies and Prebbleton Community Association be rejected in this instance.

8.6.3.18 A submission by **Pork Industry** requests that Rule 9.1 be amended to provide for the expansion of an existing intensive farming activity as a controlled activity. No further explanation is provided in the submission; however other submission points generally seek to relax the controls on activities associated with intensive farming practices. My understanding of the implications of such an amendment would be that Council could not refuse an application to expand an existing farm, or impose conditions to mitigate adverse effects that would effectively decline the application. While I accept that (minor) odour, dust, noise and traffic effects arising from intensive farming activities form part of the rural environment, I do not consider that a controlled activity status would allow for the proper assessment of potential adverse effects in the decision-making process. I therefore recommend that this submission be rejected.

Rule 9.2

8.6.3.19 **Environment Canterbury** request that Rule 9.2, which provides for an application under Rule 9.1 to be considered on a non-notified basis without affected party approvals, be deleted. Alternatively, they request that a note be inserted to the effect that a copy of the application shall still be served on Environment Canterbury in order to ascertain whether further resource consents are required. The reasons for this submission state that “the expansion of intensive livestock production does adversely affect neighbouring properties. The Regional Council also often requires consent for discharge of

contaminants to air, and notification of consent is one method used by the Regional Council to ensure appropriate consents are applied for". **Jules J Snoyink** and **Rosalie Joy Snoyink** support all submissions by Environment Canterbury and **Eclectic Energy** support this submission point. Further submissions by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson; Santa Enterprises; S T and C J Bell Ltd and R D Bell; Frank and Diane Denson** and **H G and P M Innes** oppose all submissions by Environment Canterbury and **Tegel Foods Ltd** oppose this submission point in part.

- 8.6.3.20 **TD & JA Gallagher** and **David William Stott** express support for all of Rules 9.1 to 9.4, however particular support is afforded to Rule 9.2. The reason for these submissions is stated as being "...that the activity is already established and that affected parties had the opportunity to have their say in the planning process at the time of establishment or have moved into the area since". The further submission by **Transit New Zealand** opposes all submission points by T D & JA Gallagher in part, however their concerns do not relate to the intensive livestock farming provisions.

Relevant Submissions from Report No.18

- 8.6.3.21 I note two submission points by **Victor Melvyn Challies** (332.19) and **Prebbleton Community Association** (599.19) that were considered in Report No.18 "Amenity Values" are relevant to the assessment of Rule 9.2 (such submission points and relevant assessment from this Officer Report are contained in Attachment F). The relief sought in these submission points is that "...rules relating to intensive farming activities...are rewritten so that they properly control and minimise the adverse effects of these activities on rural character and amenity values..." and "...that these activities be classified as discretionary activities". Among the reasons for this submission point, the submitters express concern that there is a lack of opportunity for public submission. Further submissions opposing such amendments were made by **Stephen Dean Glass, Graeme Vanstone Irving, New Zealand Pork Industry Board, Chris Trengrove, Tegel Foods Ltd, Ross & Julie Sadler, Tegel Foods Ltd** and **Federated Farmers of New Zealand**, and a further submission by **R Dally and Others** supports the Prebbleton Community Association.

- 8.6.3.22 In addressing the issue of notification under the Act, I refer to a Ministry for the Environment publication "To Notify or not to Notify under the Resource Management Act – A Good Practice Guide" (October 1997) which highlights that the presumption of s.93 of the Act is that all resource consent applications must be notified to allow public participation unless they fall within one of the exceptions listed in s.94. One such exception is s.94(1A) which allows a restricted discretionary activity to be processed on a

non-notified basis if the plan expressly permits consideration without approval of affected parties – as is the case with Rule 9.2. The decision to exclude public participation should not be made lightly, as noted in the following passage (page 6):

“...The ability to waive the need for affected parties approval is a serious responsibility for councils and must be exercised with care.”

8.6.3.23 I accept, to some extent, the argument that once an intensive farming activity is established surrounding residents are likely to be somewhat desensitised to the associated effects and that some landowners may well have been involved in the initial planning process. I also acknowledge that the PDP seeks to avoid reverse sensitivity effects where people choose to reside in proximity to an intensive farming activity and then complain about the odour, noise, dust or traffic effects arising from the existing farming activity. However, I do not consider that Council could properly conduct an assessment of potential adverse effects on surrounding property owners from a proposed expansion of an existing intensive farming activity (as required by Rule 9.3) without the opportunity for affected party consultation.

8.6.3.24 I am also concerned that such an approach could be an abuse of the protection afforded by reverse sensitivity provisions. While I agree that people who choose to reside within proximity to an existing intensive farming activity should expect cross-boundary effects associated with the activity, I do not agree that such effects should be permitted to exacerbate without consultation with those who are likely to be affected. I am also of the opinion that while an expansion of an intensive farming activity does not necessarily imply that adverse effects automatically increase (and in some cases, effects may decrease), people should be consulted if such effects are likely to be greater. Furthermore, I note that if adverse effects associated with an expanding activity increase, there is a likelihood that people could be adversely affected at a greater distance, that were not previously affected by the existing operations. This situation, I believe, is beyond the boundaries contemplated by provisions that seek to avoid reverse sensitivity effects.

8.6.3.25 I concur with Mr Dewe's assessment in Report No.18 (see Attachment F) and recommend that Rule 9.2 be deleted. I therefore recommend that the submissions by **Victor Melvyn Challies** and **Prebbleton Community Association** be accepted in part, to the extent that Rule 9.2 is deleted, and the submission by **Environment Canterbury** be accepted in full. As a consequence, I recommend that the submissions by **T D & JA Gallagher** and **David William Stott** that support all of Rules 9.1 to 9.4 be accepted in part (and also due to other amendments recommended in this section of the report).

Rule 9.3

8.6.3.26 **Canterbury Poultry Meat Producers Association** and **Tegel Foods Ltd** request that Rule 9.3.1 “should be reworded to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties”. The reason for this submission is that “some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects”. The further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** opposes the whole of the submission by Canterbury Poultry Meat Producers Association and Tegel Foods Ltd, and **MJ & TD Rickerby** support the whole submission of Tegel Foods Ltd.

8.6.3.27 The submitters have sought a similar amendment to Rule 8.2.1 and I reach the same conclusion here as I did for that rule. That is, I concur with the submissions of Canterbury Poultry Meat Producers Association and Tegel Foods Ltd that Rule 9.3.1 should refer to adverse effects on the environment, rather than “nuisance effects” which could be open to further subjective assessment. Consequently, I recommend that these submission points be accepted. I also recommend that the word “nuisance” in Rule 9.3.2 is replaced with “adverse” as a consequential amendment to accepting these submissions.

New Rule

8.6.3.28 Submissions by **New Zealand Pork Industry Board, PIC New Zealand, Ray Seebeck** and **Chris Trengrove** make similar requests to insert a new rule that allows for the expansion of existing intensive farming operations to be considered as a controlled activity, provided that the operation has a proven track record of successfully managing adverse environmental effects. The submission by **New Zealand Pork Industry Board** goes further and suggests additional criteria of “any change in the activity shall not alter the character or increase the scale or intensity of any adverse effects of the activity on the environment”, and **Ray Seebeck** refers to a record of compliance with “CRC resource consents”. Further submitters in support of a new rule as proposed include **New Zealand Pork Industry Board** and **Tegel Foods Ltd** (in support of Ray Seebeck only).

8.6.3.29 The primary reason behind the request for a controlled activity status appears to be the pivotal role of farm management practices in whether adverse effects arise from intensive farming activities. The submitters effectively seek to ‘reward’ those operators who are able to demonstrate a good ‘track record’ (eg. no verified complaints within the preceding 12 months) with the certainty of being able to expand their operations as a controlled

activity. As described previously, the implication of a controlled activity status is that Council could not refuse an application to expand an existing intensive farm, or impose conditions to mitigate adverse effects that would effectively decline the application.

8.6.3.30 While I support the concept of providing incentives for 'good performers' to maintain high environmental standards and promoting a more 'effects-based' approach in relation to management practices as opposed to the size of the operation, I am not confident that a controlled activity status will ensure the retention of rural amenity values. In the submission of the New Zealand Pork Industry Board, it is suggested that matters to which Council could reserve control over include an assessment of "measures to control the nuisance effects of odour, dust, noise or traffic on surrounding properties". However if such an assessment revealed the potential for significant adverse effects on nearby properties, Council could only impose conditions to the extent that they did not restrict the ability of the applicant to undertake the proposed activity. In my opinion, the effectiveness of imposing such conditions to successfully mitigate adverse effects in these circumstances is dubious.

8.6.3.31 While I accept that some weight could be placed on the 'cleanliness' of an operators 'track record' in assessing an application for an expansion of the activity, there is no assurance that good management practices would continue or that after consent was granted the property was not on-sold to a 'bad' operator. I am also of the opinion that it would be difficult for any proposed expansion to demonstrate compliance with the New Zealand Pork Industry Board's proposed standard that "any change in the activity shall not alter the character or increase the scale or intensity of any adverse effects of the activity on the environment", given the subjective nature of the 'existing' level of effects, particularly if surrounding property occupiers were not able to be consulted.

8.6.3.32 I also note that the scale of the intensive farming activity may contribute to the potential for adverse odour effects arise. As discussed in the Ministry for the Environment "Draft Good Practice Guide for Odour Management in New Zealand" (2002, page 8) "objectionable and offensive effects from odour can occur from low intensity, moderately unpleasant odours occurring frequently over a long period", known as "chronic" effects; and "conversely from high intensity, highly unpleasant odour occurring infrequently", known as "acute" effects. It is possible that an expanded intensive farming operation may have inherent odour emissions that cannot be fully internalised, causing chronic odour effects that may be insignificant on a small scale, but become significant on a larger scale.

8.6.3.33 On the basis of the above assessment, I recommend that the submissions by **New Zealand Pork Industry Board, PIC New Zealand, Ray Seebeck and Chris Trengrove** that request the insertion of a new controlled activity rule for the expansion of existing intensive farms be rejected.

Recommendation 23.7.3

Intensive Livestock Farming – New Farms (Rules 8.1, 8.2 and 8.3)

That the Council:

1. **Accepts** the submission by **Canterbury Poultry Meat Producers Association** (321.29) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as it relates to submission number 321.29.
2. **Rejects** the submission by **Victor Melvyn Challies** (332.23) and **accepts** the further submissions by **New Zealand Pork Industry Board** (F564), **Ross & Julie Sadler** (F622) and **Tegel Foods Ltd** (F679) in so far as they relate to submission number 332.23.
3. **Rejects** the submission by **Heinz Watties Australasia** (419.20).
4. **Rejects** the submission by **New Zealand Pork Industry Board** (564.20).
5. **Rejects** the submission by **Prebbleton Community Association** (599.23) and **accepts** the further submissions by **Federated Farmers of New Zealand** (F385) and **New Zealand Pork Industry Board** (F564) in so far as they relate to submission number 599.23.
6. **Accepts** the submission by **Tegel Foods Ltd** (679.29) and the further submission by **MJ & TD Rickerby** (F607) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission number 679.29.
7. **Accepts** the submission by **Chris Trengrove** (688.04) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 688.04.

Intensive Livestock Farming – Expansion of Existing Farms (Rules 9.1, 9.2, 9.3 and 9.4)

That the Council:

8. **Accepts** the submission by **Canterbury Poultry Meat Producers Association** (321.30) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as it relates to submission number 321.30.
9. **Rejects** the submission by **Victor Melvyn Challies** (332.24) and **accepts** the further submissions by **Stephen Dean Glass** (F916), **Graeme Vanstone Irving** (F935), **New Zealand Pork Industry Board** (F564), **Chris Trengrove** (F688) and **Tegel Foods Ltd** (F679) in so far as they relate to submission number 332.24.
10. **Accepts** the submission by **Environment Canterbury** (371.153) and the further submissions by **Jules J Snoyink** (F1013), **Rosalie Joy Snoyink** (F1014) and **Eclectic Energy** (F374) and **rejects** the further submissions by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293), **Santa Enterprises** (F623), **S T and C J Bell Ltd** and **R D Bell** (F862), **Frank and Diane Denson** (F896), **H G and P M Innes** (F934) and **Tegel**

Foods Ltd (F679) in so far as they relate to submission number 371.153.

11. **Accepts in part** the submission by **TD & JA Gallagher** (398.04) and **rejects** the further submission by **Transit New Zealand** (F686) in so far as it relates to submission number 398.04.
12. **Rejects** the submission by **New Zealand Pork Industry Board** (564.21).
13. **Rejects** the submission by **New Zealand Pork Industry Board** (564.22) and the further submissions by **Stephen Dean Glass** (F916), **Graeme Vanstone Irving** (F935) and **Chris Trengrove** (F688) in so far as they relate to submission number 564.22.
14. **Rejects** the submission by **PIC New Zealand** (594.06) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 594.06.
15. **Rejects** the submission by **Prebbleton Community Association** (599.24) and **accepts** the further submissions by **Federated Farmers of New Zealand** (F385) and **New Zealand Pork Industry Board** (F564) in so far as they relate to submission number 599.24.
16. **Rejects** the submission by **Ray Seebeck** (632.03) and the further submission by **Tegel Foods Ltd** (F679) in so far as it relates to submission number 632.03.
17. **Rejects** the submission by **David William Stott** (645.01).
18. **Accepts** the submission by **Tegel Foods Ltd** (679.30) and the further submission by **MJ & TD Rickerby** (F607) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission number 679.30.
19. **Rejects** the submission by **Chris Trengrove** (688.03) and the further submission by **New Zealand Pork Industry Board** (F564) in so far as it relates to submission number 688.03.
20. **Rejects** the submission by **Pork Industry** (696.03).

Relevant Submissions from Report 18

21. **Accepts in part** the submission by **Victor Melvyn Challies** (332.19) and **rejects** the further submissions by **Stephen Dean Glass** (F916), **Graeme Vanstone Irving** (F935), **New Zealand Pork Industry Board** (F564), **Ross & Julie Sadler** (F622), **Chris Trengrove** (F688) and **Tegel Foods Ltd** (F679) in so far as they relate to submission number 332.19.
22. **Accepts in part** the submission by **Prebbleton Community Association** (599.19) and the further submission by **R Dally & Others** (F352) and **rejects** the further submissions by **Federated Farmers of New Zealand** (F385) and **New Zealand Pork Industry Board** (F564) in so far as they relate to submission number 599.19.

Amendments to the Proposed Plan

1. Amend Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals, Rule 8.2 Intensive Livestock Farming – New Farms (page 268), by replacing the word “nuisance” with “adverse” in **Rule 8.2.1**. As a consequential amendment, I also recommend that the same substitution is made in **Rule 8.2.2**, as follows:

8.2 Under Rule 8.1 the Council shall restrict its discretion to consideration of:

- 8.2.1 Any ~~nuisance~~ **adverse** effects from odour, dust, noise or traffic on surrounding properties;
- 8.2.2 The effectiveness of any proposed mitigation measures to address potential ~~nuisance~~ **adverse** effects;
- 8.2.3 Any financial contributions payable under Rules X(10 or (3);
- 8.2.4 Any positive effects which may offset any adverse effects;
- and
- 8.2.5 Any monitoring or review conditions.

2. Delete Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals, **Rule 9.2** Intensive Livestock Farming – Expansion of Existing Farms (page 269)

~~**9.2 Any resource consent application made under Rule 9.1 shall not be notified and shall not require the written approval of affected parties.**~~

3. Amend Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals, Rule 9.3 Intensive Livestock Farming – Expansion of Existing Farms (page 269), by replacing the word “nuisance” with “adverse” in **Rule 9.3.1**. As a consequential amendment, I also recommend that the same substitution is made in **Rule 9.3.2**, as follows:

9.3 Under Rule 9.1, the Council shall restrict its discretion to consideration of:

- 9.3.1 Any ~~nuisance~~ **adverse** effects from odour, dust, noise or traffic on surrounding properties;
- 9.3.2 The effectiveness of any proposed mitigation measures to address potential ~~nuisance~~ **adverse** effects;
- 9.3.3 Any positive effects which may offset any adverse effects;
- 9.3.4 Any financial contributions payable under Rule X(1) or (3);
- and
- 9.3.5 Any monitoring or review conditions.

8.7. Submissions relating to dairy farms

Relevant Submissions from Report No.14

Part 2, 2 Physical Resources, 2.1 Transport Networks (Road, Rail & Airfields) – Policies 10 & 11 (Rural Volume) – page 85

Submission No.	Summary of Submission	Decision Requested
Federated Farmers of New Zealand (385.41)	The submitter supports Policy 10.	Adopt Policy 10.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support

Submission No.	Summary of Submission	Decision Requested
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
Federated Farmers of New Zealand (385.42)	The submitter supports the intention of the Policy that denies a farmer the automatic right to walk dairy cows along a formed public road, on a regular basis, between land newly purchased or leased and the existing "home" property where the cow shed is located, in situations when the new land does not adjoin the home property. The submitter opposes the proposal to place restrictions on dairy farms where cows are currently being walked along a public road between non-adjacent properties and an expansion occurs that has no significant change to the effects of the activity. For example, the expansion of land area and cow numbers may be solely due the purchase of more land adjoining the "home" block in which case there will be no change in effects on the roadway. For example. A 300 acre farm with 300 cows, consisting of a 200 acre "home" block and a 100 acre "separate" block that expands to 400 cows on a 400 acre farm consisting of an expanded 300 acre home block (by the addition of a 100 acre block adjoining the "home" block) and the same 100 acre separate block will not result in an increased use of the road by the farmer's cows and should continue to be permitted.	Amend Policy 11 along the line of the following: "Require new dairy farms, or existing dairy farms that graze milking cows on additional land purchased or leased that does not adjoin the land on which the milking shed is located, to have alternative access for milking herds to milking sheds other than along formed, legal road reserves." Explanation and Reasons: – Amend along the line of the following: First Paragraph "Policy 11 applies to new dairy farms setting up in the rural area and to existing dairy farms that use additional land, that is not adjoining the land on which the shed used for milking is located, to graze milking cows.] The policy" Sixth Paragraph: Delete. New Method: The submitter requests that a District Bylaws, rather than rules in the District Plan are the most appropriate method to implement this Policy. The submitter questions the legality and practicality of requiring a resource consent to farm dairy cows on a particular piece of land. The Council will have significant difficulties with the purchase of a non-adjacent dairy farm by an existing dairy farmer and with the conversion of farms to dairying from other uses. Compared with a District Rule, a bylaw is much more appropriate in that it is more flexible, can be more easily amended, can be written and applied in a much shorter time frame, and can provide a much greater degree of certainty for both landowners and the Council.
	Further Submission	Support/Oppose
	Transit New Zealand (F686)	Support
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support

Submission No.	Summary of Submission	Decision Requested
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support

Part 3, Section 2, Rule VIII – Activities, Rule 1.8 Dairy Farms (Rural Volume) – pages 269-270

Submission No.	Summary of Submission	Decision Requested
Transit New Zealand (686.56)	The intention of Rule 1.1 is supported by the submitter, particularly from a traffic safety perspective (Note: it would appear that 'Rule 1.1' should read 'Rule 1.8'). However the rule appears to have some words missing, and the connection to relevant policies set out earlier in the Plan needs to be made clear, particularly in terms of managing issues such as stock movement along or across the State Highway.	Amend Rule 1.8 to include the appropriate wording to give effect to policies expressed in previous sections of the Proposed Plan. Note: this is unclear as the submitter refers to Rule 1.8 in their decision requested, but to Rule 1.1 in their summary.
	Further Submission	Support/Oppose
	Transit New Zealand (F686)	Support
Transit New Zealand (686.57)	The submitter supports Rule 10.1 with respect to dairy farms adjoining State Highway or Strategic Routes but notes that Council is not able to limit its discretion when considering a non complying activity. Should the rule be amended in such a way that the listed criteria can be retained they should be expanded to include traffic safety matters, which Transit submits are very important in considering proposals potentially involving movement of stock along or across Strategic Routes.	Amend Rule 10.2 to delete the reference to restricted discretion, Or (Should the rule be amended in such a way that the listed criteria can be retained they should be expanded to include traffic safety matters) include criteria for consideration of traffic safety.

8.7.1 The above submissions were assessed and heard by a hearings panel appointed to decide on 'Transport' matters in the PDP. The Panel has subsequently determined that such submissions should be transferred to this current topic to ensure that all related submissions are assessed and heard together. A copy of the relevant extracts from Report No.14 is contained in Attachment G.

Part 3, Section 2, Rule VIII – Activities, Rule 1.8 Dairy Farms (Rural Volume) – pages 269-270

Submission No.	Summary of Submission	Decision Requested
AgResearch Limited (255.08)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 1.8. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
AgResearch Limited (255.09)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 10.1. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
Duncan Laing Contractors (349.03)	The submitter considers the rules are inappropriate and unnecessary and will cause unnecessary costs on resource users. Where an activity cannot meet the permitted activity standards but is not a new dairy farm or extension to an existing dairy farm, the matters over which the Council has reserved its discretion, will impose unacceptable costs on the resource user. Any extension to an existing dairy farm or new dairy farm that cannot meet the permitted activity standards automatically defaults to a non-complying activity.	Delete Rules 1.8, 10.1, 10.2, and 10.3.

Submission No.	Summary of Submission	Decision Requested
Eclectic Energy (374.12)	The submitter currently resides in the Waikato in the middle of a dairying area, and has observed the damage and hazards that are associated with driving dairy herds across roads between one farm especially effluent and roaming stock. Underpasses would resolve these problems and lower the associated risks. Dairy farmers should have to put cow underpasses on any roads where the dairy farm is bisected by a road.	It should not be a permitted activity for milking herds to be driven across roads.
	Further Submission	Support/Oppose
	Eclectic Energy (F374)	Support
Federated Farmers of New Zealand (385.80)	The submitter states that the most appropriate method to meet the objectives of the Plan is via District Bylaw that applies to new dairy farms and farmers that buy additional non-adjointing land.	Delete Rule 1.8, Rule 10.1, Rule 10.2, Rule 10.3 and the accompanying Note: "Adjoining is defined in Part 3, Section 3 of the Plan and includes any land which is separated by a road, easement, water-race or drain." Where the submitter has requested that a rule be amended or deleted, the submitter has attempted to locate all other rules or notes associated with it, and request either their amendment or deletion as well. In the event that the submitter has overlooked any rules or notes that are associated requested deletions or amendments, the submitter requests that the Council make the appropriate changes to the Plan to reflect the purpose and intent of the submitter's submission.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support

Submission No.	Summary of Submission	Decision Requested
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
Heinz Watties Australasia (419.21)	It is understood by the submitter that it is Council's intention to require a resource consent for dairy farming if it is a new activity or is expanding in a different locality from an existing activity. This is an appropriate control to manage the potential adverse effects that result from dairying operations. However, the rule is poorly written and it is unclear exactly what is controlled. Amendments are sought from Council with respect to this rule.	Amend Rule 1.8 to ensure that any establishment of, or any extension to, any dairy farm is on land that is adjoining an existing dairy farm. Or Any other decision to provide relief consistent with what is sought. And Any necessary consequential amendments to give effect to the above relief.
New Zealand Institute of Crop and Food Research Limited (560.08)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 1.8. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
New Zealand Institute of Crop and Food Research Limited (560.09)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 10.1. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
Santa Enterprises (623.07)	It is submitted that permitted activity 1.8 has no clear meaning and should be deleted, as should Rule 10.1.	Delete Rule 1.8 and Rule 10.1.

Part 2, 2 Physical Resources, 2.1 Transport Networks (Road, Rail & Airfields) – Policies 10 & 11 (Rural Volume) – page 85

8.7.2 Policy 10 of Section 2.1 Transport Networks (Road, Rail & Airfields) reads as follows:

Policy 10. Promote stock droving practices that alert motorists that stock are ahead and which minimise disruption to traffic flow along Strategic Routes and arterial roads.

8.7.3 Policy 11 of Section 2.1 Transport Networks (Road, Rail & Airfields) and the associated 'Explanation and Reasons' reads as follows:

Policy 11. Require new dairy farms or existing dairy farms expanding in either herd numbers or land areas to have alternative access for milking herds to milking sheds other than along formed, legal road reserves.

Explanation and Reasons

Policy 11 applies to new dairy farms setting up in the rural area and to the expansion of existing dairy farms. Expansion includes both an increase in dairy herd numbers or an increase in the land area of the farm. The policy requires dairy farms to have other means by which to move dairy cows between milking sheds and grazing paddocks, then along legal road reserves. The legal road reserve includes both the carriageway and the grass berms.

The Policy applies specifically to dairy herds because they have the greatest effect on the road reserve; due to the frequency of stock movements.

Policy 11 is to avoid creating more situations where dairy farmers need to drive dairy herds along the road twice daily. This practice causes premature wear to the road tar seal and slippery driving conditions. Dairy herds trampling in the road berm churns up the frontage outside other people's properties.

The Policy and corresponding Rule do not apply to:

- i. Driving dairy herds across a road which bisects the property;
- ii. Dry herds being driven along roads.
- iii. Driving dairy herds along unformed, legal roads.

The area of the road affected in the first case and the frequency of droving in the second case, mean any effects on the road reserve will be minor. In the third case, there will be no effects on the road surface or effects on other motorists.

Establishing a new dairy farm or expanding an existing dairy farm where the land is not adjoining is a non-complying activity. See Rule VIII – 10.1. A resource consent for this activity may be granted in a special case where any effects on the road reserve or adjoining properties will be minor.

The Council's Stock Droving by-law manages stock droving from existing dairy farms (see Policy 10).

Method

- District Plan Rule - Dairy farms

Relevant Submissions from Report No.14

- 8.7.4 **Federated Farmers of New Zealand** support Policy 10 in its current form. The further submissions by **Lawrence Croft, George Timothy Deans, Craig Eggleston, P J Fleming, A D Florance, David Florance, Margaret C George, Brian Goddard, Peter Graham, Christopher C A Gray, Rodger & Caroline Hardwick, B L & D J Haylock, H G and P M Innes, Garry & Honoria Lamers, Jim Macartney, Mount White Station Ltd, L M Nicoll, I H Reed, Mark Robert McAtamney, Dwight William Love, L McKenzie, Kelly Frame, Bridget Frame, L I Bradley, Matthew Davis Bradley, M G Bradley, Castle Hill Partnership, Fiona J Hussey, Scott Hussey, Bruce Nell, R F James, Guy Martin, Philip W Wareing, Lyn Nell and John McDermott** support the whole submission by Federated Farmers of New Zealand.
- 8.7.5 Submission point 385.42 by **Federated Farmers of New Zealand** includes various amendments to Policy 11 and the associated 'Explanation and Reasons' and 'Method'. In my view, the crux of the submitter's concerns is twofold. Firstly, it is asserted that the Policy does not recognise situations where existing dairy farms expand in either herd numbers or land areas, but do not alter the use of the road reserve for stock driving purposes. The submission illustrates that this could occur where "...the expansion of land area and cow numbers may be solely due [to] the purchase of more land adjoining the "home" block in which case there will be no change in effects on the roadway". Secondly, the submitter states "...that [a] District Bylaws, rather than rules in the District Plan are the most appropriate method to implement this Policy". The same further submitters who supported submission point 385.41 by Federated Farmers above also support submission point 385.42, except that **Transit New Zealand** also supports submission point 385.42.
- 8.7.6 As noted previously, four submissions relating to the provisions controlling the location of dairy farms were unfortunately addressed and heard by a Hearings Panel considering 'Transport' matters in Officer Report No.14. **Transit New Zealand** presented evidence at this hearing in regard to its further submission supporting Federated Farmers (385.42) above. It is apparent from this evidence that Transit supported an amendment to Policy 11 along the lines suggested in submission 385.42, but the proposed changes recommended by the Reporting Officer (Recommendation 14.27) were not supported "...as it appears to be less certain than either the current Policy 11 or the amendments proposed by Submission 385.42".

Part 3, Section 2, Rule VIII – Activities, Rule 1.8 Dairy Farms (Rural Volume) – pages 269-270

8.7.7 Rule 1.8, 10.1, 10.2 and 10.3 relating to 'Dairy Farms' read as follows:

Permitted Activities

Dairy Farms

1.8 *The establishment of, or any extension to, any dairy farm is on land, which is adjoining;*

Note:

For Rule 1.8 expanding dairy farms include dairy farms which are expanding through an increase in herd numbers or an increase in land area.

*Rule 1.8 **does not** apply to land which is used for grazing dry herds.*

Adjoining is defined in Part 3, Section 3 of the Plan and includes any land which is separated by a road, easement, water-race or drain.

Other Activities

Dairy Farms

10.1 *The establishment of any new dairy farm or any extension to an existing dairy farm which does not comply with Rule 1.8 shall be a non-complying activity.*

10.1.1 *All of Rules 1.1 to 1.7 and 1.9 to 1.18.*

10.2 *Under Rule 10.1, the Council shall restrict its discretion to consideration of:*

10.2.1 *The proposed method to move dairy cows between grazing areas and milking sheds;*

10.2.2 *Any financial contributions payable under Rule X(1);*

10.2.3 *Any positive effects which may offset any adverse effects; and*

10.2.4 *Any monitoring or review conditions.*

10.3 *Any activity which does not comply with Rule 10.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.*

Relevant Submissions from Report No.14

8.7.8 **Transit New Zealand** seeks to amend Rule 1.8 “to include the appropriate wording to give effect to policies expressed in previous sections of the proposed plan” as it was considered that “the rule appears to have some words missing...”. A further submission by the **Transit New Zealand** sought to clarify a typographical error in the original submission, which referred to Rule 1.1 instead of Rule 1.8. These submissions were also included in Officer Report No.14 and evidence was presented by Transit at the ‘Transport’ hearing. The evidence reiterated concerns over the clarity of Rule 1.8 and it was not considered that “...the rule as currently drafted is clear or readily understandable by Plan users and it will frustrate, rather than give effect to, Policy 11 of the plan”.

8.7.9 Another submission by **Transit New Zealand** requests that Rule 10.2 be amended to delete reference to restricted discretion “...as Council is not able to limit its discretion when considering a non complying activity”. Again, this submission was contained in Officer

Report No.14 and evidence was presented by Transit at the 'Transport' hearing. The evidence responded to the Officer's Report which agreed with Transit's submission but recommended that Rule 10.2 be amended to refer to the consideration of such matters, including traffic safety. In response, the evidence stated "I do not consider this appropriate given that the Act sets out very specific tests that an activity must meet to be approved as a non-complying activity. The matters that are able to be raised by submitters or considered by Council include any effect on the environment arising from the activity and this should be made clear in the Plan".

Other Submissions

8.7.10 Submissions by **AgResearch Limited** and **New Zealand Institute of Crop and Food Research Limited** oppose Rules 1.8 and 10.1 "due to their imprecise and incomplete nature" as it appears that "...the qualifying standards [for a permitted activity] have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided". The submitters therefore request that Rules 1.8 and 10.1 be deleted. Each of these submission points is supported by **Lincoln University**. A similar submission has been lodged by **Santa Enterprises** requesting the deletion of Rules 1.8 and 10.1 as Rule 1.8 "has no clear meaning".

8.7.11 The submission by **Duncan Laing Contractors** seeks to delete Rules 1.8, 10.1, 10.2 and 10.3 on the basis that such rules are "...inappropriate and unnecessary and will cause unnecessary and onerous costs on resource users".

8.7.12 **Federated Farmers of New Zealand** follow up their submission to Policy 11 with a request to delete Rules 1.8, 10.1, 10.2 and 10.3 and the accompanying 'Note' as "the most appropriate method to meet the objectives of the plan is via District Bylaw that applies to new dairy farms and farmers that buy additional non-adjointing land". The further submissions by **Lawrence Croft, George Timothy Deans, Craig Eggleston, P J Fleming, A D Florance, David Florance, Margaret C George, Brian Goddard, Peter Graham, Christopher C A Gray, Rodger & Caroline Hardwick, B L & D J Haylock, H G and P M Innes, Garry & Honoria Lamers, Jim Macartney, Mount White Station Ltd, L M Nicoll, I H Reed, Mark Robert McAtamney, Dwight William Love, L McKenzie, Kelly Frame, Bridget Frame, L I Bradley, Matthew Davis Bradley, M G Bradley, Castle Hill Partnership, Fiona J Hussey, Scott Hussey, Bruce Nell, R F James, Guy Martin, Philip W Wareing, Lyn Nell and John McDermott** support the whole submission by Federated Farmers of New Zealand.

8.7.13 **Heinz Watties Australasia** support the general intent of Rule 1.8, however it is requested that the rule be altered “to ensure that any establishment of, or any extension to, any dairy farm is on land that is adjoining an existing dairy farm”, as “the rule is poorly written and it is unclear exactly what is controlled”.

8.7.14 A submission by **Eclectic Energy** states that “it should not be a permitted activity for milking herds to be driven across roads. Dairy farmers should have to put cow underpasses on any roads where the dairy farm is bisected by a road”. The submitter has also lodged a further submission in support of the whole of their original submission.

Relevant Case Law

8.7.15 In the recent Environment Court case of Eccles, WR & Ors v Matamata-Piako District Council (A242/02) the Court found (among other things) that:

- (a) “In law the road reserve remains part of the road, and the occupation of it by frontagers can be terminated by the District Council if it is needed for road purposes.” (paragraph 2)
- (b) “We accept that in law the use of land for the purpose of a road includes the driving of cows along the road [fn4 Hall v McDrury [1996] NZRMA 1]. That is not limited to the carriageway. Subject to any regulation or bylaw made by the road controlling authority about which class of traffic is to use which part of the road, the right of the public to drive livestock on a road extends to the whole road, including unformed road reserve. The right is subject to the reasonable requirements of other road users, and the rights of frontagers [fn 5 Fuller v McLeod [1981] 1 NZLR 390 (CA)].” (paragraph 26)
- (c) “In its capacity as road controlling authority the District Council would need to ensure that the rights of other members of the public and of frontagers are not unreasonably impeded by any fencing or other works that it erects or approves to keep livestock from straying on to the carriageway.” (paragraph 27)
- (d) “We find that the proposed use of the road reserve for driving cows along the road from one property to another is an exercise of a public right, and would not be a private stock race within the road reserve.” (paragraph 28 – my emphasis added)

8.7.16 In an earlier case of Hall JPD & Ors v McDrury JG & RE (C044/95), that will no doubt be familiar to the Council, the (then) Planning Tribunal considered whether it had jurisdiction to make an enforcement order under the RMA in respect of activities on a public road. In particular, the issue was whether s.314 of the Act (‘Scope of Enforcement Order’) authorised the Tribunal to control the use of a road where that use was causing adverse environmental effects. In summary, it was found that the provisions of the Transport Act 1962 and the Local Government Act 1974 that authorise the making of bylaws and

regulations concerning roads are empowering. They do not require a local authority to control roads through bylaws or regulations. It was therefore concluded that activities on roads, which are land and physical resources under the RMA, were still subject to the RMA statutes. As such, the Tribunal held that it did have the jurisdiction to make an enforcement order of the kind sought.

Assessment

8.7.17 Before I consider the merits of those provisions controlling the movement of stock along formed legal road reserves, in my view it is necessary to assess whether the PDP is the appropriate mechanism to address adverse effects of this land use activity. In considering its duties under s.32 of the Act the Council must be satisfied that any rule is necessary to achieve the purpose of the Act and is the most effective and efficient means available. In this respect, I take note of the submissions by Federated Farmers of New Zealand which suggest that the most appropriate means of addressing potential adverse effects from the movement of dairy cattle along road reserves is through a Council bylaw.

8.7.18 The Council has the ability to make bylaws relating to roads and animals in accordance with Sections 682 & 684 of the Local Government Act 1974¹². To this accord, Council currently enforces a Stock Control Bylaw (confirmed on 11 June 2000), which includes provisions for the droving of stock along or across a road and specific conditions relating to the droving of dairy cows for milking purposes. Consultation with a Council Animal Control Officer indicates that this bylaw is clear and relatively simple to administer as it applies to the movement of any stock on a road (or road reserve), regardless of where the stock originated from or where they are being moved to. In particular I note the following clauses:

10 ADDITIONAL PROVISIONS RELATING TO DROVING OF DAIRY COWS FOR MILKING PURPOSES

...

10.2 *Dairy cows shall not be driven for milking purposes along or across any road in circumstances where those dairy cows may be lawfully and reasonably driven to their destination over other land.*

10.3 *Except in accordance with an existing drove use, no road or any part of a road may be used for the purpose of regularly droving dairy cows for milking purposes without the prior written consent of the Council...*

...

10.5 *Without limiting the generality of clause 10.4, the Council may impose any one or more of the following conditions upon its consent:*

...

(b) *Where dairy cows are to be driven along a road, gateways be sited as near as is reasonably practicable to each other;*

...

¹² Sections 145 & 146 of the Local Government Act 2002 supercede these provisions on 1 July 2003, but have the same effect in this context.

- (k) *Where dairy cows are to be driven along a road verge, the owner make a fair and reasonable contribution to the cost of maintaining the road verge in a condition suitable for use in all weather and reasonably free from accumulations of mud and/or animal effluent.*
- (l) *On application for a new droving consent or the renewal of an existing consent the Council may require a bond for the reinstatement of the grass verges when the droving ceases.*

13 DAMAGE TO ROADS

13.1 *Where damage can be clearly identified as having been caused by the droving of stock to: the carriageway, verge, any roadside marker post or sign, bridge railings or decking; ditches; boundary fences; gateways or mailboxes, the owner of the stock responsible for that damage shall take all reasonable steps to repair such damage in a manner and to a standard approved by the Council in writing. In default thereof the Council may undertake such work on the owner's behalf and recover the costs incurred from the Owner as a debt.*

13.2 *Without derogating from any condition imposed under clause 10.5(i), if as a result of the droving of any stock on the road there is a build up of faecal matter or mud on the surface of the carriageway sufficient to cause:*

- (a) *Damage to the carriageway, or*
- (b) *Loss of traction for vehicular traffic, or*
- (c) *Any other significant adverse effect to road users;*

the Council may by written notice, require the owner of the stock responsible for that build up to remove the same within such reasonable period as the Council may specify in its notice. If the notice is not complied with in the time specified in the notice, the owner shall commit an offence under this bylaw and without prejudice to any right of prosecution the Council may undertake that work on the owner's behalf and recover the costs incurred from the owner as a debt.

8.7.19 In my opinion, the above bylaw provisions provide Council with a robust framework for addressing adverse effects of regular dairy cow movements along the road verge, together with the ability to require the owner of the stock to repair, or pay for the reinstatement of any resultant damage. I also note that Clause 10.2 clearly prescribes that the droving of dairy cows for milking purposes on the road reserve is only contemplated where there is no alternative route available.

8.7.20 Rules 1.8, 10.1, 10.2 and 10.3 of the PDP appear to duplicate the function of at least part of the Stock Control Bylaw by requiring "non-adjoining" dairy farms to obtain another Council approval for stock droving (via resource consent). In the 'Reasons' for these rules, the PDP states "the Council has bylaws for driving stock along roads, which manage existing activities. The purpose of the District Plan rule is to prevent any increase in this activity, unless any effects on the road reserve will be minor." (emphasis added).

8.7.21 While I recognise that the intent of this rule is to discourage dairy farms from relying on the road reserve for regular stock droving purposes in the first instance, I agree with some

submitters that the implementation of such provisions is likely to be problematic. Taking into account the case of Eccles, WR & Ors v Matamata-Piako District Council and noting the Court's conclusion that "the proposed use of the road reserve for driving cows along the road from one property to another is an exercise of a public right" I suggest that it would be difficult for Council to refuse resource consent where a substantial amount of "non-adjointing" land has been purchased to extend an existing dairy farm operation. Furthermore, a resource consent process has the potential to become a long and costly exercise for an applicant, particularly where the application is notified and a submitter has the ability to appeal Council's decision to the Environment Court.

8.7.22 It would also be difficult in my opinion for Council to enforce the rules, as it is likely to be unaware of when a dairy farm is expanding (in terms of land area or cow numbers) or when "non-adjointing" land is being purchased and/or converted for dairying purposes¹³. To this accord I note that a Planning Officer of Council has advised that no resource consent applications have been received for non-compliance with Rule 1.8. While I can only speculate as to whether breaches have occurred in this regard, I consider this to be a strange statistic given the high number of dairy conversions that have occurred in the district since September 2001. If existing operations are found to be in breach of Rule 1.8 and a retrospective resource consent is required, there would seem little point in invoking district plan provisions (that are intended to be proactive rather than reactive) where there is an existing bylaw that already addresses such matters effectively.

8.7.23 I note that Council's Roothing Asset Manager, Mr Andrew Mazey, provided advice to the Planning Officer who prepared Report No.14 in respect of the submissions by Federated Farmers relating to the Dairy Farm provisions. Mr Mazey commented as follows:

"385 Federated Farmers

I believe this submitter makes a valid point and I generally accept the decisions requested, but not the deletion of Paragraph 6. Council does have a bylaw, namely the Selwyn District Council Stock Control Bylaw 2000 (pursuant to Section 72 of the Transport Act 1962 and Section 681 of the Local Government Act 1974). However I consider it is important to retain the requirement that the establishment of a new dairy farm or the expansion of an existing farm is a non-complying activity.

This is only time that Council can ensure that potential adverse effects to the roading network or users can be effectively mitigated before a potential problem or issue occurs. Experience has shown that even with a bylaw it can be difficult to enforce this with the existing stock droving/crossing situations, let alone new ones. For new activities it is seen that the bylaw is a complementary management tool to an appropriately consented non complying activity. I would suggest the following amendments to paragraph 6 to "tone it down"

¹³ Aside from an application for a building consent for a milking shed, Council is unlikely to receive notice, particularly where the expansion does not necessitate new buildings.

*"Establishing a new dairy farm..... A resource consent for this activity may be granted ~~in a special case~~ where any effects on the road reserve and **other road users can be appropriately mitigated in accordance with the requirements of the Councils stock droving bylaw where applicable.**"*

- 8.7.24 I understand that Mr Mazey supports the current provisions on the basis that they provide a mechanism for addressing adverse effects on the roading network or users before a stock droving problem arises. However, I am concerned that such provisions are poorly drafted and are not being implemented as Council is unable to monitor compliance effectively. I also have reservations that the current PDP provisions only serve to duplicate and confuse the implementation of the Stock Control Bylaw, rather than complement it.
- 8.7.25 As to the implementation of the relevant rules, I agree with those submitters who express concern that the wording of Rule 1.8 is unclear and that there is a discrepancy between the status of Rule 10.1 as a non-complying activity and Rule 10.2 which restricts Council's discretion to a number of matters (usually associated with a 'restricted discretionary' activity). On the one hand, the explanation of associated Policy 11 refers to an application under Rule 10.1 to be assessed as a non-complying activity, whereas the 'Reasons' for the rules refer to restricting Council's discretion to the method of stock droving. In my opinion, it is not appropriate for the assessment of a non-complying activity to be restricted in any way, particularly given the specific tests set out in s.105(2A) of the Act.
- 8.7.26 On the basis of above assessment I am of the opinion that Rules 1.8, 10.1, 10.2 and 10.3 are unnecessary in that the potential effects from the stock droving of dairy cows for milking purposes are already controlled efficiently and effectively through the enforcement of a bylaw. I therefore recommend that all of those submissions seeking to delete these provisions be accepted and that those submissions requesting amendments to, or in support of these provisions be rejected. I also recommend that Policy 10 be retained and Policy 11 be amended so as to reflect a new implementation method of the Stock Droving Bylaw. Suggested changes to the text incorporate consequential amendments as a result of the above recommendation and part of the relief sought by Federated Farmers (385.42). I therefore recommend that this submission point be accepted in part.

Recommendation 23.8

Part 3, Section 2, Rule VIII – Activities, Rule 1.8 Dairy Farms (Rural Volume) – pages 269-270

That the Council:

1. **Accepts** the submissions by **AgResearch Limited** (255.08 and 255.09) and the further submissions by **Lincoln University** (F947) in so far as they relate to submission numbers 255.08 and 255.09.
2. **Accepts** the submission by **Duncan Laing Contractors** (349.03).
3. **Rejects** the submission by **Eclectic Energy** (374.12) and the further submission by **Eclectic Energy** (F374) in so far as it relates to submission number 374.12.
4. **Accepts** the submission by **Federated Farmers of New Zealand** (385.80) and the further submissions by **Lawrence Croft** (F890), **George Timothy Deans** (F894), **Craig Eggleston** (F901), **P J Fleming** (F902), **A D Florance** (F903), **David Florance** (F904), **Margaret C George** (F913), **Brian Goddard** (F919), **Peter Graham** (F920), **Christopher C A Gray** (F921), **Rodger & Caroline Hardwick** (F926), **B L & D J Haylock** (F928), **H G and P M Innes** (F934), **Garry & Honoria Lamers** (F944), **Jim Macartney** (F953), **Mount White Station Ltd** (F974), **L M Nicoll** (F980), **I H Reed** (F996), **Mark Robert McAtamney** (F952), **Dwight William Love** (F950), **L McKenzie** (F958), **Kelly Frame** (F909), **Bridget Frame** (F908), **L I Bradley** (F867), **Matthew Davis Bradley** (F868), **M G Bradley** (F869), **Castle Hill Partnership** (F881), **Fiona J Hussey** (F930), **Scott Hussey** (F931), **Bruce Nell** (F977), **R F James** (F936), **Guy Martin** (F1039), **Philip W Wareing** (F1026), **Lyn Nell** (F978) and **John McDermott** (F954) in so far as they relate to submission number 385.80.
5. **Rejects** the submission by **Heinz Watties Australasia** (419.21).
6. **Accepts** the submissions by **New Zealand Institute of Crop and Food Research Limited** (560.08 and 560.09) and the further submissions by **Lincoln University** (F947) in so far as they relate to submission numbers 560.08 and 560.09.
7. **Accepts** the submission by **Santa Enterprises** (623.07).

Relevant Submissions from Report No.14

8. **Accepts** the submission by **Federated Farmers of New Zealand** (385.41) and the further submissions by **Lawrence Croft** (F890), **George Timothy Deans** (F894), **Craig Eggleston** (F901), **P J Fleming** (F902), **A D Florance** (F903), **David Florance** (F904), **Margaret C George** (F913), **Brian Goddard** (F919), **Peter Graham** (F920), **Christopher C A Gray** (F921), **Rodger & Caroline Hardwick** (F926), **B L & D J Haylock** (F928), **H G and P M Innes** (F934), **Garry & Honoria Lamers** (F944), **Jim Macartney** (F953), **Mount White Station Ltd** (F974), **L M Nicoll** (F980), **I H Reed** (F996), **Mark Robert McAtamney** (F952), **Dwight William Love** (F950), **L McKenzie** (F958), **Kelly Frame** (F909), **Bridget Frame** (F908), **L I Bradley** (F867), **Matthew Davis Bradley** (F868), **M G Bradley** (F869), **Castle Hill Partnership** (F881), **Fiona J Hussey** (F930), **Scott Hussey** (F931), **Bruce Nell** (F977), **R F James** (F936), **Guy Martin** (F1039), **Philip W Wareing** (F1026), **Lyn Nell** (F978) and **John McDermott** (F954) in so far as they relate to submission number 385.41.
9. **Accepts in part** the submission by **Federated Farmers of New Zealand** (385.42) and the further submissions by **Lawrence Croft** (F890), **George Timothy Deans** (F894), **Craig Eggleston** (F901), **P J Fleming** (F902), **A D Florance** (F903), **David Florance** (F904), **Margaret C George** (F913), **Brian Goddard** (F919), **Peter Graham** (F920), **Christopher C A Gray** (F921), **Rodger & Caroline Hardwick** (F926), **B L & D J Haylock** (F928), **H G and**

P M Innes (F934), Garry & Honoria Lamers (F944), Jim Macartney (F953), Mount White Station Ltd (F974), L M Nicoll (F980), I H Reed (F996), Mark Robert McAtamney (F952), Dwight William Love (F950), L McKenzie (F958), Kelly Frame (F909), Bridget Frame (F908), L I Bradley (F867), Matthew Davis Bradley (F868), M G Bradley (F869), Castle Hill Partnership (F881), Fiona J Hussey (F930), Scott Hussey (F931), Bruce Nell (F977), R F James (F936), Guy Martin (F1039), Philip W Wareing (F1026), Lyn Nell (F978), John McDermott (F954) and Transit New Zealand (F686) in so far as they relate to submission number 385.42.

10. **Rejects** the submission by **Transit New Zealand (686.56)** and the further submission by **Transit New Zealand (F686)** in so far as it relates to submission number 686.56.
11. **Rejects** the submission by **Transit New Zealand (686.57)**.

Amendments to the Proposed Plan

1. Delete Rules 1.8, 10.1, 10.2 and 10.3 pertaining to 'Dairy Farms' and the associated 'Notes' from Part 3, Section 2, Rule VIII – Activities, Rule 1.8 Dairy Farms – Rural Volume (pages 269-270). Make consequential amendments by deleting all reference to these rules throughout the Rural Volume of the PDP.

Dairy Farms

~~1.8 The establishment of, or any extension to, any dairy farm is on land, which is adjoining;~~

Note:

~~For Rule 1.8 expanding dairy farms include dairy farms which are expanding through an increase in herd numbers or an increase in land area.~~

~~Rule 1.8 does not apply to land which is used for grazing dry herds.~~

~~Adjoining is defined in Part 3, Section 3 of the Plan and includes any land which is separated by a road, easement, water race or drain.~~

Dairy Farms

~~10.1 The establishment of any new dairy farm or any extension to an existing dairy farm which does not comply with Rule 1.8 shall be a non-complying activity.~~

~~10.1.1 All of Rules 1.1 to 1.7 and 1.9 to 1.18.~~

~~10.2 Under Rule 10.1, the Council shall restrict its discretion to consideration of:~~

~~10.2.1 The proposed method to move dairy cows between grazing areas and milking sheds;~~

~~10.2.2 Any financial contributions payable under Rule X(1);~~

~~10.2.3 Any positive effects which may offset any adverse effects; and~~

~~10.2.4 Any monitoring or review conditions.~~

~~10.3 Any activity which does not comply with Rule 10.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.~~

2. Amend Policy 11 of Part 2, 2.1 Transport Networks (Road, Rail & Airfields) – Rural Volume (page 85) to reflect the deletion of Rules 1.8, 10.1, 10.2 and 10.3 above and replace the implementation method with a new method referring to the Stock Driving Bylaw. The suggested changes to the text are as follows:

Policy 11. ~~Require~~ Encourage ~~new dairy farms or existing dairy farms expanding in either herd numbers or land areas~~ to have alternative access for milking herds to milking sheds other than along formed, legal road reserves.

Explanation and Reasons

~~Policy 11 applies to new dairy farms setting up in the rural area and to the expansion of existing dairy farms. Expansion includes both an increase in dairy herd numbers or an increase in the land area of the farm. The policy requires~~ encourages dairy farms to have other means by which to move dairy cows between milking sheds and grazing paddocks, then along legal road reserves. The legal road reserve includes both the carriageway and the grass berms.

The Policy applies specifically to dairy herds because they have the greatest effect on the road reserve; due to the frequency of stock movements.

~~Policy 11 is to avoid creating more situations where dairy farmers need to drive dairy herds along the road twice daily.~~ This practice causes premature wear to the road tar seal and slippery driving conditions. Dairy herds trampling in the road berm churns up the frontage outside other people's properties.

~~The Policy and corresponding Rule do not apply to:~~

- ~~i. Driving dairy herds across a road which bisects the property;~~
- ~~ii. Dry herds being driven along roads.~~
- ~~iii. Driving dairy herds along unformed, legal roads.~~

~~The area of the road affected in the first case and the frequency of droving in the second case, mean any effects on the road reserve will be minor. In the third case, there will be no effects on the road surface or effects on other motorists.~~

~~Establishing a new dairy farm or expanding an existing dairy farm where the land is not adjoining is a non-complying activity. See Rule VIII – 10.1. A resource consent for this activity may be granted in a special case where any effects on the road reserve or adjoining properties will be minor.~~

~~The Council's Stock Droving by law manages stock droving from existing dairy farms (see Policy 10).~~

Method

- ~~• District Plan Rule – Dairy farms~~
- ~~• Bylaw – Stock droving~~

8.8. Submissions relating to the keeping of animals in townships

Part 3, Section 6, Definitions (Township Volume) – pages 342-348

“Domestic Pets”

Submission No.	Summary of Submission	Decision Requested
Muller-Cajar, H & U (14.4)	The submitter seeks a rewording of this definition for two reasons. Firstly, the removal from the definition of the exclusion of 'donkey, pig, rooster, or peacock' as all of these animals have a long tradition to be kept as pets and fit in well and should be permitted in the rural environment. Held as pets they produce less noise and environmental and safety problems than dogs, for example. Secondly, the submitter states that many people keep and breed chickens for lifestyle reasons.	Reword the definition of " Domestic Pets" along the lines of "Domestic pet: Any animal kept on site for a primary purpose other than financial gain."
	Further Submission	Support/Oppose
	Hallowes, P.J. (F30)	Support
Craig, D.H. & R.A. (71.2)	The submitter seeks a rewording of this definition for two reasons. Firstly, the removal from the definition of the exclusion of 'donkey, pig, rooster, or peacock' as all of these animals have a long tradition to be kept as pets and fit well into the rural environment. Held as pets they produce less noise and environmental and safety problems than dogs, for example. Secondly, the submitter states that many people keep and breed chickens for lifestyle reasons.	Reword the definition of " Domestic Pets" along the lines of "Domestic pet: Any animal kept on site for a primary purpose other than financial gain."
	Further Submission	Support/Oppose
	Hallowes, P.J. (F30)	Support
Hallowes, P.J. (30.1)	The submitter's land has been rezoned from Rural A to Living 2 and as a result the submitter is concerned about keeping donkeys in a living zone and the possible requirement to obtain a resource consent. The submitter considers that this rule should not apply to existing occupants or their animals, or that the definition of domestic pets should include donkeys.	Amend the definition of 'Domestic Pet' to include Donkeys. Note: The submitter offers an alternative to this submission. Refer to Submission 30.2 (page 245).
Kirwee Community Committee (48.6)	There should not be a restriction on the number of pets on rural residential properties. Other Council by-laws adequately provide for the control of animals and pets	Remove the exclusion of donkey, pig, rooster or peacock from the definition of "Domestic Pets".
	Further Submission	Support/Oppose
	Hallowes, P.J. (F30)	Support

Part 3, Section 2, Rule 21 Keeping of Animals (Township Volume) – page 245

Submission No.	Summary of Submission	Decision Requested
Wood, T.R. (128.4)	The submitter opposes Rule 21 as is written. It appears to have been written for Living 1 properties with no regard to the different requirements of Living 2 properties.	Amend Rule 21 (Keeping of Animals) into a) Living 1 zones, and b) Living 2 zones, to cater for the different requirements of the two zones.
	Further Submission	Support/Oppose
	Muller-Cajar, H & U (F14)	Support
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose

Submission No.	Summary of Submission	Decision Requested
Wood, T.R. (128.5)	The submitter supports Rules 21.3 and 21.4. Boarding kennels, catteries or intensive livestock production are inappropriate for living zones.	Adopt Rule 21.3
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
Wood, T.R. (128.6)	The submitter supports Rules 21.3 and 21.4. Boarding kennels, catteries or intensive livestock production are inappropriate for living zones.	Adopt Rule 21.4
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
Wood, T.R. (128.7)	The submitter opposes Rule 21.1 as a general rule for Living Zones. It is inappropriate for Living 2 Zones. The term domestic pets is open to interpretation.	Amend Rule 21.1 by making the keeping of animals other than domestic pets a permitted activity in the Living 2 Zone.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
Wood, T.R. (128.8)	The submitter opposes Rule 21.2 as a general rule for Living Zones. It is inappropriate for Living 2 Zones. Considering that Living 2 properties were purchased as Rural Residential properties and are up to 2ha in size, "Commercial rearing of animals for sale of progeny, meat, skins, wool or other products" must be a permitted activity.	Amend Rule 21.2 by making the commercial rearing of animals a permitted activity on Living 2 properties.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
Wood, T.R. (128.9)	The submitter opposes Note 2 as a general rule for Living Zones. It is inappropriate for Living 2 Zones. Many people purchased Rural Residential properties specifically so they can have pets. Decisions on which animals should be excluded from near residential areas are very subjective.	Amend Rule 21 - Note 2 by excluding Living 2 properties.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
	Hallowes, P.J. (F30)	Support

Submission No.	Summary of Submission	Decision Requested
Wood, T.R. (128.10)	The submitter opposes the second paragraph under Reasons as the requirement for a resource consent for commercial rearing of animals for the reasons stated in submission points 128.7 and 128.8 (It is inappropriate for Living 2 Zones. The term domestic pets is open to interpretation. Considering that Living 2 properties were purchased as Rural Residential properties and are up to 2ha in size, "Commercial rearing of animals for sale of progeny, meat, skins, wool or other products" must be a permitted activity).	Amend Rule 21 - Reasons (paragraph 2), to be consistent with amendments sought to Rules 21.1. and 21.2 (submission points 128.7 and 128.8) i.e. make keeping of animals other than pets and commercial rearing of animals, a permitted activity in L2 Zones.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
Wood, T.R. (128.11)	The submitter opposes the requirement of a resource consent for the keeping of more than 15 domestic pets.	Amend Rule 21 - Reasons (Paragraph 2), by excluding Living 2 properties from requiring a resource consent for more than 15 domestic pets.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
Muller-Cajar, H & U (14.6)	At any one time a number of chickens and at least one rooster is kept on the submitter's 1 ha section for hobby purposes and to supplement diet requirements. Chickens are also bred to rejuvenate stock and this is not possible without at least one adult rooster. The proposed rule would restrict changing the mixture of the submitter's stock. It may also lead to reverse sensitivity issues from people moving into the area who do not want to live in a rural environment. Crowing of roosters is part of living in the country and this noise is preferred by many to noise common in living areas.	Amend Rule 21 to allow for (at least for the less densely populated Living 2 areas) the keeping of at least one adult rooster per allotment as a permitted activity.
Muller-Cajar, H & U (14.7)	A number of animals are kept on the submitter's property for hobby purposes and to supplement dietary requirements. The proposed rule would place restrictions on changing the mixture of stock. It may attract reverse sensitivity issues from people not wishing to live in a rural environment.	Remove from the Reasons for Rule 21 (at least for the less densely populated Living 2 areas) the limitation to 15 domestic pets (as detailed in paragraph 2 of the Reasons for the Rule).
Muller-Cajar, H & U (14.8)	It is unfair that that small allotments in Living 1 zones may have significantly higher animal density than large allotments in Living 2 zones. If an overall limitation in the animal density is required, the submitter proposes to specify any limit per 1000m2 instead of per allotment and also to define specific limits depending on the kind of animal (e.g. dogs, cats, birds, fish, sheep).	Make the overall animal density (i.e. animals per 1000m2) in Living 1 zones equal to or smaller than in Living 2 zones.
Selwyn District Council (226.35)	The Living and Business Zone rules for the Keeping of Animals are supported but amendments are sought in order to clarify the intent of the rules. In both the Living and Business Zones, the keeping of animals other than domestic pets requires resource consent for either a	Insert the following rule in the column for 'Permitted Activities' as Rule 21.1 for Living Zones and make consequential amendments to the rule numbering: "21.1 The keeping of domestic pets. Note – the definition of 'domestic pets' in this Plan excludes donkeys, pigs,

Submission No.	Summary of Submission	Decision Requested
	discretionary activity or non-complying activity, depending on the nature of the activity. However the status of domestic pets as a permitted activity in both these zones has been omitted from the permitted activity column, and therefore an addition to that effect is sought. A note is contained under the table in each rule which states that donkeys, pigs, roosters and peacocks are excluded from the definition in the Plan for "domestic pets". For further clarification, inclusion of this note directly under the permitted activity rule is sought.	roosters and peacocks."
	Further Submission	Support/Oppose
	Hallowes, P.J. (F30)	Oppose
Hallowes, P.J. (30.2)	The submitter's land has been rezoned from Rural A to Living 2 and as a result the submitter is concerned about keeping donkeys in a living zone and the possible requirement to obtain a resource consent. The submitter considers that this rule should not apply to existing occupants or their animals or that the definition of domestic pets should include donkeys.	Amend Rule 21 to provide an exemption for existing owners and their animals for their lifetimes. Note: The submitter offers an alternative to this submission. Refer to Submission 30.1 (page 343).
Kirwee Community Committee (48.7)	There should no be a restriction on the number of pets on rural residential properties. There has been no difficulty with the number of animals to date. Every person who moves to the country wants to have animals as pets and as a contribution to self supply. Other Council by-laws adequately provide for the control of animals and pets.	Remove from Reasons for Rule 21 the limitation to 15 domestic pets (as detailed in paragraph 2 of the Reasons for the Rule).
Craig, D.H. & R.A. (71.1)	It is unfair that small allotments in Living 1 zones may have a significantly higher animal density than large allotments in Living 2 zones. If an overall limitation in the animal density is required, the submitter proposes to specify any limit per 1000m2 instead of per allotment and also to define specific limits depending on the kind of animal (e.g. dogs, cats, birds, fish, sheep, ...).	Amend Rule 21 to make the overall animal density (i.e. animals per 1000m2) in Living 1 zones is equal or smaller than in Living 2 zones. Define specific limits depending on the kind of animal.
Craig, D.H. & R.A. (71.3)	Submitter is presently in the process of obtaining chickens and a rooster and feels that many people move into a rural-residential area with the intention of having animals. The proposed rule would restrict changing the mixture of stock. It may also lead to reverse sensitivity issues from people moving into the area who do not want to live in a rural environment. Crowing of roosters is part of living in the country and this noise is preferred by many to noise common in living areas.	Amend Rule 21 to allow (at least for the less densely populated Living 2 areas) the keeping of at least one adult rooster per allotment as a permitted activity
Craig, D.H. & R.A. (71.8)	The proposed rule would place restrictions on changing the mixture of the submitter's stock. It may attract reverse sensitivity issues from people not wishing to live in a rural environment. It is also highly unfair that small allotments in Living 1 Zones may have a significantly higher animal density than large allotments in Living 2 Zones.	Remove from the Reasons to Rule 21 (at least for the less densely populated Living 2 areas) the limitation to 15 animals (as found in paragraph 2 of the Reasons).

Part 3, Section 3, Rule 14 Keeping of Animals (Township Volume) – pages 300-301

Submission No.	Summary of Submission	Decision Requested
Selwyn District Council (226.36)	The Living and Business Zone rules for the Keeping of Animals are supported but amendments are sought in order to clarify the intent of the rules. In both the Living and Business Zones, the keeping of animals other than domestic pets requires resource consent for either a discretionary activity or non-complying activity, depending on the nature of the activity. However the status of domestic pets as a permitted activity in both these zones has been omitted from the permitted activity column, and therefore an addition to that effect is sought. A note is contained under the table in each rule which states that donkeys, pigs, roosters and peacocks are excluded from the definition in the Plan for "domestic pets". For further clarification, inclusion of this note directly under the permitted activity rule is sought.	Insert the following rule in the column for 'Permitted Activities' as Rule 14.2 for Business Zones: "14.2 The keeping of domestic pets. Note – the definition of 'domestic pets' in this Plan excludes donkeys, pigs, roosters and peacocks."
Selwyn District Council (226.37)	The Living and Business Zone rules for the Keeping of Animals are supported but amendments are sought in order to clarify the intent of the rules. Accordingly amendments are sought to clarify this matter.	Amend the following rules in the column for 'Other Activities' in Rule 14 for Business Zones: (i) Delete Rule 14.2 and replace with: "14.3 Any activity which does not comply with Rule 14.1 or 14.2 shall be a discretionary activity except as provided for under Rules 14.4 to 14.6." and amend the numbering of Rules 14.3, 14.4 and 14.5 to "14.4", "14.5" and "14.6".
Selwyn District Council (226.38)	The Living and Business Zone rules for the Keeping of Animals are supported but amendments are sought in order to clarify the intent of the rules. Accordingly amendments are sought to clarify this matter.	Amend the following rules in the column for 'Other Activities' in Rule 14 for Business Zones: (ii) Insert the following new rule 14.7: "Any activity which does not comply with Rule 14.1 or 14.2 shall be a discretionary activity" and amend the numbering of Rules 14.6, 14.7 and 14.8 to "14.8", "14.9" and "14.10".

Part 3, Section 6, Definitions (Township Volume) – page 343**"Domestic Pets"**

8.8.1 The definition of "domestic pets" in the Township Volume is as follows:

Domestic pets: means any domesticated bird or animal bred, reared and/or kept on a site for the purposes of a pet or security; other than any donkey, pig, rooster or peacock.

8.8.2 Submissions by **H & U Muller-Cajar, D.H. & R.A Craig** and **Kirwee Community Committee** seek to remove the exclusion of donkey, pig, rooster or peacock from the above definition. In addition, **H & U Muller-Cajar** and **D.H. & R.A Craig** propose a new definition of the term "domestic pet" as follows:

Domestic pet: any animal kept on site for a primary purpose other than financial gain.

- 8.8.3 The submitters are concerned that the definition unfairly discriminates against such animals that "...have a long tradition to be kept as pets – and fit well into a rural environment". The Kirwee Community Committee also mention that "other Council by-laws adequately provide for control of animals and pets". A further submission by **P.J. Hallowes** supports each of these submission points as the exclusion of donkeys, pigs, roosters and peacocks "would be taking away the rights of people who bought properties in a country area...".
- 8.8.4 An original submission by **P.J. Hallowes** reiterates the above concern, but specifically requests that donkeys be included in the definition of "domestic pets". The reason for this request is that the submitter owns two donkeys in a Living 2 zone, which were a permitted activity prior to the notification of the PDP, and those neighbours who have since moved into the area have not complained about the animals.

Part 3, Section 2, Rule 21 Keeping of Animals (Township Volume) – page 245

- 8.8.5 Submissions by **T.R. Wood, H & U Muller-Cajar** and **D.H. & R.A Craig** express similar concerns that Rule 21.1 is too restrictive in the types of pets permitted, particularly in relation to Living 2 zones which are more rural-residential than residential in nature. The submitters believe that people who reside in a Living 2 zone should be entitled to undertake hobby farming activities, which may be the purpose for such properties being purchased. The relief sought to remedy this situation varies from: allowing the keeping of animals as a permitted activity; setting a stricter level of animal density in a Living 1 zone compared to a Living 2 zone; and allowing for the keeping of at least one adult rooster. These submitters, and the **Kirwee Community Committee**, also request consequential amendments to the 'Notes' and 'Reasons' for Rule 21, including the removal of the phrase which states that resource consent is required for the keeping of more than 15 domestic pets. I note that there does not appear to be a rule in the PDP which restricts the number of domestic pets to 15. Further submissions in support of T.R. Wood in this context were lodged by **H & U Muller-Cajar** and **P.J. Hallowes**, however the further submissions by **Patricia Neumarch, L.J. Neumarch** and **P.F. Neumarch** oppose the whole submission of T.R. Wood and do not relate specifically to the above provisions.
- 8.8.6 As an alternative to an amendment sought to the definition of "domestic pets", **P.J. Hallowes** requests that "existing owners and their animals should be exempt [from Rule 21.1] for their lifetimes". The reason for this submission raises matters of 'existing use rights' for animals that were legally permitted on a site prior to the notification of the PDP and the submission effectively raises concerns of potential reverse sensitivity effects due to people subsequently moving into the area.

- 8.8.7 **Selwyn District Council** seeks to clarify that the intent of Rule 21.1 is to provide for the keeping of “domestic pets” as a permitted activity, and therefore this should be stated in the column entitled “Permitted Activities”. A further submission by **P.J. Hallowes** opposes this submission point on the grounds that “pigs, roosters, peacocks and particularly donkeys should be excluded from the definition of domestic pets”.
- 8.8.8 **T.R. Wood** requests that Rule 21.2 is amended to provide for the “commercial rearing” of animals as a permitted activity in the Living 2 zone, given that some properties in the Living 2 zone are up to 2ha in size where the selling of produce is an integral part of a hobby farming activity. Again this submission is supported by **H & U Muller-Cajar** and opposed by **Patricia Neumarch, L.J. Neumarch** and **P.F. Neumarch** whose concerns do not relate to Rule 21.2.
- 8.8.9 Another two submissions by **T.R. Wood** support Rules 21.3 and 21.4, which specify that “boarding kennels or catteries” and “intensive livestock production” are non-complying activities in all Living zones, as these activities are considered “inappropriate” in such areas. The further submissions by **Patricia Neumarch, L.J. Neumarch** and **P.F. Neumarch** oppose the whole submission of T.R. Wood, but again do not relate to these provisions.

Part 3, Section 3, Rule 14 Keeping of Animals (Township Volume) – pages 300-301

- 8.8.10 **Selwyn District Council** have made three submission points relating to the associated rule in Business zones, which seek to clarify that the intent of Rule 14 is to provide for the keeping of “domestic pets” as a permitted activity, and that therefore this should be stated in the column entitled “Permitted Activities”. Furthermore, the submissions seek to clarify that the keeping of animals, other than domestic pets or as described in Rules (currently numbered) 14.3 to 14.8, is a discretionary activity.

Assessment – Domestic Pets

- 8.8.11 In addressing some of the concerns of the above submitters I note that I am unable to glean any specific reasons from the PDP as to why certain types of animals/birds have been excluded from the definition of “domestic pets”. In my view, the reason is that such species are considered likely to generate adverse noise or odour effects that are considered incompatible with residential amenity values. I agree, however with the concerns of the above submitters that a blanket restriction on the keeping of such animals/birds is a rather heavy-handed approach to addressing their potential adverse effects, particularly in less densely populated areas (e.g. Living 2 zone). I am also of the

opinion that as the Living 2 zone reflects larger allotment sizes than the Living 1 zone, providing a larger separation between neighbours, the likelihood of domestic animals causing a nuisance is significantly reduced.

8.8.12 In considering its duties under s.32 of the Act the Council must be satisfied that any rule is necessary in achieving the purpose of the Act and is the most effective and efficient means available. In this respect, I take heed of the comment by Kirwee Community Committee that “other Council by-laws adequately provide for control of animals and pets”.

8.8.13 The Council has the ability to make bylaws relating to the keeping of animals in accordance with Sections 682 & 684 of the Local Government Act 1974¹⁴. To this accord, Council enforces a bylaw which prohibits the keeping of pigs in “any area which has a predominantly urban character under the District Plan...” and states that “no person shall keep on any premises any noisy animal, bird, or poultry which causes a nuisance to residents in the neighbourhood”. Consultation with Council's Resource Monitoring Officer indicates that this bylaw is clear, effective and relatively simple to administer.

8.8.14 In my opinion, this bylaw has sufficient scope and enforcement means to manage any adverse effects from the keeping of animals within urban areas of the district and there does not appear to be any sound reason why these should be duplicated or confused by introducing another set of controls under the Resource Management Act. The reasons why I support the use of a bylaw instead of provisions in a district plan in this instance are:

- (a) The bylaw is effective in controlling nuisance effects from the keeping of animals in townships when such effects arise;
- (b) The bylaw procedures are clear and simple and (as I understand it) relatively cost effective to all parties;
- (c) Introducing additional provisions in a district plan may duplicate, undermine or contradict action taken under the bylaw;
- (d) To require a resource consent for any donkey or rooster in a Living 2 zone could prove to be a lengthy and expensive process for an applicant, even though it is unknown whether adverse effects will arise. There is no certainty in the outcome for either the applicant or submitter (if the application is notified) and potentially such an application could be appealed to the Environment Court. Comparatively, the bylaw only tends to be implemented where a nuisance effect arises, which in my opinion, better reflects the small and localised scale of the problem;

¹⁴ Sections 145 & 146 of the Local Government Act 2002 supercede these provisions on 1 July 2003, but have the same effect in this context.

- (e) Effective implementation of such rules in a district plan could be hindered by legal matters, such as whether the animal or bird has 'existing use rights' under s.10 of the Act. The bylaw on the other hand can be administered where any nuisance effects arise, notwithstanding the relative order in location.

8.8.15 On the basis of this assessment I am of the opinion that Rule 21.1 – Living Zones and Rule 14.2 – Business Zones are unnecessary in that the potential effects from the keeping of animals¹⁵ within urban areas are already controlled efficiently and effectively through the enforcement of bylaws. While all original submissions received in respect to these provisions express valid concerns with regard to the level of restriction for the keeping of domestic pets and the types of pets excluded from the associated definition, there are no submissions that request that these rules and the definition be deleted in their entirety. As a consequence, I recommend that Council initiate a Variation to the PDP to delete Rule 21.1 – Living Zones, Rule 14.2 – Business Zones, the associated 'Notes' and 'Reasons' and the definition of "Domestic Pets". I therefore recommend that all original submissions made in respect of these provisions be rejected on the basis that a Variation is required to remove them.

8.8.16 Rule 14.1 of the Business zone provisions provides for the "keeping of animals for education and research purposes" as a permitted activity in the Business 3 zone. **Selwyn District Council**, in submission points 226.37 and 226.38, seeks to include two additional rules to clarify that such activities will require resource consent for a discretionary activity in any other Business zone. I understand the merits of these submissions, however I recommend that they be accepted in part on the basis that I do not support the inclusion of a new Rule 14.2 relating to "domestic pets" (submission point 226.36).

Assessment – Commercial Rearing of Animals

8.8.17 The "commercial rearing" of animals for the sale of progeny, meat, skins, wool or other products is listed as a discretionary activity in all Living zones, a non-complying activity in Business 1, 1A and 3 zones, and a discretionary activity in the Business 2 zone¹⁶. In my view, the "commercial rearing" of animals could include the selling of eggs from household hens, but would exclude animals kept at a density which constituted "intensive livestock production" (or the suggested definition of "intensive farming").

¹⁵ Provided that the keeping of animals does not fall within the definition of "boarding kennels or catteries" or "intensive livestock production".

¹⁶ I note however that "commercial rearing of animals" is listed as a non-complying activity in the Business 2 zone under Rule 3(1)(ii)(b) of the Listed Activities on page 276 of the Township Volume.

8.8.18 Given the limited size of most residential or business properties I consider that the small-scale keeping of animals that falls within the definition of “commercial rearing” but not “intensive livestock production”, is unlikely to adversely impact on the amenity of either Living or Business zones. However, the submissions received in respect of Rule 21.2 (Living zones) and Rules 14.3 and 14.6 (Business zones) only raise concern with controlling such activities in the Living 2 zone. In this respect, I agree with the submitters that the selling of home-grown animal produce is an integral part of undertaking a hobby farming activity within a Living 2 zone and that this type of activity forms part of the amenity of these areas. I therefore recommend that submission point 128.8 by **T.R. Wood** be accepted and that Rule 21.2 be amended to include an exception for properties zoned Living 2.

8.8.19 I acknowledge that allotment sizes and the character of Living 2 zones do vary throughout the District. As a result, it may be that some Living 2 zones are of a more residential than rural-residential nature, and the commercial rearing of animals in those urban orientated environments may not be suitable. However, in my experience the developer often imposes land covenants to restrict the commercial rearing of animals where the subdivision is of a more residential character. On this basis, and considering that the bylaw could be enforced where necessary, I conclude that the likelihood of adverse effects arising from the above recommendation will be minor.

Assessment – Boarding kennels or catteries and Intensive livestock production

8.8.20 I recommend that the two submission points by **T.R. Wood** (128.5 and 128.6) which support Rules 21.3 and 21.4, that specify that “boarding kennels or catteries” and “intensive livestock production” are non-complying activities in all Living zones, be accepted on the basis that no submissions challenge these provisions.

Recommendation 23.9

Part 3, Section 6, Definitions (Township Volume) – “Domestic Pets” (page 343)

That the Council:

1. Initiate a Variation to delete the definition of “domestic pets” from the Township Volume of the PDP, if such action falls outside the scope of submissions. As a consequence I recommend that the Council rejects the associated submissions, as follows.
2. **Rejects** the submission by **Muller-Cajar, H & U** (14.4) and the further submission by **Hallowes, P.J.** (F30) in so far as it relates to submission number 14.4.
3. **Rejects** the submission by **Craig, D.H. & R.A** (71.2) and the further submission by **Hallowes, P.J.** (F30) in so far as it relates to submission number 71.2.

4. **Rejects** the submission by **Hallowes, P.J.** (30.1).
5. **Rejects** the submission by **Kirwee Community Committee** (48.6) and the further submission by **Hallowes, P.J.** (F30) in so far as it relates to submission number 48.6.

Part 3, Section 2, Rule 21.1 Keeping of Animals (Township Volume) – page 245

6. Initiate a Variation to delete Rule 21.1 and the associated 'Notes' and 'Reasons' from the Township Volume of the PDP, if such action falls outside the scope of submissions. As a consequence I recommend that the Council rejects the associated submissions, as follows.
7. **Rejects** the submissions by **T.R. Wood** (128.4, 128.7, 128.9, 128.10 and 128.11) and the further submissions by **Muller-Cajar, H & U** (F14) and **Hallowes, P.J.** (F30) (in so far as they relate to submission numbers 128.7 and 128.9 only), and **accepts** the further submissions by **Neumarch, Patricia** (F8), **Neumarch, L.J.** (F12) and **Neumarch, P.F.** (F13) in so far as they relate to submission numbers 128.4, 128.7, 128.9, 128.10 and 128.11.
8. **Rejects** the submissions by **Muller-Cajar, H & U** (14.6, 14.7 and 14.8).
9. **Rejects** the submission by **Selwyn District Council** (226.35).
10. **Rejects** the submission by **Hallowes, P.J.** (30.2).
11. **Rejects** the submission by **Kirwee Community Committee** (48.7).
12. **Rejects** the submissions by **Craig, D.H. & R.A** (71.1, 71.3 and 71.8).

Part 3, Section 2, Rule 21.2 Keeping of Animals (Township Volume) – page 245

13. **Accepts** the submission by **T.R. Wood** (128.8) and the further submission by **Muller-Cajar, H & U** (F14) and **rejects** the further submissions by **Neumarch, Patricia** (F8), **Neumarch, L.J.** (F12) and **Neumarch, P.F.** (F13) in so far as they relate to submission number 128.8.

Part 3, Section 2, Rule 21.3 Keeping of Animals (Township Volume) – page 245

14. **Accepts** the submission by **T.R. Wood** (128.5) and **rejects** the further submissions by **Neumarch, Patricia** (F8), **Neumarch, L.J.** (F12) and **Neumarch, P.F.** (F13) in so far as they relate to submission number 128.5.

Part 3, Section 2, Rule 21.4 Keeping of Animals (Township Volume) – page 245

15. **Accepts** the submission by **T.R. Wood** (128.6) and **rejects** the further submissions by **Neumarch, Patricia** (F8), **Neumarch, L.J.** (F12) and **Neumarch, P.F.** (F13) in so far as they relate to submission number 128.6.

Part 3, Section 3, Rule 14 Keeping of Animals (Township Volume) – pages 300-301

16. **Rejects** the submission by **Selwyn District Council** (226.36).
17. **Accepts in part** the submissions by **Selwyn District Council** (226.37 and 226.38).

Amendments to the Proposed Plan

1. By way of Variation, delete the definition of “domestic pets” from Part 3, Section 6, Definitions – Township Volume (page 343).

~~**Domestic pets:** means any domesticated bird or animal bred, reared and/or kept on a site for the purposes of a pet or security; other than any donkey, pig, rooster or peacock.~~

2. By way of Variation, delete Part 3, Section 2, **Rule 21.1** Keeping of Animals – Township Volume (page 245) and all references to this rule in the associated ‘Notes’ and ‘Reasons’. Renumber Rules 21.2 to 21.4 accordingly.
3. Amend Part 3, Section 2, **Rule 21.2** Keeping of Animals – Township Volume (page 245) by excluding Living 2 zones and make consequential amendments to the ‘Reasons’.

The amendments as a result of Numbers 2 and 3 above are illustrated as follows:

~~**21.1** The keeping of animals other than domestic pets except as provided under Rules 21.2 to 21.4 shall be a discretionary activity.~~

21.21 Except within a Living 2 zone, the ~~C~~commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a discretionary activity.

21.32 Boarding kennels or catteries shall be a non-complying activity.

21.43 Intensive livestock production shall be a non-complying activity.

Notes

1. The keeping of domestic pets in the Living Zones does not require a resource consent. However, the keeping of domestic pets may be subject to a Council Bylaw. As an example, the Council has a bylaw for the keeping of dogs.
- ~~2. The definition of domestic pets in this plan excludes donkeys, pigs, roosters and peacocks.~~

Reasons

Selwyn District is principally a rural area and many residents come to live in townships in the District to be close to a ‘rural’ lifestyle. Domestic pets, including a pet sheep or horse, are common features of the Living zones in the District. As noted above, the keeping of domestic pets may be subject to a Council bylaw. Under the Local Government Act 1974, the Council may make bylaws relating to the keeping of animals.

Resource consent for a discretionary activity is required for: ~~the~~ commercial rearing of animals for sale of progeny, meat, skins, wool or other products, except within a Living 2 zone which has the potential for greater separation between neighbours; the keeping of animals other than domestic pets; and for the keeping of more than 15 domestic pets (excluding progeny up to weaner stage). ~~Those~~ This activities may be granted resource consent, depending on whether adverse effects can be adequately mitigated, and if there is consistency with the relevant objectives and policies of the plan.

Resource consent for a non-complying activity is required for boarding kennels and catteries, and for intensive livestock production. These activities are generally regarded as having effects inappropriate to Living zones and the rural areas of the District are considered more suitable locations to receive their respective effects.

4. By way of Variation, delete Part 3, Section 3, Rule 14.2 Keeping of Animals – Township Volume (page 300-301) and all references to this rule in the associated ‘Notes’ and ‘Reasons’. Renumber Rules 14.3 to 14.8 accordingly.

5. Include two additional rules to clarify that any activity which does not comply with Rule 14.1 shall be a discretionary activity in all Business zones, except for Business 3.

The amendments as a result of Numbers 4 and 5 above are illustrated as follows:

Business 1, 1A & 3 Zones

~~14.2 The keeping of animals other than domestic pets except as provided for under Rules 14.3 to 14.8 shall be a discretionary activity.~~

14.2 Any activity which does not comply with Rule 14.1 shall be a discretionary activity except as provided for under Rules 14.3 to 14.5 below.

14.3 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a non-complying activity.

14.4 Boarding kennels and catteries shall be a non-complying activity.

14.5 Intensive livestock production shall be a non-complying activity.

Business 2 Zone

14.6 Any activity which does not comply with Rule 14.1 shall be a discretionary activity.

~~14.67~~ Commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a discretionary activity.

~~14.78~~ Boarding kennels and catteries shall be a discretionary activity.

~~14.89~~ Intensive livestock production shall be a discretionary activity.

Notes

1. The keeping of domestic pets in the Business Zones does not require a resource consent. However, the keeping of domestic pets may be subject to a Council bylaw. As an example, the Council has a bylaw for the keeping of dogs.

~~2. The definition of domestic pets in this Plan excludes donkeys, pigs, roosters and peacocks.~~

Reasons

Some control over animals (excepting domestic pets) in the Business zones is needed because of the potential of being in close proximity of residential neighbours in the adjoining Living zone(s) and to protect the prevailing amenity values of Business Zones.

The undertaking of intensive livestock production (factory farms) and the boarding, **and commercial** rearing ~~and breeding~~ of animals do, in most cases, have adverse environmental effects which are incompatible with anticipated environmental outcomes for business areas. They will also largely be incompatible with the range of activities that may be undertaken in the Business 1 and 1A zone, which tend to be more retail or commercial in nature. It is on this basis that any activity involving **intensive livestock production or** the boarding, **or commercial** rearing ~~and breeding~~ of animals is required to be assessed as a non complying activity. These activities may be allowed, depending on the scale of the particular activity and conditions upon which it is undertaken.

However for the Business 2 Zone, which is more industrial in nature, such activities need approval only as a discretionary activity. The need for a Resource Consent is on the basis that significant areas of this zone are in close proximity to a Living Zone.

Special provision is made for the Business 3 Zone in Lincoln which focuses on the primary activities of education and research.

8.9. Submissions relating to a range of provisions, including consequential amendments

8.9.1 Submissions of a General Nature

Submission No.	Summary of Submission	Decision Requested
MJ & TD Rickerby (607.01)	The objectives and policies in the Plan are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere within the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities. The rules and various matters the Council is required to consider in respect of restricted discretionary activities with respect to building set-backs, animals, residential density and subdivision are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere in the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities. The objectives and policies regarding expansion of existing intensive farming activities in the Inner Plains and elsewhere in the District are unnecessarily restrictive and inconsistent with the Resource Management Act 1991.	Generally that the objectives, policies and rules relating to the issue of reverse sensitivity be revised in order to establish a framework for management of reverse sensitivity effects that provides: (a) Increased and adequate recognition to the potential for reverse sensitivity effects arising from new residential activities and subdivision of land adjacent to existing intensive farming activities; and (b) A management framework that enables expansion of existing intensive farming activities provided that the effects of any such expansion are no more than minor. That such review include, but not necessarily be limited to, consideration of the more detailed submissions as listed below (submission points 607.02 to 607.12). That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Federated Farmers of New Zealand (F385)	Support
Grant Williams (714.01)	Tegel Foods Ltd (F679)	Support
	No indication is given as to the nature of the submitter's reasons for wishing to raise these issues.	The submitter wishes to speak on the Proposed Selwyn District Plan with regard to matters affecting pig farmers. In particular but not exclusively the submitter wishes to speak to the following points: - Set back distances for effluent disposal. - Complaints procedures. - Pig matters in general.
G.D. Gillanders & Sons Ltd (119.2)	Supports Council attitude of allowing submitters to continue their livestock and cropping farming operation using modern day farming practices in the Living 1 and X zones of land they own between Greendale Road and Telegraph Road.	Adopt Rule 2.2 Note: Rule 2.2 requires a non-complying resource consent for intensive livestock production and discretionary resource consent for commercial rearing of animals for sale of progeny, meat, skins, wool or other products in living zones i.e. some of the submitter's farming operations, where not covered by 'existing use' rights under section 10 of the RMA, would be subject to resource consent(s).

- 8.9.1.1 **MJ & TD Rickerby** have lodged a general submission seeking a review of the objectives, policies and rules in the PDP to establish a framework for managing reverse sensitivity effects that: (a) provides increased recognition of the potential for reverse sensitivity effects on existing intensive farming activities; and (b) enables the expansion of existing intensive farming activities where the effects are minor. This submission is supported by **Federated Farmers of New Zealand** and **Tegel Foods Ltd**. The 'blanket' submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** opposes the whole submission by MJ & TD Rickerby.
- 8.9.1.2 In my view, the submission points that have been addressed in previous Report No.22 and those that are contained in this report, have raised issues that have effectively required a review of the PDP framework for managing reverse sensitivity effects. Whether or not my subsequent recommendations satisfy the above submitters' concerns is a matter for these parties to express at the hearing. On this basis I recommend that the above submission point be accepted in part.
- 8.9.1.3 The submissions by **Grant Williams** and **G.D. Gillanders & Sons Ltd** are of a very general nature, making it difficult to determine how the recommendations contained in this report are likely to impact on their submissions. I therefore recommend that these submission points are rejected, however the submitters may wish to attend the hearing to elaborate on their submissions.

Recommendation 23.10.1

That the Council:

1. **Accepts in part** the submission by **MJ & TD Rickerby** (607.01) and the further submissions by **Federated Farmers of New Zealand** (F385) and **Tegel Foods Ltd** (F679) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission number 607.01.
2. **Rejects** the submission by **Grant Williams** (714.01).
3. **Rejects** the submission by **G.D. Gillanders & Sons Ltd** (119.2).

Amendments to the Proposed Plan

As recommended in this Report No.23 and in previous Report No.22 relating to reverse sensitivity effects.

8.9.2. Part 2, 3 People's Health, Safety and Values, 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – pages 138-150

Submission No.	Summary of Submission	Decision Requested
New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations (565.01)	The submitter notes the mention of reverse sensitivity throughout the Plan. Given the proximity to Christchurch City the area is under pressure from those seeking a 'lifestyle' type property. The establishment of such properties places existing land uses under some considerable pressure. The submitter considers that it is essential that potential residents a rural area are aware of the range of management practices that are part of the activity in the rural area. Because there is no single source where potential landowners can obtain information in respect to land use it is requested that a number of mechanisms be used to address this issue. It is considered that this matter could be more actively addressed by the Council using the Land Information Memorandum (LIM) property reports to a greater extent to make prospective land owners aware of the type of environment into which they are moving. Methods proposed are that: - An Advisory Note be included in the Plan. - A copy of the Advisory Note be attached as a note to all subdivision consents for the rural area in Selwyn District. - A copy of the Advisory Note be included in the LIM for all such properties. - Information sheets be prepared by Council for distribution detailing the type of activities that occur in rural areas. Such a mechanism would ensure that the nature of the activities in the area is clearly stated so that expectations of a quiet ambient environment are not falsely held.	That an Advisory Note detailing the type of activities that occur in the rural area is included in relevant parts of the District Plan, including Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity effects. The Advisory Note is to state: "The rural area includes intensive agricultural/horticultural production activities and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour, night harvesting, bird scarers, hail cannons and irrigation pumping occur." That an additional method of implementation be included under Reverse Sensitivity effects (page 150) stating that "Advisory Notes on Subdivision consents will be used as a means to ensure that future purchasers are informed of the nature of the area in which they are locating." The Advisory Note is to state: "This site is located in a rural area where intensive agricultural/horticultural activities take place and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour and night harvesting, bird scarers, hail cannons, and irrigation pumping occur." That an additional method of implementation be included in under Reverse Sensitivity effects (page 150) of the Plan stating that "Land Information Memorandum (LIM's) will be used as a means to ensure that future purchasers are informed of the nature of the area in which they are locating." The wording of the Advisory Note on the LIM's is to state: "This site is located in a rural area where intensive agricultural/horticultural production takes place and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour and night harvesting, bird scarers, hail cannons and irrigation pumping occur."
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Federated Farmers of New Zealand (F385)	Support
	Tegel Foods Ltd (F679)	Support

Submission No.	Summary of Submission	Decision Requested
New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations (565.02)	The submitter notes the mention of reverse sensitivity throughout the Plan. Given the proximity to Christchurch City the area is under pressure from those seeking a 'lifestyle' type property. The establishment of such properties places existing land uses under some considerable pressure.	That an Advisory Note detailing the type of activities that occur in the rural area is included in relevant parts of the District Plan, including Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity effects. The Advisory Note is to state:
	The submitter considers that it is essential that potential residents a rural area are aware of the range of management practices that are part of the activity in the rural area. Because there is no single source where potential landowners can obtain information in respect to land use it is requested that a number of mechanisms be used to address this issue.	"The rural area includes intensive agricultural/horticultural production activities and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour, night harvesting, bird scarers, hail cannons and irrigation pumping occur."
	It is considered that this matter could be more actively addressed by the Council using the Land Information Memorandum (LIM) property reports to a greater extent to make prospective land owners aware of the type of environment into which they are moving.	That an additional method of implementation be included under Reverse Sensitivity effects (page 150) stating that "Advisory Notes on Subdivision consents will be used as a means to ensure that future purchasers are informed of the nature of the area in which they are locating." The Advisory Note is to state:
	Methods proposed are that: - An Advisory Note be included in the Plan. - A copy of the Advisory Note be attached as a note to all subdivision consents for the rural area in Selwyn District. - A copy of the Advisory Note be included in the LIM for all such properties. - Information sheets be prepared by Council for distribution detailing the type of activities that occur in rural areas.	"This site is located in a rural area where intensive agricultural/horticultural activities take place and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour and night harvesting, bird scarers, hail cannons, and irrigation pumping occur."
	Such a mechanism would ensure that the nature of the activities in the area is clearly stated so that expectations of a quiet ambient environment are not falsely held.	That an additional method of implementation be included in under Reverse Sensitivity effects (page 150) of the Plan stating that "Land Information Memorandum (LIM's) will be used as a means to ensure that future purchasers are informed of the nature of the area in which they are locating." The wording of the Advisory Note on the LIM's is to state: "This site is located in a rural area where intensive agricultural/horticultural production takes place and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour and night harvesting, bird scarers, hail cannons and irrigation pumping occur."
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Support
Norman Archie Dunlop (370.04)	No particular reason given.	The submitter requests that LIM reports on farms and lifestyle blocks that share a boundary with a pig farm should register the interest of the pig farm. Note: this is referred to in the body of the submission, but not specifically in the relief sought.

- 8.9.2.1 **New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations** request that an 'Advisory Note' be: (a) included in the PDP; (b) attached as a note to all subdivision consents for the rural area; and (c) included in the Land Information Memorandum (LIM) for all rural properties, to advise potential residents that a range of management practices form part of the rural environment. These submission points are supported by **Federated Farmers of New Zealand** and **Tegel Foods Ltd** and opposed by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson**.
- 8.9.2.2 Similarly, **Norman Archie Dunlop** requests that LIM reports for properties that share a boundary with a pig farm should note the presence of the intensive farming activity.
- 8.9.2.3 The Council has produced an information sheet entitled "Interaction between existing activities in Rural Zones" (contained in Attachment H). A copy of this sheet is currently included in all LIM reports for properties in the rural area. Its purpose is to inform prospective purchasers of a number of matters that are considered to form part of the rural environment, so that they are aware of what to expect prior to confirming any sale and purchase agreement. With the inclusion of recommended separation distances from intensive farming activities, the implementation of other methods to address reverse sensitivity effects and the circulation of this information sheet to potential land purchasers, I am satisfied that the potential for reverse sensitivity effects will be easily recognised.
- 8.9.2.4 With regard to the Advisory Note suggested by the submitter above, I agree that an additional implementation method should be added to Policies 18-21 in Part 3, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – page 150 to ensure the continued practice of distributing the information sheet (contained in Attachment H). I do not consider it necessary, however to insert the Advisory Note in other parts of the PDP, as I believe that reverse sensitivity effects are well canvassed in this respect. I therefore recommend that the submissions by New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations and Norman Archie Dunlop be accepted in part.

Recommendation 23.10.2

That the Council:

1. **Accepts in part** the submission by **New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations** (565.01) and the further submissions by **Federated Farmers of New Zealand** (F385) and **Tegel Foods Ltd** (F679) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission number 565.01.
2. **Accepts in part** the submission by **New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations** (565.02) and the further submission by **Tegel Foods Ltd** (F679) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as they relate to submission number 565.02.
3. **Accepts in part** the submission by **Norman Archie Dunlop** (370.04).

Amendments to the Proposed Plan

1. Amend the 'Methods' for Policies 18-21 in Part 3, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – page 150 to include "Land Information Memorandum – Information Sheet", as follows:

Methods

- *District Plan Rules*
 - *Discretionary activates*
 - *Intensive livestock farming*
 - *Waste disposal*
 - *Aircraft*
 - *Residential density*
 - **Building position controls**
 - **Subdivision standards**
- *District Plan Policies*
 - *Township Volume, Section 4.3, Growth of Towns*
 - *Rural Volume, Section 4.1, Policy 1.*
- **Land Information Memorandum** - **Information Sheet**

8.9.3. Duplication of Rules

Submission No.	Summary of Submission	Decision Requested
Selwyn District Council (241.1d)	A number of the listed activities for Living Zones are addressed in the effects-based rules. To avoid unnecessary duplication, the deletion of these activities from the 'listed activities' is therefore sought. The activities which are duplicated are as follows: Rule 1 Non Complying Activities d) Boarding kennels or catteries - addressed in Rule 21 Keeping of Animals.	Delete item (d) from the rule for Listed Non Complying Activities and make consequential amendments to the numbering.
Selwyn District Council (241.1i)	A number of the listed activities for Living Zones are addressed in the effects-based rules. To avoid unnecessary duplication, the deletion of these activities from the 'listed activities' is therefore sought. The activities which are duplicated are as follows: Rule 1 Non Complying Activities i) Intensive livestock production - addressed in Rule 21 Keeping of Animals.	Delete item (i) from the rule for Listed Non Complying Activities and make consequential amendments to the numbering.
Selwyn District Council (241.1m)	A number of the listed activities for Living Zones are addressed in the effects-based rules. To avoid unnecessary duplication, the deletion of these activities from the 'listed activities' is therefore sought. The activities which are duplicated are as follows: Rule 1 Non Complying Activities m) Processing, composting or disposal onto land of any organic matter - addressed in Rule 26 Waste Generation, Storage and Disposal.	Delete item (m) from the rule for Listed Non Complying Activities and make consequential amendments to the numbering.
Selwyn District Council (241.3b)	A number of the listed activities for Living Zones are addressed in the effects-based rules. To avoid unnecessary duplication, the deletion of these activities from the 'listed activities' is therefore sought. The activities which are duplicated are as follows: Rule 2 Discretionary Activities b) Commercial rearing of animals for sale of progeny, meat, skins, wool or other products - addressed in Rule 21 Keeping of Animals.	Delete item (b) from the rule for Listed Discretionary Activities, and make consequential amendments to the numbering.
Selwyn District Council (241.4d)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. For example, the classification of airports as a listed non complying activity is in conflict with the effects based rules, which allow for some aircraft movements in Business Zones. The deletion of such terms from the listed activity rules clarify	Delete item (d) from the rule for Listed Non Complying Activities for Business 1 and 1A Zones, and make consequential amendments to the numbering.

Submission No.	Summary of Submission	Decision Requested
	that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 1 Non Complying Activities (Business 1 and 1A Zones) d) Intensive livestock production - addressed in Rule 14 Keeping of Animals.	
Selwyn District Council (241.5a)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 2 Discretionary Activities (Business 1 and 1A Zones) a) Boarding kennels and/or catteries - addressed in Rule 14 Keeping of Animals.	Delete item (a) from the rule for Listed Discretionary Activities for Business 1 and 1A Zones, and make consequential amendments to the numbering.
Selwyn District Council (241.6b)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 3 Non Complying Activities (Business 2 Zone) b) Commercial rearing of animals - addressed in Rule 14 Keeping of Animals.	Delete item (b) from the rule for Listed Non Complying Activities for Business 2 Zones, and make consequential amendments to the numbering.
Selwyn District Council (241.6c)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones	Delete item (c) from the rule for Listed Non Complying Activities for Business 2 Zones, and make consequential amendments to the numbering.

Submission No.	Summary of Submission	Decision Requested
	considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 3 Non Complying Activities (Business 2 Zone) c) Intensive livestock production - addressed in Rule 14 Keeping of Animals.	
Selwyn District Council (241.7)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 4 Discretionary Activities (Business 2 Zone) c) Boarding kennels and/or catteries - addressed in Rule 14 Keeping of Animals.	Delete item (c) from the rule for Listed Discretionary Activities for Business 2 Zones, and make consequential amendments to the numbering.
Selwyn District Council (241.8d)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate.	Delete item (d) from the rule for Listed Non Complying Activities for the Business 3 Zone, and make consequential amendments to the numbering.

8.9.3.1 **Selwyn District Council** have lodged a number of submissions seeking to delete certain 'listed activities' from each of the Living and Business Zone rules as such activities are already addressed in the effects-based rules. I agree with the submitter that the PDP should avoid unnecessary duplication where possible, therefore I recommend that each of the above submissions be accepted.

Recommendation 23.10.3

That the Council:

1. **Accepts** the submissions by **Selwyn District Council** (241.1d, 241.1i, 241.1m, 241.3b, 241.4d, 241.5a, 241.6b, 241.6c, 241.7 and 241.8d).

Amendments to the Proposed Plan

1. Amend Part 3, Section 2.2 Listed Activities – Living Zones (Township Volume) – pages 209-210, as follows:

Rule 1 - Non-Complying Activities

1. *The following activities shall be non-complying activities in Living zones:*
 - i. *Any activity which is specified in Section 2.3 Rules 1 to 34 as being a non-complying activity.*
 - ii. *Any of the activities listed in (a) to (n) below, irrespective of whether they comply with the conditions for permitted activities in Section 2.3 Rules 1 to 34.*
 - a) *Airports*
 - b) *Any activity that requires an offensive trade license issued under the Health Act 1956.*
 - c) *Any facilities for the treatment and/or disposal of solid or liquid waste delivered or conveyed on to the site.
(This rule does not apply to the underground treatment and disposal of effluent using an on-site effluent treatment or disposal system; or to the burning or composting of green garden waste as part of residential activities)*
 - ~~d) **Boarding kennels or catteries.**~~
 - e) *Disposal of any hazardous substance.*
 - f) *Forestry*
 - g) *Generation of energy for distribution.
(This rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located.)*
 - h) *Industry*
 - ~~i) **Intensive livestock production**~~
 - j) *Manufacture of any hazardous substance, as either a product or by-product.*
 - k) *Mining or quarrying*
 - l) *Correction facility*
 - ~~m) **Processing, composting or disposal on to land of any organic matter.**~~
~~**(This rule does not apply to the activities set out in Rule 26.3)**~~
 - n) *Quarantine Facilities.*
 - o) *Outdoor land-based motorized recreational activities on any property other than on any public road or track, and excluding activities on the surface of water, campervans and/or caravan parks and camping grounds, and the personal use of motor vehicles by property owners, occupiers and their families.*

Rule 2 - Discretionary Activities

1. *The following activities shall be discretionary activities in Living zones:*
 - i. *Any activity which is specified in Section 2.3, Rules 1 to 34, as a discretionary activity.*
 - ii. *Any of the activities listed in (a) to (j) below, irrespective of whether they comply with the conditions for permitted activities in Section 2.3 Rules 1 to 34.*

- a) Any facilities for the temporary storage of solid and/or liquid waste delivered or conveyed on to the site.
(This rule does not include rubbish bins or similar containers used to store solid waste on the site from which it is generated, until it is collected for refuse disposal)
- ~~b) Commercial rearing of animals for sale of progeny, meat, skins, wool or other products.~~
- c) Drive through retail outlets
- d) Hospitals, hospices and other facilities providing 24 hour medical care
- e) Mineral exploration
- f) Service Stations
- g) The use of audible bird-scaring devices
- h) The use of audible devices for modifying the effects of frost, hail or other weather conditions.
- i) Transport depots
- j) Veterinary hospitals and other facilities providing 24 hour veterinary care.

2. Amend Part 3, Section 3.2 Listed Activities – Business Zones (Township Volume) – pages 275-277, as follows:

Rule 1 - Non-Complying Activities (Business 1 and 1A Zones)

1. The following activities shall be non-complying activities in the Business 1 & 1A zones:
 - i. Any activity which is specified in section 3.3 Rules 1 to 23 as being a non-complying activity.
 - ii. Any of the activities listed in (a) to (h) below, irrespective of whether they comply with the conditions for permitted activities in section 3.3 Rules 1 to 23.
 - (a) Airports.
 - (b) Any activity that requires an offensive trade licence issued under the Health Act 1956.
 - (c) Forestry
 - ~~(d) Intensive livestock production.~~
 - (e) Manufacture and/or disposal of any hazardous substance.
 - (f) Mining or quarrying
 - (g) Correction facility
 - (h) Treatment and/or disposal of solid or liquid waste delivered or conveyed onto the site.
 - (i) Outdoor land-based motorized recreational activities on any property other than on any public road or track, and excluding activities on the surface of water, campervans and/or caravan parks and camping grounds, and the personal use of motor vehicles by property owners, occupiers and their families.

Rule 2 Discretionary Activities (Business 1 and 1A Zones)

1. The following activities shall be discretionary activities in the Business 1 & 1A Zones :
 - i. Any activity which is specified in Section 3.3 Rules 1 to 23, as a discretionary activity.
 - ii. Any of the activities listed in (a) to (f) below, irrespective of whether they comply with the conditions for permitted activities in Section 3.3 Rules 1 to 23.
 - ~~(a) Boarding kennels and/or catteries.~~
 - (b) Generation of energy for distribution.
 - (c) Industry
 - (d) Mineral exploration
 - (e) Temporary storage of solid or liquid waste delivered or conveyed onto the site.
 - (f) Transport depots

Rule 3 – Non-Complying Activities (Business 2 Zone)

1. All of the following activities shall be non-complying activities in Business 2 zones:
 - i. Any activity which is specified in Section 3.3 Rules 1 to 23 as being a non-complying activity.
 - ii. Any of the activities listed in (a) to (f) below, irrespective whether they comply with the conditions for permitted activities in Section 3.3 Rules 1 to 23.
 - (a) Airports.
 - ~~(b) Commercial rearing of animals~~
 - ~~(c) Intensive livestock production~~
 - (d) Mining or quarrying
 - (e) Correction facility
 - (f) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.

Rule 4 - Discretionary Activities (Business 2 Zone)

1. All of the following activities shall be discretionary activities:
 - i. Any activity which is specified in Section 3.3 Rules 1 to 23, as a discretionary activity.
 - ii. Any of the activities listed in (a) to (g) below, irrespective of whether they comply with the conditions for permitted activities in Section 3.3 Rules 1 to 23.
 - (a) Any activity that requires an offensive trade licence issued under the Health Act 1956.
 - (b) Audible bird-scaring devices
 - ~~(c) Boarding kennels and/or catteries~~
 - (d) Forestry
 - (e) Mineral exploration
 - (f) Processing, composting or disposal on to land of any organic matter (This rule does not apply to the application of compost or organic fertilizers to fertilize gardens or land).
 - (g) Residential activities (other than for security or custodial purposes).
 - (h) Outdoor land-based motorized recreational activities on any property other than on any public road or track, and excluding activities on the surface of water, campervans and/or caravan parks and camping grounds, and the personal use of motor vehicles by property owners, occupiers and their families.

Rule 5 - - Non-Complying Activities (Business 3 Zone)

1. The following activities shall be non-complying activities in the Business 3 zone:
 - i. Any activity which is specified in Section 3.3 Rules 1 to 23 as being a non-complying activity.
 - ii. Any of the activities listed in (a) to (g) below, irrespective of whether they comply with the conditions for permitted activities in Section 3 Rules 1 to 23.
 - (a) Airports.
 - (b) Any activity that requires an offensive trade licence under the Health Act 1956
 - (c) Disposal of any hazardous waste
 - ~~(d) Intensive livestock production not required for research or education purposes~~
 - (e) Mining or quarrying
 - (f) Correction facility
 - (g) Treatment or disposal of solid or liquid wastewaste delivered or conveyed onto the site

- (h) *Outdoor land-based motorized recreational activities on any property other than on any public road or track, and excluding activities on the surface of water, campervans and/or caravan parks and camping grounds, and the personal use of motor vehicles by property owners, occupiers and their families.*

8.9.4. Consequential Amendments and Support for other Submissions

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.31)	Consequential and similar amendments to IV Environmental Results are sought, resulting from the decisions requested under submission points 321.20, page 41, 321.21, page 42, 321.22, page 41, 321.23, page 41, 321.24, page 42 and 321.25, page 42.	Consequential and similar amendments to IV Environmental Results are sought, resulting from the decisions requested under submission points 321.20, page 41, 321.21, page 42, 321.22, page 41, 321.23, page 41, 321.24, page 42 and 321.25, page 42.
	Further Submission RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Support/Oppose Oppose
Tegel Foods Ltd (679.31)	Consequential and similar amendments to IV Environmental Results are sought, resulting from the decisions requested under submission points 679.20, page 41, 679.21, page 42, 679.22, page 41, 679.23, page 41, 679.24, page 42 and 679.25, page 42.	Consequential and similar amendments to IV Environmental Results are sought, resulting from the decisions requested under submission points 679.20, page 41, 679.21, page 42, 679.22, page 41, 679.23, page 41, 679.24, page 42 and 679.25, page 42.
	Further Submission RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Support/Oppose Oppose
	MJ & TD Rickerby (F607)	Support
Willaden Farms (399.03)	The submitter supports the submissions presented by the New Zealand Pork Industry Board on behalf of pig farmers in the Selwyn District.	Support for N.Z. Pork Industry Board Submission, submission number 564.
Pork Industry (696.07)	The submitter strongly supports the submissions presented by the New Zealand Pork Industry Board on behalf of pig farmers in the Selwyn District.	Support for N.Z. Pork Industry Board Submission, submission number 564 ie. Amend/adopt the Proposed Plan provisions in the manner set out in submission 564.
G Van Ameyde (697.02)	The submitter supports the submissions presented by the New Zealand Pork Industry Board.	Support for N.Z. Pork Industry Board Submission, submission number 564 i.e Amend/adopt etc. the Proposed Plan in the manner set out in submission 564.

8.9.4.1 The above submissions by **Canterbury Poultry Meat Producers Association** and **Tegel Foods Ltd** merely seek consequential amendments to the relief sought in other submission points. The further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** opposes the whole submission of each of the above submitters and **MJ & TD Rickerby** support the whole submission of Tegel Foods Ltd. On the basis that I have recommended amendments to the PDP which are likely to address some of the submitters' concerns, I recommend that these submission points be accepted in part.

8.9.4.2 **Willaden Farms, Pork Industry and G Van Ameyde** express support for the whole of the New Zealand Pork Industry Board's submission. The usual method for showing support for a submission is by way of a further submission; however these are original

submissions. Given that I have recommended that various submissions of the NZPIB be accepted and rejected, I recommend that this submission point be accepted in part.

Recommendation 23.10.4

That the Council:

1. **Accepts in part** the submission by **Canterbury Poultry Meat Producers Association** (321.31) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as it relates to submission number 321.31.
2. **Accepts in part** the submission by **Tegel Foods Ltd** (679.31) and the further submission by **MJ & TD Rickerby** (F607) and **rejects** the further submission by **RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson** (F293) in so far as it relates to submission number 679.31.
3. **Accepts in part** the submissions by **Willaden Farms** (399.03), **Pork Industry** (696.07) and **G Van Ameyde** (697.02).

Amendments to the Proposed Plan

As recommended in this Report No.23 and in previous Report No.22 relating to reverse sensitivity effects.

Appendix 4

Decision 23, Recommendations of Hearing Panel

RESOURCE MANAGEMENT ACT 1991
PROPOSED SELWYN DISTRICT PLAN
HEARINGS OF SUBMISSIONS

RECOMMENDATIONS OF HEARING PANEL

REFERENCE NUMBER:	23 and 32
HEARING DATE(S):	August 19, 21, 26 & 27 2003
TOPIC / SUB TOPIC:	Implementation Methods for Addressing Reverse Sensitivity and Amenity Effects (particularly relating to the keeping of animals)
HEARING PANEL:	Crs K J Coe, J C Pearcy, and G M Doyle; I D Dalton

APPEARANCES

- Ms C English for **Federated Farmers of New Zealand**
- H Muller-Cajar for **self** and **Kirwee Community Committee**
- C Fowler for **M J & T D Rickerby**
- **G M Williams**
- K Robertson and R B Scott for **New Zealand Vegetable and Potato Growers Federation and New Zealand Fruitgrowers Federation**
- V M Challies for **self** and **Prebbleton Community Association**
- D Millar for **New Zealand Institute for Crop and Food Research Ltd and AgResearch Ltd**
- Ms P Steven and Mrs J Sadler for **R & J Sadler**
- G Cartwright, N Dunlop, C Trengrove, P McDonald and I Mackintosh for **New Zealand Pork Industry Board**
- Ms J M Ashley and Ms E J Frazer to present Section 42A Reports.

A written submission from McFarlane Group Developments Ltd was also taken into account.

A. PRELIMINARY

- i) This hearing dealt with submissions made to both volumes of the Proposed District Plan (PDP) regarding issues relating to implementation methods for addressing reverse sensitivity and amenity effects, particularly as they relate to effects arising from the keeping of animals. The term 'reverse sensitivity' is a planning term that has been described by the Environment Court as "the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in the carrying on of those activities". While there are many examples of reverse sensitivity effects, the most common in Selwyn's rural area is when residential activities establish close to existing rural-based activities (e.g. intensive livestock operations). The provisions of the PDP which are affected by these issues include those relating to: residential density in the rural area, siting of buildings, waste generation storage and disposal, the keeping of animals, dairy farms and subdivisions.
- ii) The wide range of submissions dealt with by the panel have been grouped into nine topics as follows:
 - Separation distances to address reverse sensitivity effects (Topic 3)
 - Subdivision controls to address reverse sensitivity effects (Topic 4)
 - Control of activities that could be sensitive to existing land uses (Topic 5)
 - Odour effects from livestock effluent (Topic 6)
 - Boarding of animals (Topic 7)
 - Intensive livestock farming (Topic 8)
 - Dairy farms (Topic 9)
 - Keeping of animals in townships (Topic 10)
 - Miscellaneous matters including consequential amendments (Topic 11)
 - Submissions from Officers Report No. 32 (Topic 12)
- iii) However before dealing with these substantive matters the panel dealt with two other issues as follows:
 - A procedural issue relating to a late submission (Topic 1)
 - The general submissions which relate to all sections of the PDP and which appear at the beginning of all Recommendation Reports (Topic 2)

1. TOPIC 1 – PROCEDURAL MATTER

1.1 Late Submission

- 1.1.1 The panel was advised that R C Green (842) had lodged one submission on the Rural Volume of the PDP, which was received by the Council on 1 May 2002. Submissions had closed on 7 December 2001. This submission was made on a “Further Submission” form therefore it was not identified as a “late” submission until it was noticed by Ms Ashley during the preparation of the Section 42A report.
- 1.1.2 Under Clause 7 of the First Schedule to the Act, the Council is required to publicly notify a summary of all decisions requested by persons making submissions on the PDP. This allows persons who may be affected to make further submissions in support or opposition to the decisions sought. The submission by R C Green was received some five months after the closing date for the receipt of submissions and was therefore not included in the summary of submissions as publicly notified.
- 1.1.3 In the panel’s view the submission cannot be accepted as a “late” submission unless it is publicly notified to give other parties the opportunity to lodge a further submission. We believe that such action would cause unnecessary delays in the hearing process together with inconvenience to those submitters who followed correct procedure. In addition we note that the “late” submission relates to matters that are covered by other submissions dealt with in Topic 10 of this report.

Recommendation 23.1

That for the reasons set out above, the Council **reject** submission **842** by R C Green.

Amendments to the PDP as a consequence of Recommendation 23.1:

Nil.

2. TOPIC 2 – GENERAL SUBMISSIONS NOT SPECIFICALLY RELATED TO THE MATTERS DISCUSSED IN THIS REPORT

2.1 Submissions Considered

Submission Point	Summary	Decision Requested
Glenthorne Holdings Ltd & Glenthorn Station Ltd (393.20)	The submitter supports the submission from Federated Farmers.	Support for the submission from Federated Farmers (submission number 385).
Philippa Innes (440.04)	Note: it would appear that the submitter seeks the same relief as sought by Federated Farmers in their submission (submission number 385).	Support submission by Federated Farmers of New Zealand (Inc.).
Crown Public Health Limited (219.37)	The submitter supports the general tenor, or words to the like effect, of classes of activities defined as Non-Complying Activities, and Discretionary Activities, in Rules 1 and 2 as consistent with sustainable management and measures promoting the avoidance, remedy and mitigation of adverse noise effects on people and communities.	Adopt Rules 1 and 2. Make such consequential amendments including words to the like effect, to any provision of the plan to conform or complement the amendments sought in these submissions, with such amendments to syntax as the context may justify.
Crown Public Health Limited (219.49)	The submitter supports the general tenor, or words to the like effect, of classes of activities defined as Non-Complying Activities, and Discretionary Activities in Rules 1-7 as consistent with sustainable management and measures promoting the avoidance, remedy and mitigation of adverse noise effects on people and communities.	Adopt 3.2 - Listed Activities, Rules 1-7. Make such consequential amendments including words to the like effect, to any provision of the plan to conform or complement the amendments sought in these submissions, with such amendments to syntax as the context may justify.
Saville, J.W. & J.L. (67.1)	The submitter supports the Proposed Plan.	Support for the Proposed Plan, and specifically pertaining to the Prebbleton area.
Buckley, M.J. (139.2)	The submitter generally supports the Plan.	That the remainder of the Proposed Plan (apart from the amendments requested by the submitter under submission point 139.1(refer page 328)) be adopted.
Ian Allen Upston (693.01)	The submitter relies on the Federated Farmers to protect their interests.	Support for Federation Farmers submission in opposition to the Proposed District Plan i.e. seek same amendments etc as sought by Federated Farmers (submission number 385).
Federated Farmers of New Zealand (385.92)	The submitter supports all issues, objectives, policies and methods in Part II of the Proposed Plan except for those specifically commented on in other parts of this submission.	Adopt all the issues, objectives, policies and methods in Part II of the Proposed Plan except for those specifically commented on in other parts of this submission (refer to submission points 385.03 to 385.56 and 385.88 for submissions on the issues, objectives and methods). Note: the submitter has placed this decision under '1.1 Land and Soil' in their submission. However, it appears as though the intention was that it be placed under 'Part II - Issues, Objectives and Policies'.
<i>Further Submissions</i>	953F Jim Macartney Support 952F Mark Robert McAtamney Support 958F L McKenzie Support 977F Bruce Nell Support 980F L M Nicoll Support 1026F Philip W Wareing Support	950F Dwight William Love Support 954F John McDermott Support 974F Mount White Station Support Ltd 978F Lyn Nell Support 996F I H Reed Support 1039F Guy Martin Support

Submission Point	Summary	Decision Requested
	944F Garry & Honoria Lamers Support 868F Matthew Davis Bradley Support 881F Castle Hill Partnership Support 894F George Timothy Deans Support 902F P J Fleming Support 904F David Florance Support 909F Kelly Frame Support 919F Brian Goddard Support 921F Christopher C A Gray Support 928F B L & D J Haylock Support 931F Scott Hussey Support	867F L I Bradley Support 869F M G Bradley Support 890F Lawrence Croft Support 901F Craig Eggleston Support 903F A D Florance Support 908F Bridget Frame Support 913F Margaret C George Support 920F Peter Graham Support 926F Rodger & Caroline Hardwick Support 930F Fiona J Hussey Support 936F R F James Support
Federated Farmers of New Zealand (385.90)	The submitter supports all the rules in the Rural Volume of the Proposed Plan except for as specifically commented in other parts of this submission.	Adopt all the rules in the Rural Volume of the Proposed Plan except for as specifically commented in other parts of this submission (refer to submission points 385.57 to 385.89 for submissions on the rules).
<i>Further Submissions</i>	901F Craig Eggleston Support 952F Mark Robert McAtamney Support 869F M G Bradley Support 908F Bridget Frame Support 904F David Florance Support 867F L I Bradley Support 894F George Timothy Deans Support 919F Brian Goddard Support 974F Mount White Station Ltd Support 902F P J Fleming Support 951F Antonia Louise McAtamney Support 1024F Ross Urquhart Support 977F Bruce Nell Support 979F Oliver Newbegin Support 1039F Guy Martin Support 1026F Philip W Wareing Support 996F I H Reed Support 944F Garry & Honoria Lamers Support 928F B L & D J Haylock Support 920F Peter Graham Support 921F Christopher C A Gray Support	950F Dwight William Love Support 909F Kelly Frame Support 958F L McKenzie Support 890F Lawrence Croft Support 868F Matthew Davis Bradley Support 881F Castle Hill Partnership Support 931F Scott Hussey Support 930F Fiona J Hussey Support 980F L M Nicoll Support 937F Warrick Roger James Support 903F A D Florance Support 968F Bruce Miles Support 1023F Louise Urquhart Support 934F H G and P M Innes Support 936F R F James Support 978F Lyn Nell Support 954F John McDermott Support 926F Rodger & Caroline Hardwick Support 913F Margaret C George Support 953F Jim Macartney Support

2.1.1 Discussion

2.1.1.1 The submissions here considered are those that indicate general support for the provisions of the Proposed Plan (although in some cases seeking particular alterations) and the further submissions made in relation to them. The Panel confirm the decision in Recommendation 1.2(d) as detailed below in Recommendation 23.2.

Recommendation 23.2

That for the reasons set out above, but subject to the consideration of matters arising in other submissions, the Council:

- (a) **Accept** submissions **393.20, 440.04, 219.37, 219.49, 67.1, 139.2, 693.01, 385.92** and **385.90**, and further submissions **901F, 950F, 952F, 909F, 869F, 958F, 908F, 890F, 904F, 868F, 867F, 881F, 894F, 931F, 919F, 930F, 974F, 980F, 902F, 937F, 951F, 903F, 1024F, 968F, 977F, 1023F, 979F, 934F, 1039F, 936F, 1026F, 978F, 996F, 954F, 944F, 926F, 928F, 913F, 920F, 953F** and **921F** to the extent that they express support for the provisions of the Proposed Plan.

Amendments to the PDP as a consequence of Recommendation 23.2:

Nil.

3. TOPIC 3 – SEPARATION DISTANCES TO ADDRESS ‘REVERSE SENSITIVITY’ EFFECTS

3.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.13)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert further provisions within Part 2: Section 4.1 and within Part 3: Rules (refer to submission point 321.14, page 173) in order to impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations. And The decisions sought under submission points 321.09, page 154; 321.10, page 207; 321.11, page 283; 321.12, page 207; 321.14 and 321.15, page 173; 321.16, page 315; 321.17, page 206; 321.18, page 208 and 321.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	Aristippus Farm Ltd (F858)	Oppose
Canterbury Poultry Meat Producers Association (321.14)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert further provisions within Part 3: Rules and within Part 2: Section 4.1 (refer to submission point 321.13, page 151) in order to impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations. And The decisions sought under submission points 321.09, page 154; 321.10, page 207; 321.11, page 283; 321.12, page 207; 321.13, page 151; 321.15, page 173; 321.16, page 315; 321.17, page 206; 321.18, page 208 and 321.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support

Submission No.	Summary of Submission	Decision Requested
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations (F565)	Oppose
	Aristippus Farm Ltd (F858)	Oppose
Canterbury Poultry Meat Producers Association (321.15)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert provisions within Part 3: Rules to ensure that sensitive land uses (e.g. residential activities) in the Rural Zone that are not able to achieve the specified separation distances require resource consent as either a Discretionary or Non-Complying Activity. And The decisions sought under submission points 321.09, page 154; 321.10, page 207; 321.11, page 283; 321.12, page 207; 321.13, page 151; 321.14, page 173; 321.16, page 315; 321.17, page 206; 321.18, page 208 and 321.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	Aristippus Farm Ltd (F858)	Oppose
Tegel Foods Ltd (679.13)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert further provisions within Part 2: Section 4.1 and within Part 3: Rules (refer to submission point 679.14, page 173) in order to impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations. And The decisions sought under submission points 679.09, page 154; 679.10, page 207; 679.11, page 283; 679.12, page 207; 679.14 and 679.15, page 173; 679.16, page 315; 679.17, page 206; 679.18, page 208 and 679.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support

Submission No.	Summary of Submission	Decision Requested
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	MJ & TD Rickerby (F607)	Support
Tegel Foods Ltd (679.14)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert further provisions within Part 3: Rules and within Part 2: Section 4.1 (refer to submission point 679.13, page 151) in order to impose appropriate, on-site separation or buffer distances on sensitive land uses (e.g. residential activities) wishing to establish within the Rural Zone, particularly where they seek to establish in proximity to poultry farming operations. And The decisions sought under submission points 679.09, page 154; 679.10, page 207; 679.11, page 283; 679.12, page 207; 679.13, page 151; 679.15, page 173; 679.16, page 315; 679.17, page 206; 679.18, page 208 and 679.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	MJ & TD Rickerby (F607)	Support
Tegel Foods Ltd (679.15)	The submitter is concerned that while the Plan seeks to limit residential densities to the specified ratios, there are no accompanying controls to ensure that appropriate separation distances are achieved to protect rural activities from sensitive land uses wishing to establish within the rural zone. The lack of suitable controls on separation/buffer distances imposed on sensitive activities is opposed.	Insert provisions within Part 3: Rules to ensure that sensitive land uses (e.g. residential activities) in the Rural Zone that are not able to achieve the specified separation distances require resource consent as either a Discretionary or Non-Complying Activity. And The decisions sought under submission points 679.09, page 154; 679.10, page 207; 679.11, page 283; 679.12, page 207; 679.13, page 151; 679.14, page 173; 679.16, page 315; 679.17, page 206; 679.18, page 208 and 679.19, page 209. And Similar and consequential amendments to the Proposed District Plan. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	AgResearch Limited (F255)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Landcare Research New Zealand Limited (F474)	Support
	New Zealand Institute of Crop and Food Research Limited (F560)	Support
	MJ & TD Rickerby (F607)	Support

Submission No.	Summary of Submission	Decision Requested
New Zealand Pork Industry Board (564.12)	The submitter contends that a setback distance should be specified for new or relocated residential units or principal buildings used for hospitality or visitor accommodation purposes, from existing intensive livestock production operations. In Part 2 of the Plan, it is stated that one of the mechanisms for avoiding reverse sensitivity effects will be the use of separation or buffer distances (Explanation to Policy 19, Section 3.4, page 149). Similarly, the maintenance of buffer zones between residential activities and activities with which they may be incompatible, is listed as an anticipated Environmental Result arising from the objectives and policies in Section 3.4. Policy 2 of Section 1.3 also purports to avoid or mitigate nuisance effects created in part by situations where an existing activity becomes surrounded by people through subdivision and residential development. Also in a similar vein is Policy 4 of Section 1.3, which seeks to "Allow the collocation of residential and business activities and the location of business activities in the Rural Zone, unless activities need to be separated to mitigate adverse effects". As present, however, the submitter contends that neither Policy 2, Policy 4 (both section 1.3) nor Policy 19 (section 3.4) are implemented in any of the proposed Rules in a way that will provide existing intensive livestock production operations any protection from potential reverse sensitivity effects arising from new incompatible activities that wish to locate nearby. It follows, therefore, that the anticipated Environmental Result from section 3.4 will also not be achieved by the current Rules. The submitter believes that buildings such as residential units, hospitality activities and visitor accommodation are some of the most likely sources of reverse sensitivity effects, and as such, a setback distance from existing intensive farming operations is appropriate in order to a) minimise the potential for those existing intensive farming operations to be adversely affected; and b) implement the objectives and policies in Part 2 of the Plan in a way that will achieve the stated Environmental Results.	That the following separation distance be added to the Building Position Rules: "1.20 Any new or relocated Residential Unit, or Building used for any form of hospitality activity or visitor accommodation is set back a minimum distance of 100m from any building used for intensive livestock production." And The decision sought under submission point 564.13, page 241. Or The decision sought under submission point 564.27, page 214. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Support
	Graeme Vanstone Irving (F935)	Support
	Tegel Foods Ltd (F679)	Support in Part
	Chris Trengrove (F688)	Support
New Zealand Pork Industry Board (564.13)	The submitter contends that a setback distance should be specified for new or relocated residential units or principal buildings used for hospitality or visitor accommodation purposes, from existing intensive livestock production operations. In Part 2 of the Plan, it is stated that one of the mechanisms for avoiding reverse sensitivity effects will be the use of separation or buffer distances (Explanation to Policy 19, Section 3.4, page 149). Similarly, the maintenance of buffer zones between residential activities and activities with which they may be	That a new Rule be added stating that: "Any Residential Unit, or Building used for any form of hospitality activity or visitor accommodation that does not comply with Rule 1.20 shall be a non-complying activity." And The decision sought under submission point 564.12, page 214. Or The decision sought under submission point

Submission No.	Summary of Submission	Decision Requested
	incompatible, is listed as an anticipated Environmental Result arising from the objectives and policies in Section 3.4. Policy 2 of Section 1.3 also purports to avoid or mitigate nuisance effects created in part by situations where an existing activity becomes surrounded by people through subdivision and residential development. Also in a similar vein is Policy 4 of Section 1.3, which seeks to "Allow the collocation of residential and business activities and the location of business activities in the Rural Zone, unless activities need to be separated to mitigate adverse effects". As present, however, the submitter contends that neither Policy 2, Policy 4 (both section 1.3) nor Policy 19 (section 3.4) are implemented in any of the proposed Rules in a way that will provide existing intensive livestock production operations any protection from potential reverse sensitivity effects arising from new incompatible activities that wish to locate nearby. It follows, therefore, that the anticipated Environmental Result from section 3.4 will also not be achieved by the current Rules. The submitter believes that buildings such as residential units, hospitality activities and visitor accommodation are some of the most likely sources of reverse sensitivity effects, and as such, a setback distance from existing intensive farming operations is appropriate in order to a) minimise the potential for those existing intensive farming operations to be adversely affected; and b) implement the objectives and policies in Part 2 of the Plan in a way that will achieve the stated Environmental Results.	564.18, page 263. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested. Note: the submitter has requested that this relates to 1.20 which is incorrect as this is on page 216 and relates to night lighting.
	Further Submission	Support/Oppose
	Tegel Foods Ltd (F679)	Support
PIC New Zealand (594.02)	Having two large intensive farming operations located in the Selwyn District, the submitter is concerned that there appears to be little protection for its businesses, from potential 'reverse sensitivity' effects resulting from incompatible activities locating in inappropriate places. The submitter appreciates that the likelihood of someone choosing to locate next to a large intensive farming operation is low, but thinks that the risks to its businesses, should this occur, are too high to warrant leaving the Plan as it currently stands. The submitter notes that there are several policies in Part 2 of the Plan that acknowledge the importance of reverse sensitivity. It is in support of these policies (see above submission), but believes that their intent is not currently implemented through any rules that will provide protection for existing intensive farming operations. In order to put these policies into practice, the submitter believe it is necessary to include buffer distances in the Plan, which new activities such as residential dwellings, restaurants, and visitor accommodation must	Add the following to the Building Position Rules: "Any new or relocated residential unit or building used for any form of hospitality activity or visitor accommodation is set back a minimum distance of 100 metres from any building used for intensive livestock production".

Submission No.	Summary of Submission	Decision Requested
	meet in order to be treated as a permitted activity. The submitter contends that this would be consistent with what is stated in the Explanation to Policy 19 of section 3.4 (page 149), which makes specific mention of using buffer distances as a method of mitigating reverse sensitivity effects.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
MJ & TD Rickerby (607.07)	The rules and various matters the Council is required to consider in respect of restricted discretionary activities with respect to building set-backs, animals, residential density and subdivision are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere in the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities.	Insert new Rule 1.20 controlling the location of buildings adjacent to existing intensive farming activities as follows: "1.20 No new residential activity may be established within 500 metres of an intensive farming activity other than new residential activity within the property on which the intensive farming activity is located." That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission. Note: As Rule 1.20 already exists, it is unclear as to whether the submitter wishes to replace the existing Rule 1.20 or add a new rule to be inserted and the remaining to be renumbered.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	New Zealand Pork Industry Board (F564)	Unclear
	Tegel Foods Ltd (F679)	Support in Part
	McFarlane Group Developments Ltd (F955)	Oppose
MJ & TD Rickerby (607.08)	The rules and various matters the Council is required to consider in respect of restricted discretionary activities with respect to building set-backs, animals, residential density and subdivision are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere in the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities.	Insert new set-back with respect to location of new intensive farming activities as follows: "1.21 No intensive farming activity may be established less than 500 metres from a residential or open space zone or from an existing residential activity other than an existing residential activity within the property on which the intensive farming activity is proposed." That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission. Note: As Rule 1.21 already exists, it is unclear as to whether the submitter wishes to replace the existing Rule 1.21 or add a new rule to be inserted and the remaining to be renumbered.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Oppose in Part

Submission No.	Summary of Submission	Decision Requested
MJ & TD Rickerby (607.09)	The rules and various matters the Council is required to consider in respect of restricted discretionary activities with respect to building set-backs, animals, residential density and subdivision are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere in the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities.	Amend the assessment criteria regarding the exercise of the Council's discretion when considering applications that are in breach of new Rules 1.20 and 1.21 to include criteria regarding assessment of reverse sensitivity effects and methods to avoid, remedy or mitigate such effects. That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) Tegel Foods Ltd (F679)	Oppose Support
Chris Trengrove (688.01)	Several Policies, and the Explanations to them, in Part 2 of the Plan make mention of the concept of 'reverse sensitivity' and the need to provide protection for existing activities from the effects of new, potentially incompatible, activities that propose to locate nearby. The submitter is in full support of these Policies, but unfortunately, does not see their intent being carried through into any of the Rules in Part 3 of the Plan in a way that relates to existing intensive farming operations. Existing intensive livestock production operations are very susceptible to reverse sensitivity effects. Once a new incompatible activity becomes established, existing activities that may be discharging odour into the air, have no protection in the form of 'existing use rights' under s20 of the RMA. This means that an existing discharger may be forced to curtail their operation, or make other expensive alterations, in order to accommodate the new sensitive activity and comply with Regional Council discharge requirements. It is therefore very important for appropriate land use controls to be put in place at the District Council level, if problems are to be avoided in the future. In terms of new activities that existing intensive livestock production operations would be sensitive to, new residences, hospitality activities and visitor accommodation facilities are three of the main ones that the submitter believes need some degree of control. This control should be in the form of a minimum separation distance, in order to provide a buffer area in which odours can disperse and dilute. The submitter considers that if used in conjunction with the proposed residential densities, this should go some way towards protecting existing farmers.	Add the following to the Building Position Rules: "Any new or relocated residential unit or building used for any form of hospitality activity or visitor accommodation is set back a minimum distance of 100 metres from any building used for intensive livestock production".
	Further Submission	Support/Oppose
Ross & Julie Sadler (622.03)	New Zealand Pork Industry Board (F564)	Support
	The issue of reverse sensitivity is discussed in the Plan as an issue in the District and as an example of a situation where reverse sensitivity issues have arisen, houses and	The inclusion of a new Rules 1.19.4 to Rule 1.19, that is to the effect that: "Any building is set back a minimum distance of

Submission No.	Summary of Submission	Decision Requested
	restaurants close to intensive pig or poultry farms are mentioned. It is stated on pages 139 to 140 of the Plan that reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. The Plan is said to contain provisions to manage potential reverse sensitivity effects and as part of its strategy, it is said that policies and rules manage the location of activities which may have significant effects on surrounding properties, when set up. It is further stated that once set up, policies and rules protect these activities from reverse sensitivity effects from activities locating near them. Objectives and policies are referred to, including Objective 2 on page 141. The explanation provides that the Rural Zone is recognised principally as a business area rather than as a residential area, in the Plan and that policies and rules are not as stringent as those for living areas. It states that policies and rules allow for day to day farming and other activities which have effects typical of a rural area but manage activities which have potentially stronger effects. It states that the Plan recognises the Rural Zone as an area where a variety of activities take place. It goes on to recognise that while a variety of activities create potential reverse sensitivity effects particularly between residential activities and other activities, it is said that the above objective is achieved by policies and rules which require resource consents for activities to set up which may affect surrounding properties and which recognise and protect activities from potential reverse sensitivity effects once they are set up. However, there are no rules that relate to activities other than residential activities in the Rural Zone that will achieve this objective insofar as the establishment of other activities may give rise to the potential for reverse sensitivity effects to occur. For instance, notwithstanding that a restaurant is recognised in the Plan as an activity that potentially results in reverse sensitivity effects if located opposite a pig farm, there are no controls that relate to the establishment of this sort of activity that will prevent reverse sensitivity effects from occurring (or indeed any other activity that might be described as one that is sensitive to the effects of a pig farm over the road from it, for instance, any hospitality activities such as a travellers' accommodation). There ought to be rules included in the Plan to prevent activities such as pig farms from being surrounded by potentially incompatible activities.	200 metres from a building, compound or part of a site used for intensive livestock management". And Any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein, including amendments to the explanation s for relevant objectives, policies and methods for giving effect to them.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
	Tegel Foods Ltd (F679)	Support in Part

Relevant Submission from Report No. 22

Submission No.	Summary of Submission	Decision Requested
PIC New Zealand (594.01)	The submitter is in support of this policy in that it sets out to provide some protection for existing activities from reverse sensitivity effects caused by incompatible activities locating close to them. The submitter considers that this policy provides the basis for including controls in the Plan that will limit where new activities can locate in relation to existing ones, and is pleased to note that buffer distances are mentioned as an appropriate tool for ensuring that this occurs. The submitter is disappointed, however, that this commitment to protecting existing activities does not extend as far as the Methods by which this policy (along with Policies 18 and 20) will be achieved. The submitter notes that 'residential density' is one of the Methods listed, but believes that this on its own is not sufficient to control the location of new or relocated buildings in relation to existing activities. It is of the opinion that controls relating specifically to the location of buildings are also required if adequate protection is going to be provided.	Retain Policy 19. And "Building position controls" be added to the list of methods by which this Policy will be implemented.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

3.1.1 Discussion

3.1.1.1 The crux of these submissions was that whilst the PDP appeared to have a relatively robust policy framework for recognising and managing reverse sensitivity effects, there appeared to be a lack of provisions to ensure that the relevant objectives and policies were implemented. We agree that this is the case.

3.1.1.2 In order to deal with this situation the submitters requested that various rules be inserted into the PDP. These requests ranged from "appropriate" separation or buffer distances to specific setbacks of 100m, 200m or 500m for sensitive activities from intensive farming operations. We heard submissions and evidence from a number of parties in support of their respective submissions. We also considered the extensive analysis of the issues which was contained in the Section 42A Report. In this context we note that, with a few exceptions, the majority of the submitters generally agreed with the findings set out in that report.

3.1.1.3 In our opinion the main points of difference in the submissions and evidence were as follows:

- Mr D Millar on behalf of NZ Institute for Crop and Food Research Ltd and AgResearch Ltd sought to include research facilities into the rules recommended in the report. The panel had four reservations regarding this approach.
 1. Firstly that it could be regarded as being beyond the scope of the original submissions.

2. Secondly that, in our view, there is no difference in terms of effects, between crops grown for research purposes and crops grown for productive purposes. In this context we note that six of the effects listed by Mr Millar would arise in both of the above situations.
3. Thirdly the other effect raised by Mr Millar, which related to research on modified crops, is already controlled by the Environmental Risk Management Agency under separate legislation.
4. Fourthly that, as crop areas frequently change from year to year the imposition of restrictions would not be permanent.

For all of the above reasons we consider that the above request should be rejected.

- The second point relates to the reporting officer's interpretation of Section 85 of the RMA. This was challenged by Mr Fowler and Ms Steven and we accept their legal interpretation of this matter.

3.1.1.4 The main finding of Ms Ashley's analysis was that the Council should adopt a minimum separation distance between intensive farming activities and new "sensitive" activities. The distance recommended was 300m and we have decided to accept both the approach and the distance. In our opinion this is clearly the most practical and definitive method of dealing with this issue. We also agree with the suggestion that any development within the 300m should involve a resource consent application for a restricted discretionary activity which allows for affected party consultation. In this context we also note that the range of activities which could be considered "sensitive" to existing farming activities is dealt with in Topic 5 of this Recommendation Report.

3.1.1.5 We have also decided to accept the recommendation that the separation distance be measured from the edge of any permanent building, enclosure or yard in which the intensive farming activity occurs.

3.1.1.6 Finally we note that the above conclusions are based on Ms Ashley's suggestion that the Council should prepare a schedule or inventory of all intensive farming activities including their location and size (in terms of production units). Each intensive farm will therefore need to be identified and mapped on a register that is freely available for reference and public inspection. We acknowledge that this is a significant task. However we consider that such a register is necessary to ensuring that separation distances are implemented fairly and effectively.

Recommendation 23.3

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** further submissions **F293** and **F679** insofar as they relate to submission number 607.08.
- (b) **Accept in part** submissions **321.13, 321.14, 321.15, 679.13, 679.14, 679.15, 564.12, 594.02, 607.07, 607.09, 688.01, 622.03** and **594.01** and further submissions **F255, F474, F560, F607, F916, F935, F679, F688** and **F564** insofar as they relate to the above submission numbers.
- (c) **Reject** further submissions **F293, F858, F565** and **F955** insofar as they relate to the submission numbers listed in item (b) above.
- (d) **Reject** submissions **564.13** and **607.08** and further submission **F679**.
- (e) Establish and regularly maintain an inventory of all existing lawfully established intensive farming activities in the District. This inventory shall be available for public inspection.

Amendments to the PDP as a consequence of Recommendation 23.3:

1. Insert new rules in part 3, Section 2, Rule III – Buildings under the title ‘Building Position’ (Rural Volume) – page 215, and renumber Rules 1.20 and 1.21 accordingly. the new rules are to read as follows:

Permitted Activities

- 1.20 Any sensitive activity is setback a minimum distance of 300m from any existing lawfully established intensive farming activity.

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive farming activity occurs or is permitted by a rule in the plan (or a resource consent) to the position of the new sensitive activity.

Other Activities

- 17.8 Any sensitive activity which does not comply with Rule 1.20 shall be a restricted discretionary activity if all of the following standards and terms are met:

- 17.8.1 All of Rules 1.1 to 1.19, 1.21 and 1.22 (inclusive).

- 17.9 Under Rule 17.8 the Council shall restrict its discretion to consideration of:

- 17.9.1 The potential for reverse sensitivity effects on the existing intensive farming activity;
- 17.9.2 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects;
- 17.9.3 Any financial contributions payable under Rules X;
- 17.9.4 Any positive effects which may offset any adverse effects; and
- 17.9.5 Any monitoring or review conditions.

2. Amend the ‘Reasons for Rules’ for Part 3, Rule III – Buildings, Rules 1.16 to 1.19 (Rural Volume) – page 222, as follows:

Rules 1.16 to 1.20 manage the position of buildings in relation to property boundaries, road boundaries, railway crossings, lakes and waterways, and existing intensive farming activities. The reasons for the rules are to:

- manage the effects of: shading adjoining properties; road works and the cleaning of waterways; and to allow maintenance strips for the trimming of hedges, road works and the cleaning of waterways;
- allow for future road widening on arterial roads and Strategic Routes;
- maintain good visibility at railway crossings;
- maintain the natural character of the edge of lakes and rivers;
- maintain the panoramic views of the Upper Waimakariri Basin along SH 73; and
- reduce the potential for reverse sensitivity effects on existing intensive farming activities.

The setback distances for property boundaries relate to property size so as to allow efficient use of smaller properties in the Rural Zone. Buildings may be allowed within the setback distances specified in these rules, as a discretionary activity, except for Rule 1.17 – railway crossings; Rule 1.19 – waterways; and Rule 1.20 – intensive farming activities. Encroaching the line of sight at railway crossings is a non-complying activity, because of the importance of maintaining lines of sight for traffic safety. Similarly, residential units and other principal buildings are discouraged from locating closer to the edge of waterways than the setback distances, due to the effects of larger buildings and their associated activities on the natural character of the margins of these waterways. The setbacks also provide some minimal protection from inundation and bank instability. Reverse sensitivity effects can arise when a new activity establishes near an existing intensive farm and then the occupiers of the new ‘sensitive activity’ complain about the effects generated by the existing land use. Establishing a new ‘sensitive activity’ within 300m of an existing intensive farming activity is a restricted discretionary activity to allow an assessment of potential reverse sensitivity effects on the intensive farm.

3. Amend the ‘Methods’ for Policies 18-21 in Part 3, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – page 150 to include “building position controls”, as follows:

Methods

- District Plan Rules
 - Discretionary activities
 - Intensive livestock farming
 - Waste disposal
 - Aircraft
 - Residential density
 - Building position controls
- District Plan Policies
 - Township Volume, Section 4.3, Growth of Towns
 - Rural Volume, Section 4.1, Policy 1.

4. TOPIC 4 – SUBDIVISION CONTROLS TO ADDRESS ‘REVERSE SENSITIVITY’ EFFECTS

4.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
MJ & TD Rickerby (607.10)	The subdivision controls do not provide for a buffer or set-back distance between potentially incompatible activities. In addition the matters for consideration with respect to restricted discretionary activities do not include assessment of the potential for reverse sensitivity effects arising from the proposed subdivision.	Insert additional standard for controlled activities as follows: "1.1.5 Any allotment created is not located within 500 metres of an intensive farming activity." That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission. Note: As Rule 1.15 already exists, it is unclear as to whether the submitter wishes to replace the existing Rule 1.15 or add a new rule to be inserted and the remaining to be renumbered.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Support in Part
	McFarlane Group Developments Ltd (F955)	Oppose
MJ & TD Rickerby (607.11)	The subdivision controls do not provide for a buffer or set-back distance between potentially incompatible activities. In addition the matters for consideration with respect to restricted discretionary activities do not include assessment of the potential for reverse sensitivity effects arising from the proposed subdivision.	Insert additional criteria for assessment of restricted discretionary subdivision consent applications as follows: "Allotment Location Any reverse sensitivity effects of the proposed subdivision on intensive farming activities in the area and the extent to which the potential for such effects may be avoided, remedied or mitigated." That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Support

4.1.1 Discussion

4.1.1.1 M J & T D Rickerby (607.10) sought to include an additional standard for controlled activity subdivision that effectively imposed a 500m buffer distance between an existing intensive farming activity and any proposed allotment. Tegel Foods Ltd supported this submission point in part. R D, J R & D J Butt, J S Bisphan, D J Clark, R W & G Wilson opposed the whole submission by M J & T D Rickerby and McFarlane

Group Developments Ltd opposed this submission point as it is considered that “such a buffer or setback is excessive”.

- 4.1.1.2 The second submission point in this topic area by M J & T D Rickerby (607.11) requested the inclusion of an assessment matter associated with the relief sought above. This submission was opposed by R D, J R & D J Butt, J S Bisphan, D J Clark, R W & G Wilson, and Tegel Foods Ltd offered its full support in this instance.
- 4.1.1.3 It will be clear from our discussion under Topic 3 that the Panel has decided to adopt separation distances as the most appropriate means of dealing with the potential for reverse sensitivity conflicts between adjoining activities. It therefore follows that we should use the same technique in respect of land subdivision. We therefore concur with the Rickerby’s submission (607.10) that an additional standard for rural subdivision should be inserted in Rule IX – Subdivision, Rule 1.1 (page 285). We recommend that such a standard should state that no proposed lots are located within 300m of an intensive farming activity, to mirror the corresponding recommendation for a new ‘building position’ Rule 1.20 (as discussed under Topic 3 of this report). Where a proposed allotment is located within the minimum buffer distance we also agree that additional assessment criteria should be inserted for consideration as a restricted discretionary activity. We support a restricted discretionary status, as the assessment of a controlled activity may prove inadequate to address a proposed subdivision that is unable to provide any potential building sites outside the recommended separation distance. Restricting Council’s discretion to matters of reverse sensitivity effects on the existing intensive farm, would also give the subdivider an opportunity to consider whether or not a ‘sensitive activity’ was intended to establish on any of the resultant lots within the minimum buffer area. If not, and this was offered as a condition of consent, then the applicant could eliminate any potential reverse sensitivity effects.
- 4.1.1.4 As a result of the preceding assessment we recommend that the submission points by M J & T D Rickerby be accepted in part, insofar as they request subdivision provisions that reflect a minimum buffer distance of 300m (as opposed to 500m) between an existing intensive farming activity to any proposed new allotment. We also note that the submissions requested that “all amendments which are consequential or appropriate to give effect to the intent of this submission...are made so as to give full effect to this submission”. In our view the Council therefore has the

scope to include additional assessment matters that are in the same form as other assessment matters contained in the Subdivision Rules.

Recommendation 23.4

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept in part** submissions **607.10** and **607.11** and further submission **F679**.
- (b) **Reject** further submissions **F293** and **F955**.

Amendments to the PDP as a consequence of Recommendation 23.4:

1. Insert a new controlled activity standard in Part 3, Section 2, Rule IX – Subdivision (Rural Volume) – page 284 after Rule 1.1.3 and a new Rule for 'Other Activities' with an associated 'Matter of Discretion' to be inserted after Rule 4.1 'Special Sites' (page 290). Other rules are to be renumbered accordingly. The new rules are to read as follows:

Controlled Activities

- 1.1.4 Any allotment created is not located within 300m of any existing lawfully established intensive livestock production activity.

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs or is permitted by a rule in the plan (or a resource consent) to the nearest boundary of any proposed allotment.

Other Activities

Intensive Livestock Production Activities

- 5.1 Any subdivision of land which does not comply with Rule 1.1.4 shall be a restricted discretionary activity if all of the following standards and terms are met:

- 5.1.1 All of Rules 1.1.1 to 1.1.3 and 1.1.5 to 1.1.7 (inclusive).

- 5.2 Any subdivision of land which does not comply with Rule 5.1.1 shall have the status set out in Rules 2 to 4 and Rules 5 to 12.

Matters of Discretion

- 5.3 Under Rule 5.1 the Council shall restrict its discretion to consideration of:

- 5.3.1 All the matters listed in Rules 1.3.1 to 1.1.13;
- 5.3.2 The potential for reverse sensitivity effects on the existing intensive livestock production activity;

- 5.3.3 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects.
- 5.3.4 Any positive effects which may offset any adverse effects; and
- 5.3.5 Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that establishing a sensitive activity within 300m of an intensive livestock production activity is not a permitted activity.

2. Amend the 'Methods' for Policies 18-21 in Part 3, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – page 150 to include "Subdivision standards", as follows:

Methods

- District Plan Rules
 - Discretionary activities
 - Intensive livestock farming
 - Waste disposal
 - Aircraft
 - Residential density
 - Building position controls
 - Subdivision standards
- District Plan Policies
 - Township Volume, Section 4.3, Growth of Towns
 - Rural Volume, Section 4.1, Policy 1.

5. TOPIC 5 – CONTROL OF ACTIVITIES THAT COULD BE SENSITIVE TO EXISTING LAND USES

5.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
New Zealand Pork Industry Board (564.18)	The submitter contends that in order to provide sufficient protection to existing rural activities that are susceptible to the effects of reverse sensitivity, hospitality activities and visitor accommodation should also be included in the list of discretionary activities. Throughout Part 2 of the Plan, there is considerable mention made of the concept of 'reverse sensitivity' and the need to protect existing activities from the adverse effects of potentially incompatible activities that propose to locate nearby. In the submitter's opinion, however, the Policies relating to reverse sensitivity are not implemented in Part 3 of the Plan in relation to existing intensive livestock production operations. For instance, it appears that any buildings that are not residential buildings or relocated buildings are uncontrolled in parts of the Rural Zone such as the Outer Plains area. This being the case, the submitter is very concerned that a building that is erected specifically for any sort of business activity, may be a permitted activity, and therefore able to locate in an inappropriate location where it can cause reverse sensitivity effects. For example, a hospitality activity such as a restaurant could site in close proximity to an existing intensive pig farm. The submitter's concern is that once established, there would be little, if any, protection for the existing activity from reverse sensitivity effects. The submitter considers that there could be potential problems associated with discharges of contaminants to air (controlled by Environment Canterbury), for which there are no existing use rights. Using the Council's own justification for making certain activities in the Rural Zone discretionary, it could indeed be argued that hospitality activities and visitor accommodation "have the potential for effects on surrounding properties". The submitter therefore contends that they "need to be managed through a resource consent process so that effects on surrounding properties...can be considered and affected parties identified" (justification for Rule 3, page 280).	Amend Rule 3.1 by adding the following: "3.1.7 Camping ground facilities and any form of visitor accommodation. 3.1.8 Any hospitality activities." There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
	Further Submission	Support/Oppose
	Tegel Foods Ltd (F679)	Support
Ross & Julie Sadler (622.04)	The issue of reverse sensitivity is discussed in the Plan as an issue in the District and as an example of a situation where reverse sensitivity issues have arisen, houses and restaurants close to intensive pig or poultry farms are mentioned. It is stated on pages 139 to 140 of the Plan that reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. The Plan is said to contain provisions to manage potential reverse sensitivity effects and as part of its strategy, it is said that policies and rules manage the location of activities which may have significant effects on surrounding properties, when set up. It is further stated that once set up, policies and rules protect these activities from reverse sensitivity effects from activities locating near them.	The inclusion of additional new Rules 3.1.8 and 3.1.9 to the list of discretionary activities including 'restaurants' and 'travelling accommodation' activities. And Any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein, including amendments to the explanation s for relevant objectives, policies and methods for giving effect to them.

Submission No.	Summary of Submission	Decision Requested
	Objectives and policies are referred to, including Objective 2 on page 141. The explanation provides that the Rural Zone is recognised principally as a business area rather than as a residential area, in the Plan and that policies and rules are not as stringent as those for living areas. It states that policies and rules allow for day to day farming and other activities which have effects typical of a rural area but manage activities which have potentially stronger effects. It states that the Plan recognises the Rural Zone as an area where a variety of activities take place. It goes on to recognise that while a variety of activities create potential reverse sensitivity effects particularly between residential activities and other activities, it is said that the above objective is achieved by policies and rules which require resource consents for activities to set up which may affect surrounding properties and which recognise and protect activities from potential reverse sensitivity effects once they are set up. However, there are no rules that relate to activities other than residential activities in the Rural Zone that will achieve this objective insofar as the establishment of other activities may give rise to the potential for reverse sensitivity effects to occur. For instance, notwithstanding that a restaurant is recognised in the Plan as an activity that potentially results in reverse sensitivity effects if located opposite a pig farm, there are no controls that relate to the establishment of this sort of activity that will prevent reverse sensitivity effects from occurring (or indeed any other activity that might be described as one that is sensitive to the effects of a pig farm over the road from it, for instance, any hospitality activities such as a travellers' accommodation). There ought to be rules included in the Plan to prevent activities such as pig farms from being surrounded by potentially incompatible activities.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Pork Industry (696.04)	No particular reason given.	Add the following to Rule 3.1.7: "Camping ground facilities and any form of visitor accommodation, any hospitality activities."
Ross & Julie Sadler (622.05)	The issue of reverse sensitivity is discussed in the Plan as an issue in the District and as an example of a situation where reverse sensitivity issues have arisen, houses and restaurants close to intensive pig or poultry farms are mentioned. It is stated on pages 139 to 140 of the Plan that reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. The Plan is said to contain provisions to manage potential reverse sensitivity effects and as part of its strategy, it is said that policies and rules manage the location of activities which may have significant effects on surrounding properties, when set up. It is further stated that once set up, policies and rules protect these activities from reverse sensitivity effects from activities locating near them. Objectives and policies are referred to, including Objective 2 on page 141. The explanation provides that the Rural Zone is recognised principally as a business area rather than as a residential area, in the Plan and that policies and rules are not as stringent as those for living areas. It	The inclusion of a new definition of the term "Restaurant" which is to mean: "any land and or buildings of part thereof principally used for the sale of meals or light refreshments to the general public and the consumption of those meals or light refreshments on the premises. Such premises may be licensed under the Sale of Liquor Act 1989." And Any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein, including amendments to the explanations for relevant objectives, policies and methods for giving effect to them.

Submission No.	Summary of Submission	Decision Requested
	states that policies and rules allow for day to day farming and other activities which have effects typical of a rural area but manage activities which have potentially stronger effects. It states that the Plan recognises the Rural Zone as an area where a variety of activities take place. It goes on to recognise that while a variety of activities create potential reverse sensitivity effects particularly between residential activities and other activities, it is said that the above objective is achieved by policies and rules which require resource consents for activities to set up which may affect surrounding properties and which recognise and protect activities from potential reverse sensitivity effects once they are set up. However, there are no rules that relate to activities other than residential activities in the Rural Zone that will achieve this objective insofar as the establishment of other activities may give rise to the potential for reverse sensitivity effects to occur. For instance, notwithstanding that a restaurant is recognised in the Plan as an activity that potentially results in reverse sensitivity effects if located opposite a pig farm, there are no controls that relate to the establishment of this sort of activity that will prevent reverse sensitivity effects from occurring (or indeed any other activity that might be described as one that is sensitive to the effects of a pig farm over the road from it, for instance, any hospitality activities such as a travellers' accommodation). There ought to be rules included in the Plan to prevent activities such as pig farms from being surrounded by potentially incompatible activities.	
Ross & Julie Sadler (622.06)	The issue of reverse sensitivity is discussed in the Plan as an issue in the District and as an example of a situation where reverse sensitivity issues have arisen, houses and restaurants close to intensive pig or poultry farms are mentioned. It is stated on pages 139 to 140 of the Plan that reverse sensitivity is a matter to be addressed as part of promoting sustainable management of natural and physical resources. The Plan is said to contain provisions to manage potential reverse sensitivity effects and as part of its strategy, it is said that policies and rules manage the location of activities which may have significant effects on surrounding properties, when set up. It is further stated that once set up, policies and rules protect these activities from reverse sensitivity effects from activities locating near them. Objectives and policies are referred to, including Objective 2 on page 141. The explanation provides that the Rural Zone is recognised principally as a business area rather than as a residential area, in the Plan and that policies and rules are not as stringent as those for living areas. It states that policies and rules allow for day to day farming and other activities which have effects typical of a rural area but manage activities which have potentially stronger effects. It states that the Plan recognises the Rural Zone as an area where a variety of activities take place. It goes on to recognise that while a variety of activities create potential reverse sensitivity effects particularly between residential activities and other activities, it is said that the above objective is achieved by policies and rules which require resource consents for activities to set up which may affect surrounding properties and which recognise and protect activities from potential reverse sensitivity	Add the term "Travelling Accommodation" which is to mean: "the use of land and buildings for transient residential accommodation offered for a daily tariff which may involve the sale of liquor to in-house guests and the sale of food and liquor in conjunction with food to both the public and in-house guests. Travellers accommodation includes motels, holiday flats, motor and tourist lodges and hostels." And Any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein, including amendments to the explanations for relevant objectives, policies and methods for giving effect to them.

Submission No.	Summary of Submission	Decision Requested
	effects once they are set up. However, there are no rules that relate to activities other than residential activities in the Rural Zone that will achieve this objective insofar as the establishment of other activities may give rise to the potential for reverse sensitivity effects to occur. For instance, notwithstanding that a restaurant is recognised in the Plan as an activity that potentially results in reverse sensitivity effects if located opposite a pig farm, there are no controls that relate to the establishment of this sort of activity that will prevent reverse sensitivity effects from occurring (or indeed any other activity that might be described as one that is sensitive to the effects of a pig farm over the road from it, for instance, any hospitality activities such as a travellers' accommodation). There ought to be rules included in the Plan to prevent activities such as pig farms from being surrounded by potentially incompatible activities.	

5.1.1 Discussion

- 5.1.1.1 The submissions by the New Zealand Pork Industry Board (564.18) and Pork Industry (696.04) requested that “camping grounds and any form of visitor accommodation” and “any hospitality activities” be listed as a discretionary activity under Rule VIII – Activities, Rule 3.1 – Listed Discretionary Activities (page 263). In the view of the New Zealand Pork Industry Board “the Policies relating to reverse sensitivity are not implemented in Part 3 of the Plan in relation to existing intensive livestock production operations”. Tegel Foods Ltd (F679) support this submission point by NZPIB on the grounds that it is “appropriate to require resource consent to be obtained for sensitive activities establishing within the Rural Zone, as these have the potential to adversely affect existing rural activities in terms of reverse sensitivity conflicts”.
- 5.1.1.2 Ross & Julie Sadler (622.04) sought to include “restaurants” and “travelling accommodation” as a listed discretionary activity under Rule 3.1. New Zealand Pork Industry Board has lodged a further submission in support of this request. The original submitters also suggested that a definition of each of these terms be included in the Definitions section of the PDP, as set out in subsequent submission points 622.05 and 622.06.
- 5.1.1.3 As discussed in Topic 3 of this report, we agree with the submitters that whilst the PDP has a relatively robust policy framework for recognising and managing reverse sensitivity effects, there is a lack of provisions to ensure that such objectives and policies are implemented. In order to address this issue we recommend that a minimum separation distance be applied between existing intensive farming activities

and new 'sensitive' activities. The suggested new Rule 1.20 in Recommendation 23.3 states:

1.20 *Any sensitive activity is setback a minimum distance of 300m from any existing lawfully established intensive livestock production activity.*

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive livestock production activity occurs to the position of the new sensitive activity.

5.1.1.4 In order to implement the above rule, we recommend that a new definition of "sensitive activity" be inserted in the Definitions section of the PDP. In this context we note that such a definition is included in the Proposed Natural Resources Regional Plan. We believe that that definition can provide a basis for a new definition in the PDP which also incorporates the submitter's concerns.

5.1.1.5 In terms of the definitions already contained in the Rural Volume of the PDP which are relevant to the types of activities that could be considered 'sensitive' in the context referred to above, we note that it includes definitions of the following activities:

- Camping ground facilities;
- Community facility – includes reserves and recreation facilities;
- Dwelling;
- Educational facility;
- Family flat;
- Recreational Facility or Recreational Activity;
- Residential activity; and
- Temporary Accommodation.

5.1.1.6 Notably absent from the Rural Volume definitions is a "Place of assembly", which is however defined within the Township Volume. To avoid confusing the above definitions or introducing more new terms than are necessary; and taking into account the concerns of the submitters, we recommend that a definition of 'sensitive activity' be inserted as follows:

Sensitive activity: *includes any of the following activities:*

- *Residential Activity;*
- *Travelling Accommodation;*
- *Community Facility;*
- *Recreational Facility or Recreational Activity;*
- *Place of Assembly;*
- *Restaurant;*
- *Educational Facility;*
- *Camping Ground Facility;*

but excludes Temporary Accommodation.

5.1.1.7 To assist in the interpretation of the terms "travelling accommodation" and "restaurant" we also recommend that the definitions requested by Ross & Julie Sadler are inserted. We note that some definitions in the PDP exclude "travelling accommodation"

activities; however there is currently no associated definition. Furthermore, reference to the term “place of assembly” as a “sensitive activity” implies that this definition should be included in both volumes of the PDP, not just the Township Volume. As a consequence of adding these three additional definitions all of the activities that constitute a “sensitive activity” are separately defined. We do not consider it necessary to include the terms “dwelling” or “family flat” as a “sensitive activity” given that these terms are more descriptive of the buildings, rather than the land use which is already covered by the term “residential activity”. We are also confident that the changes recommended above can be made as a result of the relief sought in submissions to the PDP, particularly in light of those contained in Topic 3 of this report.

- 5.1.1.8 We have overlooked that the submitters requested that “camping grounds and any form of visitor accommodation”, “any hospitality activities”, “restaurants” or “travelling accommodation” be listed as a discretionary activity in Rule 3.1. However, given that the primary reason for this request appears to stem from concerns over potential reverse sensitivity effects, the inclusion of recommended Rule 1.20 and its associated parts, including the suggested definition of “sensitive activity”, may alleviate their concerns to some extent. In the absence of any wider concerns as to why such activities should be listed as discretionary activities, regardless of their proximity to an existing intensive farming activity, we recommend that these submissions be accepted in part (to the extent that Rule 1.20 requires any “sensitive activity” to be setback 300m otherwise resource consent is required for a restricted discretionary activity).

Recommendation 23.5

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** submissions **622.05** and **622.06**.
- (b) **Accept in part** submissions **564.18**, **622.04** and **696.04** and further submissions **F679** and **F564**.

Amendments to the PDP as a consequence of Recommendation 23.5:

1. Insert a new definition of “Sensitive Activity” in Part 3, Section 3 Definitions (Rural Volume) on page 319 as follows:

Sensitive Activity: includes any of the following activities:

- Residential Activity;
- Travelling Accommodation;
- Community Facility;
- Recreational Facility or Recreational Activity;
- Place of Assembly;
- Restaurant;
- Educational Facility;
- Camping Ground Facility;

but excludes Temporary Accommodation.

2. Insert a new definition of “Restaurant” in Part 3, Section 3 Definitions (Rural Volume) on page 319 as follows:

Restaurant: means any land and/or buildings of part thereof principally used for the sale of meals or light refreshments to the general public and the consumption of those meals or light refreshments on the premises. Such premises may be licensed under the Sale of Liquor Act 1989.

3. Insert a new definition of “Travelling Accommodation” in Part 3, Section 3 Definitions (Rural Volume) on page 320 as follows:

Travelling Accommodation: means the use of land and buildings for temporary residential accommodation offered for a daily tariff which may involve the sale of liquor to in-house guests and the sale of food and liquor in conjunction with food to both the public and in-house guest. Travelling accommodation includes motels, holiday flats, motor and tourist lodges and hostels.

4. Insert the same definition of “Place of Assembly” that is contained in the Township Volume into Part 3, Section 3 Definitions (Rural Volume) on page 318 as follows:

Place of Assembly: means any land and building used for the gathering of people. It does not include residential accommodation or places of work.

6. TOPIC 6 – ODOUR EFFECTS FROM LIVESTOCK EFFLUENT

6.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.27)	It is considered by the submitter that it is inequitable to impose the separation distances under Rules 6.1 and 6.4 on the storage or disposal of livestock effluent, particularly given that no separation distances or buffers are imposed on sensitive activities wishing to establish within the Rural Zone. It is also considered unreasonable to require consent as a Discretionary Activity for activities not meeting Rules 6.2, 6.3 and 6.4.	Either Delete Rules 6.1 and 6.4 their entirety, Or Amend Rules 6.1 and 6.4 to impose reduced separation distances on activities involving the storage and disposal of livestock effluent. And Amend Rule 7.1 and 7.4 to provide for activities not meeting the standards under Rules 6.2, 6.3 and 6.4 as a Restricted Discretionary Activity. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
Norman Archie Dunlop (370.01)	The submitter has concerns that if effluent was to be spread every 48 hours then any smell created by the spreading would be too regular.	Amend Rule 6.2 as indicated in the summary.
	Further Submission	Support/Oppose
Norman Archie Dunlop (370.05)	New Zealand Pork Industry Board (F564)	Support
	"50m to any property boundary" is unnecessarily restrictive.	Amend Rule 6.4 so that provided there are no houses within 50m of one's boundary then we should be able to spread effluent up to the fence boundary - especially if there are hedged trees on the boundary. Note: this is referred to in the body of the submission, but not specifically in the relief sought.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Federated Farmers of New Zealand (385.78)	While the submitter notes that this Rule is cross referenced to objectives and policies concerned with air quality, waste disposal and amenity values it is unclear what this particular rule is trying to achieve. The Rule certainly should only apply to untreated livestock effluent, as livestock effluent is usually required to be stored in effluent ponds prior to disposal.	Either: Delete Rule 6.2. Or Clarify Rule 6.2 including amending the Rule so that it only applies to the storage of "untreated" livestock effluent. Where the submitter has requested that a rule be amended or deleted, the submitter has attempted to locate all other rules or notes associated with it, and request either their amendment or deletion as well. In the event that the submitter has overlooked any rules or notes that are associated requested deletions or amendments, the submitter requests that the Council make the appropriate changes to the Plan to reflect the purpose and intent of the submitter's submission.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support

Submission No.	Summary of Submission	Decision Requested
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
	New Zealand Pork Industry Board (F564)	Support in Part
Willaden Farms (399.06)	Pig effluent is a valuable resource as a natural fertiliser and has no toxic waste materials. The application of pig effluent supports the RMA principle of recycling and should be encouraged.	Delete Rule 6.2.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Willaden Farms (399.07)	Piggery effluent is a valuable resource as a natural fertiliser and has no toxic waste materials such as cadmium or high florine levels as found in superphosphate. It should be treated in a similar manner to other fertilizers when applied to land. The application of pig effluent supports the RMA principle of recycling and should be encouraged.	Amend Rule 6.4 to read: "Any spreading of live-stock effluent is no closer than 50m to a residential dwelling...".
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
New Zealand Pork Industry Board (564.17)	Effluent spreading is a normal part of the rural environment, and is intricately linked with modern farming practices, whereby nutrients are recycled back into the land in a sustainable way. Providing for it to be a permitted activity recognises that this is the case, and that any adverse effects on the environment will be of short duration and therefore minor. Rule 6.3 further ensures that any adverse effects will be very sporadic in nature, by limiting the frequency of effluent spreading on any one piece of land. Similarly, the Environment Canterbury requirement that there be no more than 200 kg of nitrogen spread per hectare per year, also limits the number of times effluent can be applied to any given piece of land, furthering ensuring that the frequency of any odour generated will be limited. Given these facts, the submitter considers it unnecessary to impose an additional limit on the length of time that effluent is stored before	Delete Rule 6.2. And Amend Rule 6.4 to read: "Any spreading of livestock effluent is not closer than: 50m to a residential unit on another property..." There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.

Submission No.	Summary of Submission	Decision Requested
	application onto pasture. International experience from both Germany and Australia, as well as the practical experiences of farmers in the Selwyn District, has in fact found that there is a correlation between the frequency of exposure to an odour, and the degree of annoyance experienced. This has previously led farmers to reduce the frequency at which effluent is spread, so that there is a larger amount of effluent spread on a more infrequent basis. Addressing the second area of concern, the submitter contends that the part of Rule 6.4 relating to buffer distances for effluent spreading from a property boundary, fails to take into account Policy 1 of Section 1.3 of this Plan. That is, effluent spreading is not being recognised as having short term or minor effects (which condition 6.3 essentially ensures), and likewise, it is not being recognised as a normal part of rural life. Nor, in the opinion of the submitter, does using the property boundary as a point of reference (as opposed to a residential dwelling on a neighbouring property) take into account Policy 1 of section 3.4, which seeks to recognise the rural environment as principally a business area. In practical terms, a 50m buffer distance from a property boundary does not take into account the fact that the boundary may be separating two paddocks between adjoining farms. This restricts a farmer's ability to undertake what is recognised as a sustainable farming practice, for the sake of stopping odour adversely affecting another paddock. By way of an example, the current requirement means that a 200 hectare farm, two kilometres long by one kilometre wide, would effectively have 29 hectares unavailable for use for effluent spreading. This is without taking into account any Regional Council setback requirements from things such as watercourses. What makes both of the proposed conditions covered above even less acceptable to the submitter, is the fact that non-compliance with either aspect causes the activity to default to having discretionary status.	
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Support
	Graeme Vanstone Irving (F935)	Support
	NZ Vegetable and Potato Growers and NZ Fruitgrowers Federations (F565)	Support
	Thomas Ross & Julie Ann Sadler (F612)	Support
	Chris Trengrove (F688)	Support
PIC New Zealand (594.04)	The submitter supports the 'permitted activity' status for the spreading of livestock effluent, but believes that Rule 6.2 and 6.4 are unnecessarily restrictive, could not easily be policed, and would be generally impractical to adhere to on-farm. In terms of the practicalities of adhering to Rule 6.2, which requires that effluent be stored for no longer than 48 hours before spreading, what happens in the winter if there is a prolonged period of wet weather and effluent is unable to be spread onto land? What happens over long weekends when staff are not available to spread the effluent? At the Burnalan site, the submitter has storage capacity for 3 to 4 days effluent to account for practical situations such as these, but	Delete Rule 6.2. And Delete the reference to "any property boundary" in Clause 6.4, and replace with "50 metres to a residential unit on another property..."

Submission No.	Summary of Submission	Decision Requested
	their worth would be reduced if an impractical requirement such as Rule 6.2 were put into place. How would such a condition would actually be policed in practice? In terms of reducing impacts on rural residents, the submitter is actually aware of farmers who have deliberately reduced the frequency that they spread effluent in response to requests from neighbours. The neighbours prefer the potential for a slightly more intense odour to be generated, as long as the potential for their frequency of exposure to it is reduced. The Bardfield farm makes use of an on-farm weather station in order to determine wind direction and velocity, and adjusts where effluent is spread accordingly, to ensure the potential for adverse effects on neighbouring properties is minimised. Common sense, practical approaches are far preferable than trying to impose controversial regulations. It was agreed to have six-monthly meetings (chaired by Environment Canterbury) with the neighbouring community to discuss any issues or concerns they might have regarding the Barfield operation. At the suggestion of the neighbouring residents, this meeting is now held only annually, which is a direct reflection of the lack of problems being generated by an effluent spreading regime. Rule 6.4 is similarly impractical in the way it goes about trying to control adverse effects through imposing buffer distances based on property boundaries, and that such an approach goes against the tenor of Policy 1 in section 3.4 of the Plan. The submitter does not consider that placing a restriction on where effluent can be spread based purely on property boundaries, is allowing businesses "to operate efficiently and with as few restrictions as practical" (Explanation to Policy 1, page 142). It is quite impractical to restrict the utilisation of a natural fertiliser, for the sake of maintaining amenity levels in a neighbouring paddock. A much more realistic, and effects based approach, would be to base separation distances on nearby activities that are sensitive to the adverse effects of odour. This would be giving effect to Policy 1 of section 3.4, in that it would be recognising that the rural zone is essentially a business area, whilst at the same time recognising that within the Rural Zone, there are specific areas that require higher levels of amenity.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Thomas Ross & Julie Ann Sadler (612.03)	The submitter supports the spreading of livestock effluent being provided for as permitted activity, but oppose the inclusion of a time limit for storing effluent and basing setback distances for the effluent spreading on property boundaries. Effluent spreading is a normal part of the rural environment, and is intricately linked with modern farming practices, whereby nutrients are recycled back into the land in a sustainable way. Providing for it as a permitted activity recognises that this is the case and that the adverse effects on the environment will be of short duration and	Delete Rule 6.2. And Amend Rule 6.4 to read: "Any spreading of livestock effluent is not closer than: 50m to a residential unit on another property..."

Submission No.	Summary of Submission	Decision Requested
	therefore minor. Rule 6.3 further ensures that any adverse effects will be sporadic in nature, by limiting the frequency of effluent spreading on any one piece of land. Similarly the Environment Canterbury requirement that there be no more than 200kg of nitrogen spread per ha/yr also limits the number of times effluent can be applied to any given piece of land further ensuring that the frequency of any odour generated will be limited. Given these facts the submitter considers it unnecessary to impose an additional limit on the length of time that the effluent is stored before application onto pasture. What makes this proposed Rule even less acceptable is that non-compliance with either aspect causes the activity to default to having discretionary status. Rule 6.4 relating to buffer distances for effluent spreading from a "property boundary" fails to take into account Policy 1 of Section 1.3 of the Plan. In practical terms a 50m buffer distance from a property boundary does not take into account the fact that the boundary may be separating two paddocks between adjoining farms. This restricts a farmer's ability to undertake what is recognised as sustainable farming practices for the sake of stopping odour adversely affecting another paddock. The Regional Council already have setbacks from boundaries and watercourses which have to be met. What makes this proposed Rule even less acceptable is that non-compliance with either aspect causes the activity to default to having discretionary status.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Ray Seebeck (632.01)	The submitter supports effluent spreading being a permitted activity but would like to make two amendments. Effluent spreading is part of livestock farming practices, especially intensive farming. Any nuisance that it may cause is generally for a short time, and with a degree of practicality it will cause little concern to anyone. Also, people who live in the country have to be part of the country and put up with some country practices. The storage of effluent should not be restricted to 48 hours, because in all cases this would mean spreading effluent on weekends and public holidays. The submitter suggests that most people would prefer to have effluent spreading take place during the week, possibly while they were away at work.	Delete the 48 hour effluent storage restriction of Rule 6.2.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

Submission No.	Summary of Submission	Decision Requested
Ray Seebeck (632.02)	The submitter supports effluent spreading being a permitted activity but would like to make two amendments. Effluent spreading is part of livestock farming practices, especially intensive farming. Any nuisance that it may cause is generally for a short time, and with a degree of practicality it will cause little concern to anyone. Also, people who live in the country have to be part of the country and put up with some country practices. It makes no sense to have a limit of 50 metres for effluent spreading from all boundaries, as in most case the boundaries are paddocks, plantations or shelter belts. The submitter supports the 50 metre ruling on residential property or dwellings on neighbouring properties.	Change the 50m boundary restriction of Rule 6.4 on 'All Boundaries' - except residential areas or neighbouring houses.
	Further Submission New Zealand Pork Industry Board (F564)	Support/Oppose Support
Tegel Foods Ltd (679.27)	It is considered by the submitter that it is inequitable to impose the separation distances under Rules 6.1 and 6.4 on the storage or disposal of livestock effluent, particularly given that no separation distances or buffers are imposed on sensitive activities wishing to establish within the Rural Zone. It is also considered unreasonable to require consent as a Discretionary Activity for activities not meeting Rules 6.2, 6.3 and 6.4.	Either Delete Rules 6.1 and 6.4 their entirety, Or Amend Rules 6.1 and 6.4 to impose reduced separation distances on activities involving the storage and disposal of livestock effluent. And Amend Rule 7.1 and 7.4 to provide for activities not meeting the standards under Rules 6.2, 6.3 and 6.4 as a Restricted Discretionary Activity. And Such other relief necessary to address the submitter's concerns.
	Further Submission New Zealand Pork Industry Board (F564)	Support/Oppose Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	MJ & TD Rickerby (F607)	Support
Chris Trengrove (688.02)	While the submitter generally supports spreading of livestock effluent being provided for as a permitted activity, both clause 6.2 and 6.4 of this Rule are impractical as they currently stand, and do not provide for what is an integral part of modern sustainable agriculture. Additionally, they do not reflect Policy 1 in Section 1.3 of the Plan, which states that short term or minor effects of odour from rural activities will be recognised as part of the rural environment. The fact that there is a standard which requires that effluent be spread no more than six times per year on any given piece of land (clause 6.3), reinforces the argument that any adverse effects will be sporadic and minor in nature. In terms of clause 6.2, the submitter's own personal experience has been that neighbours on the properties surrounding where my piggery effluent is applied to land, prefer for the effluent to be spread on a more infrequent basis, even if there is the potential for a slightly more intense odour to be generated. Requiring that effluent be stored for no longer than 48 hours before spreading is not an appropriate way to reduce potential adverse effects, and will have the opposite effect. In addition, how would such a	Delete Rule 6.2. And Delete the reference to "any property boundary" in Rule 6.4, and replace with "50 metres to a residential unit on another property..."

Submission No.	Summary of Submission	Decision Requested
	condition be policed in practice? The submitter does not believe there is an easily implemented and practical way of doing so. Likewise, clause 6.4 is also impractical, and as stated above, takes no account of the fact that the rural zone is largely a business area, in which occasional odours are to be expected by rural residents as part of choosing to live where they do. The submitter notes that the Plan avoids specifying a buffer distance for intensive livestock production operations, on the basis that it could result in an inefficient use of land (page 281). The submitter argues that this is precisely what clause 6.4 of this Rule encourages, in that a potentially huge area of land – which may well border another farm paddock – is being excluded from having effluent spread on it (without the need to first obtain a discretionary resource consent). By way of an example of the impact of this clause, a 150 hectare farm, that is approximately square in shape, would have 24 hectares (or 16 percent of the total farm area) unavailable for effluent spreading. Additionally, in terms of effects on the environment, the submitter does not see why it is necessary to use property boundaries as a point of reference, rather than a sensitive activity such as a residential dwelling on another property. In terms of potential future adverse effects, should someone wish to build a new dwelling in an area currently used for effluent spreading, the RMA section 17 duty to avoid, remedy or mitigate adverse effects should be sufficient to ensure that common sense prevails and the buffer is adjusted accordingly.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Pork Industry (696.06)	The submitter opposes the inclusion of a time limit for storing effluent and basing setback distances for effluent spreading on property boundaries.	Deleted Rule 6.2.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
		And Amend Rule 6.4 to read: "Any spreading of livestock effluent is not closer than 50m to a residential unit on another property."

6.1.1 Discussion

6.1.1.1 All of the above submissions relate to Rule VII – Waste Generation Storage and Disposal, Rule 6 – Livestock Effluent which provides for the storage and disposal of livestock effluent as a permitted activity if the following conditions are met:

- 6.1 *Any open-to-air livestock effluent holding or treatment pond is setback a minimum distance of 150m from any property boundary;*
- 6.2 *Any storage of livestock effluent is for less than 48 hours;*
- 6.3 *Any spreading of livestock effluent on the same area of land does not occur more than 6 times in any calendar year; and*

6.4 *Any spreading of livestock effluent is not closer than: 50m to any property boundary; 150m to the nearest property boundary of any area shown on the Planning Maps as an Existing Development Area; or 500m to the nearest boundary of any Living Zone.*

6.1.1.2 In general the submissions sought either the deletion of some of the above rules or the amendment of those rules to provide less stringent restrictions. Evidence was given by several parties, all of whom supported the recommendations in the Section 42A Report.

6.1.1.3 The basic advice in the Section 42A Report was to the effect that the storage and disposal of livestock effluent came within the potential jurisdiction of both district and regional councils. It was noted that these matters were now covered by the provisions of the Proposed Natural Resources Regional Plan (NRRP) which was notified on 1 June 2002 (i.e. some time after the PDP). After reviewing the provisions of the NRRP it was suggested that there was now an overlap and potential conflict between the provisions of the PDP and the PNRRP controlling the spreading of livestock effluent. At present, it is possible that such an activity could require two resource consents (a land use consent and discharge consent) from two different councils in order to manage the same effect.

6.1.1.4 It was suggested to us that the control of the same effect through conflicting provisions of two planning documents is not the most efficient or effective means of achieving the purpose of the Act and that odour effects arising from the spreading of livestock effluent are more appropriately addressed through the provisions of a regional plan. The primary reasons for our conclusion were:

- a) The spreading of livestock effluent is a discharge to land that has the potential to not only produce adverse odour effects, but to adversely affect water quality, which clearly rests within the ambit of the regional council. Therefore it would seem to be most cost-effective and efficient for all effects of the discharge to be considered at the same time.
- b) Land use activities that are controlled by the district council are usually associated with the erection of buildings and the requirement for resource consent is commonly identified through an application for building consent. While the spreading of livestock effluent could be associated with buildings, effluent is also spread on sites that are remote from the property where it was generated and/or stored. In our opinion, the only way in which the district council is likely to be made aware of effluent spreading activities, in order to assess compliance

with the PDP, is via notice from the regional council or from a complaint. We also note that planning staff at SDC advised that there have been no land use consent applications lodged for the spreading of livestock effluent since the PDP was notified (September, 2001). While we speculate that perhaps some activities “have slipped through the cracks”, we would have thought it unusual that all new effluent spreading activities strictly complied with Rules 6.1-6.4 of the PDP, particularly given the submissions opposing the practicality of these provisions. In this context, SDC’s monitoring and compliance costs of administering Rule 6 are therefore likely to be sizeable.

- c) It appears from the ‘Reasons for Rules’ and various statements made in the associated s.32 information that rules controlling the storage or disposal of livestock effluent in the PDP are perhaps an interim measure to manage odour effects until regional rules were formulated under the Act.

6.1.1.5 We agree with the above assessment and note that it was also accepted by the submitters. We therefore recommend that Rule 6 be deleted from the PDP. In this context we note that the submissions sought the deletion of Rules 6.1, 6.2 and 6.4 but not Rule 6.3. However we are satisfied that Rule 6.3 can be deleted as a consequential amendment. We also recommend that Rules 7.1-7.4, which deal with the exceptions to Rule 6, also be deleted as a consequential amendment.

Recommendation 23.6

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** submission **385.78** and further submissions **F890, F894, F901, F902, F903, F904, F913, F919, F920, F921, F926, F928, F934, F944, F953, F974, F980, F996, F952, F950, F958, F909, F908, F867, F868, F869, F881, F930, F931, F977, F936, F1039, F1026, F978, F954** and **F564** insofar as they relate to submission number 385.78.
- (b) **Accept** submissions **399.06** and **632.01** and further submission **F564** insofar as it relates to those submission numbers.
- (c) **Accept in part** submissions **321.27, 594.04, 612.03, 679.27, 688.02** and **696.06** and further submissions **F564** and **F607** insofar as they relate to those submission numbers.
- (d) **Accept in part** submission **564.17** and further submissions **F916, F935, F565, F612** and **F688** insofar as they relate to that submission.
- (e) **Reject** submissions **370.01, 370.05, 399.07** and **632.02** and further submission **F564** insofar as it relates to those submissions.

- (f) **Reject** further submission **F293** insofar that it relates to submission number 321.27 and 679.27.

Amendments to the PDP as a consequence of Recommendation 23.6:

1. Delete Rule VII – Waste Generation, Storage and Disposal, Rules 6-7 – Livestock Effluent (Rural Volume) – pages 258-259 in its entirety. As a consequence, delete all references to these provisions throughout the Rural Volume of the PDP.

7. TOPIC 7 – BOARDING OF ANIMALS

7.1 Sub-Topic 7.1: Definitions, Township Volume

7.1.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Selwyn District Council (228.32)	The definition does not relate to any of the rules and is therefore superfluous or alternatively it does not need to be defined (ie the dictionary definition can be relied upon).	Delete the definition of "Boarding Kennels or Catteries" from Section 6 - Definitions.
Selwyn District Council (228.40)	This definition is sought to be included as it was inadvertently omitted from the document. This definition is contained in the Rural Volume of the Proposed District Plan.	Insert the following definition for "Boarding of Animals" into Section 6 - Definitions: "Boarding of Animals: includes the use of any land, building or structure for the boarding or care of animals which do not permanently reside on the site. It includes veterinary hospitals or clinics which provide overnight accommodation for ill or recuperating animals."

7.1.2 Discussion

7.1.2.1 Selwyn District Council sought to delete the definition of "boarding kennels and/or catteries" in the Township Volume of the PDP and replace it with a new definition of "boarding of animals", as described in the above table. The reasons for this amendment do not sit comfortably with these particular submission points, however it is apparent that the substitute definition is the same as that contained in the Rural Volume. We therefore accept that the amendment sought is intended to promote consistency between the two volumes, rather than of any material challenge to the requirement for a definition of animal boarding activities. On this basis we recommend that these submission points be accepted.

Recommendation 23.7.1

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** submissions **228.32** and **228.40**.

Amendments to the PDP as a consequence of Recommendation 23.7.1:

1. Delete the definition of "Boarding Kennels and/or Catteries" in Part 3, Section 6 Definitions (Township Volume) on page 342 and insert a new definition of "Boarding of Animals" as follows:

Boarding of Animals: includes the use of any land, building or structure for the boarding or care of animals which do not permanently reside on the site. It includes veterinary hospitals or clinics which provide overnight accommodation for ill or recuperating animals.

2. As a consequence, replace all references to “boarding kennels and/or catteries” throughout the Township Volume of the PDP with the term “boarding of animals”.

7.2 Sub-Topic 7.2: Boarding of Animals, Rural Volume

7.2.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.22)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That the Boarding of Animals (Rule 7.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	R Dally & Others (F352)	Support
Prebbleton Community Association (599.22)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That the Boarding of Animals (Rule 7.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Federated Farmers of New Zealand (F385)	Oppose
R Dally & Others (352.01)	The submitter supports controls on boarding of animals in the Rural zone, however it opposes the status of the activity as a restricted discretionary activity under Rule 7.1. The boarding of animals has the potential to generate adverse effects that are more than minor in particular, effects associated with the noise of barking dogs. The characteristics of the noise generated by dogs kept in kennels has the potential to significantly affect the amenities of the adjoining land owners. The barking of dogs in kennels are not a typical part of the character of the rural area, particularly in areas of relatively high density dwellings. There is a need to impose reasonable separation distances between animal boarding buildings or compounds and adjoining residential units to avoid adverse effects of noise associated with barking dogs. However, it is not possible to internalise all adverse effects even if more stringent separation distances are imposed. The adverse effects are significantly increased given many of the persons in the Rural Zone have chosen to live in the area for lifestyle or intensive farming. Further adverse effects may also include increased traffic generation associated with the activity and potential reverse sensitivity effects associated with existing established activities.	Amend Rule 7.1 to read: "Boarding of animals 7.1 Any activity which involves the boarding of animals shall be a discretionary activity if all of the following standards and terms are met: 7.1.1 All of Rules 1.1 to 1.6 and 1.8 to 1.18: 7.1.2 Any building or compound is setback a minimum distance of 60m from any property boundary; 7.1.3 Any building or compound is setback a minimum distance of 30m from any road boundary; 7.1.4 Any building or compound used for a boarding kennel is set back a minimum distance of 400m from the nearest boundary of any Living Zone; or any Existing Development Area, as shown on the Planning Maps, or any residential unit". And any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein.

Submission No.	Summary of Submission	Decision Requested
	The submitter considers that the activity of boarding animals should be a full discretionary if all of the (amended) standards in Rule 7.1 are met.	
	Further Submission	Support/Oppose
	Robert John Dally (F892)	Support
R Dally & Others (352.02)	The submitter considers that the activity of boarding animals should be a full discretionary activity if all of the (amended) standards in Rule 7.1 are met. Refer to submission point 352.01, page 266.	Delete Rule 7.2. And any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein.
	Further Submission	Support/Oppose
	Robert John Dally (F892)	Support
R Dally & Others (352.03)	The submitter considers that the activity of boarding animals should be a full discretionary activity if all of the (amended) standards in Rule 7.1 are met. Refer to submission point 352.01, page 266. The submitter thereby submits that any activity not complying with Rules 7.1.2, 7.1.3 or 7.1.4 should be a non-complying activity rather than a discretionary activity.	Amend Rule 7.4 to read: "7.4 Any activity which does not comply with Rules 7.1.2, 7.1.3 or 7.1.4 shall be a non-complying activity." And any consequential changes to the Plan to achieve a consistency with and to give effect to the relief sought herein.
	Further Submission	Support/Oppose
	Robert John Dally (F892)	Support
Heinz Watties Australasia (419.19)	The boarding of animals are restricted discretionary activities. Matters of discretion are restricted to the nuisance effects of noise. The boarding of animals has the potential to result in adverse effects on bio-security in the area. As such, consideration should be given to bio-security of adjacent food crop or livestock producers.	Amend Rule 7.2 to include bio-security as a further matter to which Council will restrict its discretion to. Or Any other decision to provide relief consistent with what is sought. And Any necessary consequential amendments to give effect to the above relief.

Relevant Submissions from Report No. 18

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.19)	It is considered that this rule does not adequately recognise the adverse effects of different forms of intensive and factory farming on the character and amenity values of the rural area. The lack of opportunity for public submission in respect to the establishment of Boarding of Animals, Intensive Livestock farming and the Expansion of Existing Farms does not recognise the effects that these activities have on rural character and amenity. Further there is considerable doubt in terms of the definition of Intensive Livestock Production as to whether this definition includes poultry etc., and there is not actual definition for Livestock Farming. Also with the problems which have been experienced with mushroom farming in the locality of Prebbleton there is doubt as to whether these Rules have regard to the establishment, operation and adverse effects of these type of activities.	Re-write the rules relating to intensive farming activities (including, but not only, Intensive Livestock Farming, Factory Farming and the Expansion of these farming activities) and the Boarding of Animals , so that they properly control and minimise the adverse effects of these activities on rural character and amenity values. Further definitions should be included eg "Factory Farming" to clarify and distinguish between activities. That these activities be classified as discretionary activities. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Oppose
	Graeme Vanstone Irving (F935)	Oppose

Submission No.	Summary of Submission	Decision Requested
	New Zealand Pork Industry Board (F564)	Oppose
	Ross & Julie Sadler (F622)	Oppose
	Chris Trengrove (F688)	Oppose
	Tegel Foods Ltd (F679)	Oppose
Prebbleton Community Association (599.19)	It is considered that this rule does not adequately recognise the adverse effects of different forms of intensive and factory farming on the character and amenity values of the rural area. The lack of opportunity for public submission in respect to the establishment of Boarding of Animals, Intensive Livestock farming and the Expansion of Existing Farms does not recognise the effects that these activities have on rural character and amenity. Further there is considerable doubt in terms of the definition of Intensive Livestock Production as to whether this definition includes poultry etc., and there is not actual definition for Livestock Farming. Also with the problems which have been experienced with mushroom farming in the locality of Prebbleton there is doubt as to whether these Rules have regard to the establishment, operation and adverse effects of these type of activities.	Re-write the rules relating to intensive farming activities (including, but not only, Intensive Livestock Farming, Factory Farming and the Expansion of these farming activities) and the Boarding of Animals , so that they properly control and minimise the adverse effects of these activities on rural character and amenity values. Further definitions should be included eg "Factory Farming" to clarify and distinguish between activities. That these activities be classified as discretionary activities. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	R Dally & Others (F352)	Support
	Federated Farmers of New Zealand (F385)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose

7.2.2 Discussion

7.2.2.1 The provisions pertaining to the "boarding of animals" in the Rural Volume of the PDP are as follows:

Boarding of Animals

7.1 *Any activity which involves the boarding of animals shall be a restricted discretionary activity if all of the following standards and terms are met:*

7.1.1 *All of Rules 1.1 to 1.6 and 1.8 to 1.18;*

7.1.2 *Any building or compound is setback a minimum distance of 50m from any property boundary;*

7.1.3 *Any building or compound is setback a minimum distance of 30m from any road boundary; and*

7.1.4 *Any building or compound used for a boarding kennel is be set back a minimum distance of 200m from the nearest boundary of: any Living Zone; or any Existing Development Area, as shown on the Planning Maps.*

- 7.2 *Under Rule 7.1, the Council shall restrict its discretion to consideration of:*
- 7.2.1 *Any potential nuisance effects from noise on surrounding properties;*
 - 7.2.2 *The effectiveness of any proposed mitigation measures to reduce effects of noise on surrounding properties;*
 - 7.2.3 *Any financial contributions payable under Rule X(1) or (3);*
 - 7.2.4 *Any positive effects which may offset any adverse effects; and*
 - 7.2.5 *Any monitoring or review conditions.*
- 7.3 *Any activity which does not comply with Rule 7.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.*
- 7.4 *Any activity which does not comply with Rules 7.1.2, 7.1.3 or 7.1.4 shall be a discretionary activity.*

7.2.2.2 V M Challies (332.22) and the Prebbleton Community Association (PCA) (599.22) both requested that Rule 7.1 be amended to reclassify the boarding of animals as a full discretionary activity. Mr Challies' submission was supported by R Dally and Others (F352) and the PCA submission was opposed by Federated Farmers of NZ (F385).

7.2.2.3 Evidence in support of the submissions was given by Mr Challies. He noted that the boarding of animals has always been a discretionary activity because this activity can create significant adverse effects on other properties. These effects include noise, odour and increased traffic. Mr Challies also noted that the effects were of particular significance in the Inner Plains area where the density of housing was higher than in the Outer Plains. He also suggested that the restricted discretionary activity status does not recognise basic rights for affected party involvement. In this context we also note that submissions 332.19 and 599.19, which were considered in Recommendation Report No. 18 also have some relevance. These submissions also referred to the reclassification of the boarding of animals as a full discretionary activity. Further submissions opposing these amendments were made by S D Glass, G V Irvine, NZ Pork Industry Board, C Trengrove, Tegel Foods Ltd, R & J Sadler and Federated Farmers of NZ. A further submission by R Dally & Others supported the PCA submission.

7.2.2.4 The submission by R Dally & Others (352.01) also sought to change the status of Rule 7.1 to a fully discretionary activity. Among the reasons for this submission the submitters stated that there are other effects, apart from noise, associated with boarding kennels that may adversely impact on amenity values, such as increased traffic generation and potential reverse sensitivity effects. They therefore requested that the status of Rule 7.1 should be a full discretionary activity to encapsulate all potential nuisance effects. Rule 7.2 currently restricts Council's discretion to

“potential nuisance effects from noise on surrounding properties”. As a consequence of this amendment the submitters requested that Rule 7.2 be deleted.

- 7.2.2.5 Other amendments sought by R Dally & Others included an increase in separation distances between a boarding establishment and property boundaries (60m); and to the nearest boundary of any Living Zone or Existing Development Area (400m). A new separation distance of 400m was sought between a boarding establishment and any residential unit. As a result of these amendments the submitter also requests that Rule 7.4 be amended to change the status of any proposal which does not comply with the (amended) separation distances to a non-complying activity. A further submission by R J Dally supported all of the above submission points.
- 7.2.2.6 Some submitters who sought to change the status under Rule 7.1 to fully discretionary also expressed concern “that this activity is taken out of the public process by classifying these activities as restricted discretionary”. Our understanding of the notification provisions of the Act in relation to a restricted discretionary activity, is that the assessment of notification can only be dispensed with if the plan expressly permits consideration of the application without the need to obtain the written approval of affected persons (s.94(1A)). An example of such a provision is contained in Rule 9.2 relating to the expansion of existing intensive livestock farms. We agree with the submitters that the establishment of new animal boarding activities could adversely impact on rural amenity values. However, the issue is whether the matters to which Council has restricted its discretion are sufficiently broad to ensure that all potential adverse effects on surrounding properties can be considered. In this instance, Rule 7.2 restricts the assessment of effects to potential noise generation and the effectiveness of any noise mitigation measures proposed.
- 7.2.2.7 While Rules 7.1 to 7.4 do not preclude the opportunity for affected party consultation and/or public notification of such an application, they could create a situation where people have concerns about other amenity effects, aside from noise, but the Council would not have the ability to take such concerns into account. As raised by R Dally & Others, such effects could include traffic generation, and in our view, possibly odour and issues associated with inadequate animal containment. We do not agree however that the establishment of an animal boarding facility is likely to give rise to reverse sensitivity effects, given that site suitability would form a primary basis for such a proposal.

- 7.2.2.8 We therefore agree with the concerns raised by the above submitters that the matters of discretion listed under Rule 7.2 are insufficient to safeguard the amenity of the surrounding environment. However, provided that the matters of discretion are broadened to include potential traffic and odour effects, and matters of inadequate animal containment, we do not support an amendment to change the status to a fully discretionary activity. As stated in the 'Reasons for Rules' (on pages 280-281) the boarding of animals is considered an appropriate activity in the Rural zone, however "...resource consent is required to ensure any potential nuisance effects are adequately mitigated". If the matters of discretion are amended to include all potential adverse effects, we see no need to amend the status to a full discretionary activity.
- 7.2.2.9 We therefore recommend that traffic and odour effects, and matters of inadequate animal containment, are included in the assessment matters of 7.2.1 and 7.2.2. Given that such amendments go some way towards meeting the submitters concerns, we recommend that submission points by V M Challies (332.19 and 332.22), the Prebbleton Community Association (599.19 and 599.22) and R Dally & Others (352.01) be accepted in part. As a consequence, we also recommend that the submission points by R Dally & Others (352.02 and 352.03) to delete Rule 7.2 and to amend Rule 7.4 to a non-complying activity, be rejected.
- 7.2.2.10 The other part of submission point 352.01 by R Dally & Others was a request to amend the separation distances in Rule 7.1, which act as criteria for determining whether the application is a restricted discretionary or a discretionary activity. The changes sought were to: (a) increase the distance from a property boundary from 50m to 60m; (b) increase the distance from a Living Zone or Existing Development Area from 200m to 400m; and (c) introduce a new separation distance of 400m from any residential unit.
- 7.2.2.11 We note that the separation distances prescribed, and sought, in Rule 7.1.4 apply only to a "boarding kennel". While this term is underlined in the PDP there is no associated definition of a "boarding kennel". In our view however, it is apparent that Rule 7.1.4 refers to the boarding of dogs only.
- 7.2.2.12 We note that neither the PDP nor its supporting documents provide information on how the separation distances contained in Rule 7.1.2 to 7.1.4 were devised, however we understand that reference was made to the provisions for the "boarding of domestic animals" in the Proposed Christchurch City Plan. The relevant rule in that document is Rural Zone Rule 2.4.3 (page 4/11) which reads:

2.4.3 *Boarding of domestic animals*

No building, compound or part of a site used for the housing of domestic animals shall be located within 50 metres of any site boundary, or 200 metres of any living zone boundary.

7.2.2.13 Non-compliance with the above rule would require resource consent for a discretionary activity. The associated reason for this rule states (on page 4/27):

5.1.6 Boarding of domestic animals

The primary potential adverse effects on the environment from this form of activity are likely to be noise and, to a lesser extent, smell. Rules in relation to separation distances have been set in order to mitigate such potential effects in relation to living zones and to reduce the effects on adjoining rural dwellings. Siting buildings closer than the specified distance for boarding purposes will enable necessary assessment of site suitability or mitigation measures that may be required.

7.2.2.14 In our view, the 50m buffer distance from property boundaries is to reduce the impact of any adverse effect on neighbouring properties, including those containing dwellings. We do not agree with R Dally & Others that a dwelling located in a rural area should be afforded the same separation as a Living zone or an Existing Development Area as the amenity associated (or to be expected) with a rural-based dwelling is very different to that of a predominantly residential environment. Nevertheless we accept the submitters' statements as follows (emphasis added):

"A person residing in the Rural Zone could be expected to tolerate noises typically associated with rural activities including farm or domestic dogs barking, the characteristics of noise generated by dogs kept in kennels has the potential to have a significant effect on the amenities of adjoining land owners.

...There is a need to impose reasonable separation distances between buildings or compounds used for the boarding of animals and adjoining residential units to avoid the potential for adverse effects associated with noise of dog barking."

7.2.2.15 Notwithstanding the request to increase separation distances in Rules 7.1.2 and 7.1.4, the submission goes on to state:

"However in the case of dog kennels for instance, it is not possible to achieve an absolute internalisation of adverse effects associated with noise (dog barking) even if more stringent separation distances are imposed."

7.2.2.16 The submission does not contain any supporting advice as to why the distances contained in Rule 7.1 are considered inadequate and it seems that the last statement referred to above recognises that separation distances are likely to be somewhat arbitrary in their application and relative effectiveness in attempting to mitigate potential noise effects from dog kennels. It is for this reason that Council retains the ability to consider noise generation and any proposed mitigation measures where it is proposed to locate an animal boarding facility outside the minimum setbacks. Any application which does not comply with the prescribed minimum buffer distances is to be considered as a fully discretionary activity, where all potential effects can be taken into account.

7.2.2.17 While we do not have any evidence to determine the effectiveness of the proposed setbacks in mitigating noise from dog barking, we do note the following points:

- The separation distances in Rules 7.1.2 to 7.1.4 serve only as a 'trigger' to determine whether the application is considered as a restricted discretionary or a discretionary activity. Resource consent is required regardless of whether such setbacks are complied with.
- If the separation distances are complied with (even if they are considered lenient) the proposal would still be subject to a full assessment of potential noise effects (and traffic and odour effects, and matters of inadequate animal containment, in accordance with our recommendation above). If noise effects were found to be significant, the Council could notify and/or decline an application for a restricted discretionary activity on the grounds that noise effects is a matter to which it has restricted its discretion.
- Any fixed buffer distance is likely to contain a degree of subjectiveness, which reflects the variation in site and locality characteristics, as well as the nature of the proposed activity, including mitigation measures and management practices.

7.2.2.18 In light of the above assessment and considering the absence of any specific evidence to suggest that the buffers proposed by R Dally & Others are more appropriate than those contained in the PDP, we recommend that this part of submission point 352.01 be rejected.

7.2.2.19 However, as submission point 352.01 contains several parts, the result is that the submission is accepted in part.

7.2.2.20 Heinz Watties Australasia (419.19) sought to include bio-security as an additional matter of discretion for considering applications under Rule 7.1. The basis for this submission was that the "boarding of animals has the potential to result in adverse effects on bio-security in the area. As such, consideration should be given to the bio-security of adjacent food crop or livestock producers".

7.2.2.21 Biosecurity is described in a Parliamentary Commissioner for the Environment publication "New Zealand under Siege – A review of the management of biosecurity risks to the environment" (Nov 2000, page 18) as:

"...the management of exotic biological risks that may harm New Zealand's economic, environmental and social interests. But it also includes the management of risks arising from the translocation of species from their natural range within New Zealand. Biosecurity is the means by which these risks are managed rather than being an end in itself."

7.2.2.22 This document describes the Biosecurity Act 1993 as "the main statute governing the management of biosecurity risks and the control or eradication of pests, diseases and unwanted organisms" (page 37). In terms of the relationship between the Biosecurity

Act and the Resource Management Act, it is stated that the Biosecurity Act does not affect the provisions of the RMA, although actions taken under the Biosecurity Act to eradicate an organism may be exempted from the RMA provisions for up to 20 days to enable a quick response.

7.2.2.23 Whether biosecurity is a resource management matter is canvassed in the following extract from Ministry for the Environment publication “Bio-What?” (2000):

“While the RMA does not specifically provide for biosecurity matters, it is relevant to biosecurity in that a biosecurity system is intended to protect biodiversity (along with human health and international trade), which is an aspect of the environment covered by the Resource Management Act 1991”.

7.2.2.24 We consider that in terms of s.32 of the Act, the Council must be satisfied that the introduction of provisions designed to manage adverse environmental effects in the PDP is the most efficient and effective means of avoiding, remedying or mitigating adverse effects. We have assessed this point and have concluded that matters of biosecurity are best dealt with under the Biosecurity Act 1993. In this context we have reservations as to how an assessment of biosecurity matters could be undertaken effectively in considering a resource consent application for an animal boarding facility. The main reason for our concern is that, unless the Council compiled an inventory of all sites that could be subject to biosecurity effects, and such a record was regularly updated and maintained, it would be very difficult to determine when biosecurity matters might be at issue. It would also be difficult, in our opinion, to assess the potential significance of such effects and the extent of land which may be adversely affected without detailed reference material (that was also widely accepted) to assist in this assessment. As a consequence of our reservations as to the monitoring and compliance costs of addressing biosecurity matters effectively in a resource consent process, we recommend that the submission by Heinz Watties Australasia be rejected in this instance.

Recommendation 23.7.2

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept in part** submission **332.22** and further submission **(F352)** in so far as it relates to submission number 332.22.
- (b) **Accept in part** submission **599.22** and **reject** further submission **(F385)** in so far as it relates to submission number 599.22.
- (c) **Accept in part** submission **352.01** and further submission **(F892)** in so far as it relates to submission number 352.01.
- (d) **Reject** submissions **352.02** and **352.03** and further submission **F892** in so far as it relates to submission numbers 352.02 and 352.03.
- (e) **Reject** submission **419.19**.

Relevant Submissions from Report 18

- (f) **Accept in part** submission **332.19** and **reject** further submissions **F916, F935, F564, F622, F688** and **F679** in so far as they relate to submission number 332.19.
- (g) **Accept in part** submission **599.19** and further submission **F352** and **reject** further submissions **F385** and **F564** in so far as they relate to submission number 599.19.

Amendments to the PDP as a consequence of Recommendation 23.7.2:

1. Amend Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals, Rule 7.2 Boarding of Animals (page 267), as follows:
 - 7.2 Under Rule 7.1, the Council shall restrict its discretion to consideration of:
 - 7.2.1 Any potential nuisance effects from noise, traffic, odour or inadequate animal containment on surrounding properties;
 - 7.2.2 The effectiveness of any proposed mitigation measures to reduce effects of noise, traffic, odour or inadequate animal containment on surrounding properties;
 - 7.2.3 Any financial contributions payable under Rule X(1) or (3);
 - 7.2.4 Any positive effects which may offset any adverse effects; and
 - 7.2.5 Any monitoring or review conditions.

8. TOPIC 8 – INTENSIVE LIVESTOCK FARMING

8.1 Sub-Topic 8.1: Definitions

8.1.1 Submissions Considered

“Intensive Livestock Production” (Rural Volume)

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.31)	This definition needs to clearly define what is to be included within the meaning of livestock. For example whether exotic animals, poultry, other birds, fish and other species included within this definition.	Re-write the definition of "Intensive Livestock Production" to properly clarify what is included in the term Livestock under this definition. Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission than it will make any subsequent alterations which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Tegel Foods Ltd (F679)	Support in Part
Federated Farmers of New Zealand (385.84)	Similar definitions have been used in other District Plans and have the potential capture more activities than intended. This is exemplified in the currently ongoing case of Wilson vs. Waikato District Council where calf-rearing operations have been defined as intensive livestock production. This is clearly not the original intention of the definition; therefore the submitter submits that calf rearing operations should be clearly excluded from it.	Amend Definition of "Intensive Livestock Production" as follows: "Intensive Livestock Production: means the use of land and buildings for the commercial rearing and management of livestock where the viability of the activity is not dependent upon the soil fertility of the land on which the activity is undertaken. [Intensive Livestock production does not include the rearing of calves to weaning stage]." Where the submitter has requested that a rule be amended or deleted, the submitter has attempted to locate all other rules or notes associated with it, and request either their amendment or deletion as well. In the event that the submitter has overlooked any rules or notes that are associated requested deletions or amendments, the submitter requests that the Council make the appropriate changes to the Plan to reflect the purpose and intent of the submitter's submission.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support

Submission No.	Summary of Submission	Decision Requested
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
New Zealand Pork Industry Board (564.23)	The submitter supports provision being made for existing intensive livestock production operations to expand as a restricted discretionary activity without the need for notification or the approval of affected parties. The submitter contends, however, that an additional Rule should be included, which gives existing pig farming operations the option of expanding as a controlled activity if specified standards can be met. Additionally, the submitter believes it should be explicitly stated what constitutes an 'existing farm'.	That a consequential amendment be made to the definition of "Intensive Livestock Production" to make it clear that it includes intensive pig production. And The decisions sought under submission points 564.21 and 564.22, page 268. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
New Zealand Pork Industry Board (564.25)	The current wording of "Intensive Livestock Production" leaves some degree of uncertainty as to whether outdoor farmed pigs are included under the definition or not. It could be argued that because supplementary feeding of pigs occurs (i.e. they do not get all their nutritional requirements from grazing pasture), the rearing of them "is not dependant on the soil fertility of the land on which the activity [occurs]". The Board contends that this ambiguity does not provide sufficient certainty to Plan users as to how the outdoor farming of pigs is to be treated under the Plan. The submitter contends that in terms of effects on the environment, it is necessary to differentiate between those pigs farmed intensively indoors and those farmed outdoors. Intensive farming is characterised by high stocking densities, with the animals being housed predominantly in buildings rather than paddocks. It is this high density which generates the potential adverse effects that justifies a higher degree of control over the activity.	Change the definition of "Intensive Livestock Production" to read: "Means the use of land and buildings for the commercial farming of livestock where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. This include intensive pig farming, but excludes extensive pig farming". And The decision sought under submission point 564.26, page 315. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
Prebbleton Community Association (599.31)	This definition needs to clearly define what is to be included within the meaning of livestock. For example whether exotic animals, poultry, other birds, fish and other species included within this definition.	Re-write the definition of "Intensive Livestock Production" to properly clarify what is included in the term Livestock under this definition. Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission than it will make any subsequent alterations which may be necessary to other parts of the Plan.

Submission No.	Summary of Submission	Decision Requested
	Further Submission	Support/Oppose
	Federated Farmers of New Zealand (F385)	Oppose
Thomas Ross & Julie Ann Sadler (612.05)	The current wording of Intensive Livestock Production leaves some degree of uncertainty as to whether outdoor farmed pigs are included under the definition or not. It could be argued that because supplementary feeding of pigs occurs the rearing of them "is not dependent on the soil fertility of the land on which the activity (occurs)". The submitter contends that this ambiguity does not provide sufficient certainty to Plan users as to how the outdoor farming of pigs is to be treated under the Plan.	Amend the definition of 'Intensive Livestock Production' to read: "Means the use of land and buildings for the commercial rearing and management of livestock where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. This includes intensive pig farming, but excludes extensive pig farming."
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Santa Enterprises (623.11)	It is submitted that there are problems with the definition of 'Intensive Livestock Production' due to lack of supplementary definition for meaning of 'land'. Also existing animal production in the District must be secured.	Add the following sentence to the definition of 'Intensive Livestock Production': "Livestock of the classes sheep, cattle, deer, horses, goats, llamas, alpacas, emu and ostrich shall not in any circumstances come within this definition."
	Further Submission	Support/Oppose
	George Timothy Deans (F894)	Support

New Definitions Relating to Intensive Farming (Rural Volume)

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.36)	'Intensive Livestock Farming', there is no definition for this activity in the Plan. This definition needs to clearly define what is to be included within the meaning of livestock. For example whether exotic animals, poultry, other birds, fish and other species included within this definition.	Include a definition for "Livestock Farming" under "Definitions" in the District Plan. Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission than it will make any subsequent alterations which may be necessary to other parts of the Plan. Note: in their submission the submitter requests under the 'Decision Sought' a definition for Livestock Farming, but in their summary they refer to Intensive Livestock Farming.
Prebbleton Community Association (599.36)	'Intensive Livestock Farming', there is no definition for this activity in the Plan. This definition needs to clearly define what is to be included within the meaning of livestock. For example whether exotic animals, poultry, other birds, fish and other species included within this definition.	Include a definition for "Livestock Farming" under "Definitions" in the District Plan. Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission than it will make any subsequent alterations which may be necessary to other parts of the Plan. Note: in their submission the submitter requests under the 'Decision Sought' a definition for Livestock Farming, but in their summary they refer to Intensive Livestock Farming.
New Zealand Pork Industry Board (564.26)	Extensive (outdoor) pig farming is quite different from intensive pig farming, and has effects that are generally no different to those that could be expected from any other type of outdoor farming such as sheep, cattle, goat or	A new definition of "Extensive Pig Farming" be included that reads: "Extensive pig farming – farming of pigs on pasture (including areas used for access to

Submission No.	Summary of Submission	Decision Requested
	deer farming. This highlights two issues: 1) its effects are obviously different to those generated when pigs are farmed intensively indoors, so demonstrates that it is not suitable to try and encompass them under the same definition or set of rules; and 2) it is not equitable in terms of the treatment given to other species of stock if a resource consent is required for pigs farmed outdoors, and not for other species of outdoor livestock.	shelter) at a stocking density that sustains the maintenance of pasture or ground cover, or where the pigs are farmed as part of a rotational farming system". And The decision sought under submission point 564.25, page 318. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Support
	Graeme Vanstone Irving (F935)	Support
	Chris Trengrove (F688)	Support
Thomas Ross & Julie Ann Sadler (612.04)	In terms of effects on the environment the submitter considers it necessary to differentiate between those pigs farmed intensively indoors and those farmed outdoors. Extensive (outdoor) pig farming is quite different from intensive pig farming, and has effects that are generally no different to those that could be expected from any other type of outdoor farming such as sheep, cattle, goat or deer farming. This highlights two issues: 1) Its effects are obviously different to those generated when pigs are farmed intensively indoors, so demonstrates that it is not suitable to try and encompass them under the same definition or set of rules, 2) It is not equitable in terms of the treatment given to other species of stock if a resource consent is required for pigs farmed outdoors and not for other species of outdoor livestock.	Add a new definition: "Extensive Pig Farming - farming of pigs on pasture (including areas used for access to shelter) at a stocking density that sustains maintenance of pasture or ground cover, or where pigs are farmed as part of a rotational farming system."
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Pork Industry (696.05)	No particular reason given.	Include a new definition as follows: "Extensive Pig Farming: Farming of pigs on pasture (including areas used for access to shelter) at a stocking density that sustains the maintenance of pasture or ground cover, or where the pigs are farmed as part of a rotational farming system."
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

“Commercial Rearing” (Township Volume)

Submission No.	Summary of Submission	Decision Requested
New Zealand Pork Industry (91.2)	Further clarification is necessary in order to more clearly differentiate between the terms 'commercial rearing' and 'intensive livestock production' and ensure the definitions are mutually exclusive.	Alter the definition of 'commercial rearing' to read: "in relation to livestock means the breeding an/or rearing and sale of animals and birds for financial gain, but excludes intensive livestock production."

“Intensive Livestock Production” (Township Volume)

Submission No.	Summary of Submission	Decision Requested
New Zealand Pork Industry (91.3)	Further clarification is necessary in order to more clearly differentiate between the terms 'commercial rearing' and 'intensive livestock production' and ensure the definitions are mutually exclusive.	Alter the definition of 'intensive livestock production' to read: "means the use of land and buildings for the commercial farming of livestock..."
	Further Submission North Canterbury Federated Farmers (F40)	Support/Oppose Support in Part

8.1.2 Discussion

Intensive Livestock Production

8.1.2.1 The definition of “Intensive Livestock Production” in the Rural Volume of the PDP is as follows:

Intensive Livestock Production: means the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependant upon the soil fertility of the land on which that activity is undertaken.

8.1.2.2 The submissions by V M Challies (332.31) and Prebbleton Community Association (599.31) requested that the above definition be “re-written to properly clarify what is included in the term Livestock”, for example, whether it is intended to include “exotic animals, poultry, other birds, fish and other species”. A further submission by Tegel Foods Ltd (F679) supported this suggestion in part “on the basis that there may be improvements and clarifications that can be made to the existing definition...”.

8.1.2.3 Federated Farmers of New Zealand (385.84) requested that the definition be amended to specifically exclude “the rearing of calves to weaning stage”. A ‘blanket’ further submission supporting the whole submission of Federated Farmers of New Zealand was lodged by some 35 parties as set out in the preceding summary.

8.1.2.4 The two submission points by New Zealand Pork Industry Board (564.23 and 564.25) sought to replace the definition with:

“Means the use of land and buildings for the commercial farming of livestock where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. This include[s] intensive pig farming, but excludes extensive pig farming”.

8.1.2.5 Thomas Ross & Julie Ann Sadler (612.05) requested that the definition be amended in the same way as sought by the New Zealand Pork Industry Board, except that the text “commercial farming” should read “commercial rearing and management”. A further submission by New Zealand Pork Industry Board (F564) supported this submission point.

8.1.2.6 A submission by Santa Enterprises (623.11), which was supported by George Timothy Deans (F894), sought to include an additional sentence at the end of the definition to state:

"Livestock of the classes sheep, cattle, deer, horses, goats, llamas, alpacas, emu and ostrich shall not in any circumstances come within this definition."

8.1.2.7 We agree with the concerns of the above submitters that the current definition of “intensive livestock production” is ambiguous and unclear as to the types of livestock or farming practices that could fall within this definition. In our view, the type of livestock that are likely to generate adverse effects on the environment when farmed intensively for commercial purposes include poultry, pig, duck, rabbit, fitch and feedlots for commercial livestock such as cattle. This is not to say however, that the intensive farming of other species, such as deer, goats, alpacas or ostriches would not give rise to similar adverse effects that the associated rules are designed to manage. The definition should not be regarded as absolute or capable of categorising a complete range of intensive livestock activities, however it does need to be sufficiently specific to ensure as much certainty as possible in its interpretation.

8.1.2.8 We further consider that the definition is also inadequate due to its specificity to livestock. Intensive cultivation of plant produce can also give rise to adverse amenity effects on surrounding properties if undertaken for commercial purposes eg. mushroom farming. We therefore consider it appropriate that the definition is broadened to refer simply to “intensive farming” encapsulating the intensive production of both plant and animal matter. An example of such a definition is contained in the Proposed Waimakariri District Plan which reads as follows:

Intensive Farming: means the production of plant and animal produce, where the predominant productive processes are not dependent on the soil characteristics of the site on which it is situated. Processes may involve: poultry, pig, rabbit, fitch and opossum; production of compost; mushroom farming; and feedlots for commercial livestock such as cattle. It excludes those activities where production requires pasture or ground cover to be maintained, glasshouses and horticulture. ***Intensive Farm*** has the same meaning.

8.1.2.9 While we consider the amendments proposed by New Zealand Pork Industry Board and Thomas Ross & Julie Ann Sadler are effective in addressing the deficiencies of the definition in relation to intensive and extensive pig farming, the relief sought does

not extend to include a broad definition of “intensive farming” along the lines of the above example. We recognise that although the submissions by Victor Melvyn Challies and Prebbleton Community Association seek to rewrite the definition, their concerns appear to primarily relate to the interpretation of “livestock” only. The Federated Farmers of New Zealand submission is also specific to calf rearing.

- 8.1.2.10 Notwithstanding the limited scope available within the above submission points, we recommend that Council replace the existing definition of “intensive livestock production” with a new definition of “intensive farming”. Such a definition could be framed in a similar fashion to the same definition contained in the Waimakariri District Plan, but which also incorporates some of the amendments suggested by New Zealand Pork Industry Board and Thomas Ross & Julie Ann Sadler, as follows:

Intensive Farming: means the use of land and buildings for the commercial production of plant and animal produce, where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density, or nature of the activity, precludes the maintenance of pasture or ground cover. Processes may involve: poultry, pig, duck, rabbit, fitch and opossum; mushroom farming; and feedlots for commercial livestock such as cattle. It excludes those activities where production requires pasture or ground cover to be maintained, glasshouses and horticulture. ***Intensive Farm*** has the same meaning.

- 8.1.2.11 Given that it is doubtful that the proposed alteration to the definition of “intensive livestock production” can be made within the scope of submissions, we recommend that Council initiate a variation to incorporate the above definition and replace all other references to “intensive livestock production” with “intensive farming” throughout both volumes of the PDP. We also note that the rule reference to “Keeping Animals” will need to be altered to provide for all intensive farming activities (i.e. including those involving plant matter).

- 8.1.2.12 On the basis of the above assessment we recommend that the submissions by Victor Melvyn Challies (332.31), Prebbleton Community Association (599.31), New Zealand Pork Industry Board (564.23 and 564.25) and Thomas Ross & Julie Ann Sadler (612.05) be accepted in part. With regard to the request by Federated Farmers of New Zealand (385.84) to specifically exclude “the rearing of calves to weaning stage”, we consider that the proposed definition is sufficiently clear that such activities would not fall within the proposed definition of “intensive farming”. We therefore recommend that this submission be rejected along with the further submissions in support. We do not agree however, with the relief sought by Santa Enterprises (623.11) as we consider that the intensive farming of animals such as those listed in the submission could generate adverse effects on the environment which should be managed as

“intensive farming” activities. We therefore recommend that this submission be rejected.

Intensive Farming

8.1.2.13 Submissions by Victor Melvyn Challies (332.36) and Prebbleton Community Association (599.36) sought to include a definition of “Livestock Farming”, however the reason for this submission refers to the need for a definition of “Intensive Livestock Farming”. We recognise that the use of the terms “Intensive Livestock Farming” and “Intensive Livestock Production” in the Rural Volume is internally inconsistent and there is only one definition of the latter to cover both terms. In order to correct this anomaly, we consider that the introduction of a new definition for “intensive farming” and consequential amendments as recommended above may alleviate the concerns of the above submitters to some extent. Consequently, we consider that the insertion of the proposed definition is unnecessary if a Variation proceeds. We therefore recommend that these submission points be rejected.

8.1.2.14 Submissions by New Zealand Pork Industry Board (564.26), Thomas Ross & Julie Ann Sadler (612.04) and Pork Industry (696.05) requested that a new definition of “Extensive pig farming” be inserted to read as follows:

Extensive Pig Farming: *farmings of pigs on pasture (including areas used for access to shelter) at a stocking density that sustains the maintenance of pasture or ground cover, or where the pigs are farmed as part of a rotational farming system*

8.1.2.15 On the basis of the proposed introduction of a new definition for “intensive farming” that excludes those activities where production requires pasture or ground cover to be maintained, we consider that the proposed definition of “extensive pig farming” is unnecessary and would result in the itemisation of only one type of extensive farming activity that occurs in the rural environment. We therefore recommend that these submission points be rejected.

“Commercial Rearing” and “Intensive Livestock Production”

8.1.2.16 The definition of “Commercial Rearing” in the Township Volume is as follows:

Commercial Rearing: *in relation to livestock means the breeding and/or rearing and sale of animals and birds for financial gain.*

8.1.2.17 The definition of “Intensive Livestock Production” in the Township Volume is as follows:

Intensive Livestock Production: *means the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependant upon the soil fertility of the land on which that activity is undertaken.*

8.1.2.18 The New Zealand Pork Industry Board (91.2 and 91.3) have requested that each of the above definitions be clarified so that they are mutually exclusive, in order to differentiate between the two terms. The proposed amendment to the definition of “intensive livestock production” is supported in part by North Canterbury Federated Farmers (F40) as “we agree that clarification of intensive livestock production is required, but do not support the definition as written by the submitter”.

8.1.2.19 As asserted by the submitter, it is apparent that the necessity for the two definitions is brought about by “intensive livestock production” being listed as a non-complying activity, and “commercial rearing” being listed as a discretionary activity, in Living zones. In our opinion the PDP therefore anticipated that the effects arising from an “intensive livestock production” activity are likely to be greater than those generated by the “commercial rearing” of livestock in Living zones. For example, the rearing of livestock at a density, or in a manner, which is not dependent upon the soil fertility of the land would be categorised as “intensive livestock production” and capable of adversely affecting the amenity of surrounding residents; hence its status as a non-complying activity. On the other hand, if the rearing of livestock occurred at a low density which maintained pasture or ground cover (therefore falling within the ambit of “commercial rearing” only), the amenity effects on neighbours are likely to be substantially less; hence its status as a discretionary activity.

8.1.2.20 However, we acknowledge the potential confusion caused by both existing definitions using the term “commercial rearing” and consider that the proposed amendment to the definition of “commercial rearing” would make it clear that it did not encompass activities that fell within “intensive livestock production”. As a consequential amendment to the suggested substitute definition of “intensive farming”, we recommend that this submission be accepted in part insofar as it relates to the exclusion of the intensive farming of livestock from this definition. We therefore recommend that the definition is amended as follows:

Commercial Rearing: *in relation to livestock means the breeding and/or rearing and sale of animals and birds for financial gain, but excludes intensive farming.*

8.1.2.21 Similarly, the relief sought in relation to the definition of “intensive livestock production” also becomes somewhat redundant due to the suggested text of a new definition for “intensive farming”. While the wording of the new definition may satisfy the submitter’s concerns to some extent, we recommend that the proposed change to the existing definition be rejected in favour of the insertion of an “intensive farming” definition.

Recommendation 23.8.1

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** submission **91.2**.
- (b) **Accept in part** submission **332.31** and further submission **F679** insofar as it relates to submission number 332.31.
- (c) **Accept in part** submissions **564.23** and **564.25**.
- (d) **Accept in part** submission **599.31** and **reject** further submission **F385** insofar as it relates to submission number 599.31.
- (e) **Accept in part** submission **612.05** and further submission **F564** insofar as it relates to submission number 612.05.
- (f) **Reject** submission **385.84** and further submissions **F890, F894, F901, F902, F903, F904, F913, F919, F920, F921, F926, F928, F934, F944, F953, F974, F980, F996, F952, F950, F958, F909, F908, F867, F868, F869, F881, F930, F931, F977, F936, F1039, F1026, F978** and **F954** insofar as they relate to submission number 385.84.
- (g) **Reject** submission **623.11** and further submission **F894** insofar as it relates to submission number 623.11.
- (h) **Reject** submission **332.36**.
- (i) **Reject** submission **599.36**.
- (j) **Reject** submission **564.26** and further submissions **F916, F935** and **F688** insofar as they relate to submission number 564.26.
- (k) **Reject** submission **612.04** and further submission **F564** insofar as it relates to submission number 612.04.
- (l) **Reject** submission **696.05** and further submission **F564** insofar as it relates to submission number 696.05.
- (m) **Reject** submission **91.3** and further submission **F40** insofar as it relates to submission number 91.3.

Amendments to the PDP as a consequence of Recommendation 23.8.1:

1. **By way of Variation**, delete the definition of “Intensive Livestock Production” in Part 3, Section 3 Definitions (Rural Volume) on page 318 and insert a new definition of “Intensive Farming” as follows:

Intensive Farming: means the use of land and buildings for the commercial production of plant and animal produce, where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density, or nature of the activity, precludes the maintenance of pasture or ground cover. Processes may involve: poultry, pig, duck, rabbit, fitch and opossum; mushroom farming; and feedlots for commercial livestock

such as cattle. It excludes those activities where production requires pasture or ground cover to be maintained, glasshouses and horticulture. Intensive Farm has the same meaning.

2. As a consequence, replace all references to “intensive livestock production” and “intensive livestock farming” throughout both volumes of the PDP with the term “intensive farming”. Further consequential amendments include altering the rule reference of “Keeping Animals” to provide for all intensive farming activities (i.e. including those involving plant matter) and replacing the definition of “intensive livestock production” in Part 3, Section 6 Definitions (Township Volume) on page 344 with the above definition of “intensive farming”.
3. Amend the definition of “Commercial Rearing” in Part 3, Section 6 Definitions (Township Volume) on page 342 as follows:

Commercial Rearing: in relation to livestock means the breeding and/or rearing and sale of animals and birds for financial gain, but excludes intensive farming.

8.2 Sub-Topic 8.2: Siting of Buildings

8.2.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Willaden Farms (399.08)	The submitter considers that because pigs do not defecate or urinate inside their housings (therefore creating very little odour) there is no need for a setback from any boundary. The submitter makes reference to the definition of Utility Structure on page 321 and states that housing for outdoor pigs does not exceed the 10m ² or 2m. It is unclear why the submitter has made this reference.	Adopt Note 1. And The submitter seeks that no changes or amendments be made which will alter the intent of this submission.
New Zealand Pork Industry Board (564.14)	The submitter contends that a further explanatory note is required stating that the 30 metre setback for buildings housing animals, does not apply to ‘arks’ or shelters used for housing pigs farmed extensively outdoors. The submitter notes that arks or shelters used for housing pigs farmed outdoors are exempt from complying with the 30 metre setback, due to being excluded from the definition of “Building” by virtue of their size and height (i.e. less than 10m ² in area and 2m in height). However, this is not evident from reading Table Three and its accompanying notes, and the submitter thinks that for the avoidance of doubt, it should specifically be stated that the 30 metre setback does not apply to arks or shelters used as part of outdoor pig production.	That Note 1 following Table Three be altered to read: “The 30 metre setback for buildings housing animals does not apply to any building used as part of intensive livestock production, or for any shelters or arks used to house pigs farmed outdoors.” There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.

8.2.2 Discussion

- 8.2.2.1 Rule 1.16 specifies minimum setback requirements for buildings from property and road boundaries. Included in these provisions is a minimum setback of 30m from both

internal and road boundaries for “any size building housing animals”. Associated Note 1 of Rule 1.16 states:

1. *The 30 metre setback for buildings housing animals does not apply to any building used as part of intensive livestock production.*

- 8.2.2.2 While the Reasons for Rules do not offer any insight as to the reason for this exemption, we believe that the reason is that Rule VIII – Activities, Rules 8.1 and 9.1 ‘Intensive Livestock Farming’ (pages 268-269) require resource consent for any new or expanding intensive livestock production activity. Issues associated with the proximity of proposed buildings from boundaries would, if relevant, therefore form part of the overall assessment of the proposal.
- 8.2.2.3 The submission by Willaden Farms (399.08) appears to support Note 1 above for two reasons. The first is that housing structures for outdoor pigs do not exceed 10m² in area or 2m in height and are therefore exempt from the definition of a “building” in the PDP. Secondly, such structures are unlikely to cause adverse nuisance effects to neighbours as pigs living outdoors do not defecate or urinate inside their housing, and any visual effects should be accepted as part of the rural environment. While we acknowledge the submitter’s support for Note 1, we note that any extensive pig farming activities would need to fall outside the definition of “intensive livestock production” in order to be a permitted activity (submissions relating to this definition were assessed in the preceding part of this report). Given that this submission point supports Note 1 above, we recommend that it be accepted.
- 8.2.2.4 New Zealand Pork Industry Board (564.14) requested that the exemption stipulated in Note 1 be extended to include “or for any shelters or arks used to house pigs farmed outdoors”. The submitter recognises that such structures are excluded from the definition of a “building” (as explained above), however to avoid any doubt it is requested that Note 1 is explicit in this regard. While we understand that this submission is merely for clarification purposes, we do not support this amendment. We note that both the subject rule and associated note apply to any “building” as defined in the PDP and introducing an additional exemption clause may confuse this definition. To exclude all “shelters or arks” from the setback provisions may also result in large pig shelters being permitted within the 30m setback, which would otherwise be defined as a “building” (if not “intensive livestock production”), and which could give rise to adverse effects on neighbouring properties. For these reasons we recommend that this submission be rejected.

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** submission **399.08**.
- (b) **Reject** submission **564.14**.

Amendments to the PDP as a consequence of Recommendation 23.8.2:

Nil.

8.3 Sub-Topic 8.3: Intensive Livestock Farming – New Farms (Rules 8.1, 8.2 and 8.3)

8.3.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.29)	Rule 8.2.1 allows the consideration of any nuisance effects that may arise from a new intensive livestock production activity. However, it is considered by the submitter that some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects.	Re-word Rule 8.2.1 to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties, with respect to establishing new intensive livestock production activities. And The decision sought under submission point 321.30, page 269. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
Victor Melvyn Challies (332.23)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That Intensive Livestock Farming (Rule 8.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Oppose
	Ross & Julie Sadler (F622)	Oppose
	Tegel Foods Ltd (F679)	Oppose
Heinz Watties Australasia (419.20)	Intensive livestock production are restricted discretionary activities. Matters of discretion with respect to nuisance effects are limited to odour, dust, noise, or traffic. Intensive livestock farming has the potential to result in adverse effects on bio-security in the area. As such, consideration should be given to the bio-	Amend Rule 8.2 to include bio-security as a further matter to which Council will restrict its discretion to. Or Any other decision to provide relief consistent with what is sought. And

Submission No.	Summary of Submission	Decision Requested
	security of adjacent food crop or livestock producers.	Any necessary consequential amendments to give effect to the above relief.
New Zealand Pork Industry Board (564.20)	The submitter supports the establishment of new intensive livestock farming operations being a restricted discretionary activity, but requests that it be explicitly stated what constitutes a 'new farm'. The submitter considers the fact that there will be a degree of uncertainty over the potential for adverse effects to be generated by new intensive farming operations, warrants the activity being classed as restricted discretionary. This will give the Council the certainty that it can decline consent applications for proposed operations that are unable to demonstrate that their potential adverse effects on the environment can be adequately mitigated. It will also give other users of the Rural Zone some assurance that the nature and amenity levels of the Zone will be maintained at appropriate levels. For the avoidance of doubt, the submitter contends that it should be stated that 'new farms' are those that are established after the date on which this Plan was notified.	Change the wording of Rule 8.1 to read: "The establishment of any new site, after 8 September 2001, for intensive livestock production..." There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
Prebbleton Community Association (599.23)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That Intensive Livestock Farming (Rule 8.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Federated Farmers of New Zealand (F385)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
Tegel Foods Ltd (679.29)	Rule 8.2.1 allows the consideration of any nuisance effects that may arise from a new intensive livestock production activity. However, it is considered by the submitter that some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects.	Re-word Rule 8.2.1 to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties, with respect to establishing new intensive livestock production activities. And The decision sought under submission point 679.30, page 269. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	MJ & TD Rickerby (F607)	Support
Chris Trengrove (688.04)	The submitter supports new intensive livestock production operations being provided for as a restricted discretionary activity. The submitter agrees that the uncertainty surrounding the potential effects associated with a new operation warrants the Council retaining the ability to decline a consent application if it cannot be demonstrated that the effects on the environment will be adequately controlled.	Retain Rule 8.1.

Submission No.	Summary of Submission	Decision Requested
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support

8.3.2 Discussion

8.3.2.1 The provisions in the PDP for the establishment of a new “intensive livestock production” activity are set out in Rules 8.1-8.3 as follows:

New Farms

8.1 *The establishment of any new site for intensive livestock production shall be a restricted discretionary activity if all of the following standards and terms are met:*
8.1.1 *All of Rules 1.1 to 1.6 and 1.8 to 1.18.*

8.2 *Under Rule 8.1 the Council shall restrict its discretion to consideration of:*

8.2.1 *Any nuisance effects from odour, dust, noise or traffic on surrounding properties;*

8.2.2 *The effectiveness of any proposed mitigation measures to address potential nuisance effects;*

8.2.3 *Any financial contributions payable under Rules X(10 or (3);*

8.2.4 *Any positive effects which may offset any adverse effects; and*

8.2.5 *Any monitoring or review conditions.*

8.3 *Any activity which does not comply with Rule 8.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.*

8.3.2.2 The following discussion addresses the submission made on these rules.

Rule 8.1

8.3.2.3 New Zealand Pork Industry Board (564.20) sought to alter Rule 8.1 to clarify that a ‘new farm’ is one which establishes after 8 September 2001, being the date of notification of the Rural Volume of the PDP. In our view, it is clear that a ‘new farm’ is simply that i.e. there is not one already on the site. We therefore see no merit in adding a date description to the rule as suggested. We therefore recommend that this submission point be rejected.

8.3.2.4 Submissions by V M Challies (332.23) and Prebbleton Community Association (599.23) requested that Rule 8.1 be amended to classify the establishment of a new intensive livestock production activity as a discretionary activity, rather than a restricted discretionary activity. The primary reason for this relief is that “the effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values”. This suggestion was opposed by New Zealand Pork Industry Board (F564), R & J Sadler (F622), Tegel Foods Ltd (F679) and Federated Farmers of New Zealand (F385) on the basis that intensive livestock production forms part of the rural environment.

- 8.3.2.5 The submissions that seek to change the status under Rule 8.1 to fully discretionary also expressed concern “that this activity is taken out of the public process by classifying these activities as restricted discretionary”. Our understanding of the notification provisions of the Act in relation to a restricted discretionary activity, is that the assessment of notification can only be dispensed with if the plan expressly permits consideration of the application without the need to obtain the written approval of affected persons (s.94(1A)). An example of such a provision is contained in Rule 9.2 relating to the expansion of existing intensive livestock farms. We agree with the submitters that the establishment of new intensive livestock production activities could adversely impact on rural amenity values. However, while Council's discretion is restricted under Rule 8.2, such discretion extends to include “any nuisance effects from odour, dust, noise or traffic on surrounding properties” and “the effectiveness of any proposed mitigation measures to address potential nuisance effects”. The submitters did not indicate whether there may be other effects which could arise from such activities and cause adverse amenity effects that are not encapsulated by the matters of discretion.
- 8.3.2.6 On the basis that Rules 8.1 to 8.3 do not prevent affected party consultation and that the matters over which Council has retained discretion include the core adverse effects which may arise from a new intensive farming activity, we see no need to alter the status of Rule 8.1 to a discretionary activity. We therefore recommend that the submissions of V M Challies (332.23) and Prebbleton Community Association (599.23) be rejected.
- 8.3.2.7 A submission by Chris Trengrove (688.04) supported Rule 8.1 on the basis that a new intensive livestock production activity is provided for as a restricted discretionary activity. A further submission by New Zealand Pork Industry Board (F564) supported this submission point. Given that we have not recommended changes to Rule 8.1 we recommend that this submission point be accepted.

Rule 8.2

- 8.6.3.1 Canterbury Poultry Meat Producers Association (321.29) and Tegel Foods Ltd (679.29) requested that Rule 8.2.1 “be reworded to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties”. The reason for this submission is that “some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do

not result in adverse effects". The further submission by RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) opposed the whole of the submission by Canterbury Poultry Meat Producers Association and Tegel Foods Ltd, and MJ & TD Rickerby (F607) supported the whole submission of Tegel Foods Ltd.

- 8.3.2.8 Our understanding of the approach in the PDP is that it aims to allow people to undertake farming and other business activities relatively freely and that residents should expect odour, dust or noise effects to occur as part of the rural environment. However, as provided within the statutory framework of the Act and within objectives and policies of the PDP, it is only where such effects adversely affect amenity values that controls should be considered. In the context of adverse odour effects we refer to the following passage from a Technical Background Report prepared by Tracy Freeman and Roger Cudmore for the Ministry for the Environment (2002, page 16 – emphasis added):

*"The FIDOL factors [frequency, intensity, duration, offensiveness and location] discussed in section 3.2.1 and the other factors discussed in 3.2.2 are commonly used by regulators in New Zealand **to determine whether an odour is offensive or objectionable to the extent that it causes an adverse effect.** Adverse effects can be caused by odours of low intensity and offensiveness occurring frequently over a long period, or by odours of high intensity and offensiveness occurring infrequently..."*

- 8.3.2.9 We therefore concur with the submissions of Canterbury Poultry Meat Producers Association and Tegel Foods Ltd that Rule 8.2.1 should refer to adverse effects on the environment, rather than "nuisance effects" which could be open to further subjective assessment. Consequently, we recommend that these submission points be accepted. We also recommend that the word "nuisance" in Rule 8.2.2 is substituted with "adverse" as a consequential amendment to accepting these submissions. We acknowledge however, that the degree of effect, in terms of whether it is minor or not, is for the consent authority to determine in exercising its discretion and taking into account any mitigation measures proposed.
- 8.3.2.10 Heinz Watties Australasia (419.20) sought to include bio-security as an additional matter of discretion for considering applications under Rule 8.1. The basis for this submission is that "intensive livestock farming has the potential to result in adverse effects on bio-security in the area. As such, consideration should be given to the bio-security of adjacent food crop or livestock producers".
- 8.3.2.11 The submitter made a similar submission to Rule 7.1 – Boarding of Animals, which was addressed in Topic 7 of this report. We do not intend to repeat our assessment again here, but record that we hold the same reservations with regard to the

evaluation of biosecurity effects in a resource consent process for a new intensive farming activity. We therefore recommend that the submission by Heinz Watties Australasia be rejected.

Recommendation 23.8.3

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** submission **321.29** and **reject** further submission **F293** insofar as it relates to submission number 321.29.
- (b) **Accept** submission **679.29** and further submission **F607** and **reject** further submission **F293** insofar as they relate to submission number 679.29.
- (c) **Accept** submission **688.04** and further submission **F564** insofar as it relates to submission number 688.04.
- (d) **Reject** submission **332.23** and **accept** further submissions **F564**, **F622** and **F679** insofar as they relate to submission number 332.23.
- (e) **Reject** submission **419.20**.
- (f) **Reject** submission **564.20**.
- (g) **Reject** submission **599.23** and **accept** further submissions **F385** and **F564** insofar as they relate to submission number 599.23.

Amendments to the PDP as a consequence of Recommendation 23.8.3:

1. Amend Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals, Rule 8.2 Intensive Livestock Farming – New Farms (page 268), by replacing the word “nuisance” with “adverse” in **Rule 8.2.1**. As a consequential amendment, make the same substitution in **Rule 8.2.2**, as follows:
 - 8.2 Under Rule 8.1 the Council shall restrict its discretion to consideration of:
 - 8.2.1 Any adverse effects from odour, dust, noise or traffic on surrounding properties;
 - 8.2.2 The effectiveness of any proposed mitigation measures to address potential adverse effects;
 - 8.2.3 Any financial contributions payable under Rules X(1) or (3);
 - 8.2.4 Any positive effects which may offset any adverse effects; and
 - 8.2.5 Any monitoring or review conditions.

8.4 Sub-Topic 8.4: Intensive Livestock Farming – Expansion of Existing Farms (Rules 9.1, 9.2, 9.3 and 9.4)

8.4.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.30)	Rule 9.3.1 allows the consideration of any nuisance effects that may arise from expanding an existing intensive livestock production activity. This provision is opposed by the submitter as it is considered that some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects.	Re-word Rule 9.3.1 to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties, with respect to expanding existing intensive livestock production activities. And The decision sought under submission point 321.29, page 268. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
Victor Melvyn Challies (332.24)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That the Expansion of Existing Farms (Rule 9.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Oppose
	Graeme Vanstone Irving (F935)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
	Chris Trengrove (F688)	Oppose
Environment Canterbury (371.153)	Tegel Foods Ltd (F679)	Oppose
	The expansion of intensive livestock production does adversely affect neighbouring properties. The Regional Council also often requires consent for discharge of contaminants to air, and notification of consent is one method used by the Regional Council to ensure appropriate consents are applied for.	Delete Rule 9.2. Or Include a note under Rule 9.2: "A copy of the application shall however be sent to Environment Canterbury to determine whether other appropriate discharge consents are required."
	Further Submission	Support/Oppose
	Jules J Snoyink (F1013)	Support
	Rosalie Joy Snoyink (F1014)	Support
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Santa Enterprises (F623)	Oppose
	S T and C J Bell Ltd and R D Bell (F862)	Oppose
	Frank and Diane Denson (F896)	Oppose
	H G and P M Innes (F934)	Oppose
	Eclectic Energy (F374)	Support
	Tegel Foods Ltd (F679)	Oppose in Part

Submission No.	Summary of Submission	Decision Requested
T D & J A Gallagher (398.04)	The submitter supports the Rules 9.1 to 9.4 inclusive (in particular Rule 9.2) Rule 9.2 is "Any resource consent application made under Rule 9.1 shall not be notified and shall not require written approval of affected parties". The submitter supports the rule because the activity is already established and affected parties had the opportunity to have their say in the planning process at the time of establishment or have moved into the area since. Note: the submitter's reference to "the activity is already established" is a general reference and is not made to any particular farm. However, the submitter does operate a poultry farm (refer also to the decisions requested under the submission point 398.01, page 296).	Adopt Rules 9.1 to 9.4.
	Further Submission	Support/Oppose
	Transit New Zealand (F686)	Oppose in Part
New Zealand Pork Industry Board (564.21)	The submitter supports provision being made for existing intensive livestock production operations to expand as a restricted discretionary activity without the need for notification or the approval of affected parties. The submitter contends, however, that an additional Rule should be included, which gives existing pig farming operations the option of expanding as a controlled activity if specified standards can be met. Additionally, the submitter believes it should be explicitly stated what constitutes an 'existing farm'. The submitter accepts that in some circumstances, it will not necessarily be appropriate for existing farms to expand. In these circumstances, the submitter agrees that the Council needs to retain the ability to decline consent, as is provided for in the current Rule 9.1. Having said this however, the submitter contends that where farmers have a proven track record of their ability to operate without causing adverse effects on the environment, they should have the option of applying for a controlled activity resource consent. As it stands, farmers that have no history of complaints against them are going to have to apply for a restricted discretionary consent, with all its associated costs and uncertainties. Regardless of whether resource consent is eventually granted, these farmers will all be regulated in order to control a few possible 'poorer performers', or put another way, in order to account for the 'worst case scenario'. The submitter contends that this is unfair and unnecessary, and that a 'worst case scenario' could still be governed through the use of appropriate controlled activity standards in the first instance, and a restricted discretionary activity class of consent could be used as a fall-back. This approach would have the added benefit of providing an incentive to producers to operate in a way that ensures adverse effects on the environment are adequately controlled, thus potentially resulting in an improved environmental outcome. As with the current proposal under Rule 9.2, the submitter considers the fact that the activity is already	That a new Controlled Activity Rule be included: "Expansion of Existing Intensive Pig Production Operations: The expansion of intensive pig production operations that were lawfully established or authorised before the date of notification of this Plan, is a controlled activity subject to the following standards and terms: 1. Any change in the activity shall not alter the character or increase the scale or intensity of any adverse effects of the activity on the environment. 2. The activity shall have no verified complaints of objectionable effects of odour that has resulted in enforcement action being taken against the operation in the 12 months prior to the consent application. Selwyn District Council reserves control over the following matters: 1. Measures to control the nuisance effects of odour, dust, noise or traffic on surrounding properties. 2. Payment of financial contributions under Rule X (1) or (3). 3. Monitoring or review of conditions. Notification: Applicants for resource consent for activities under this rule will be considered without notification in accordance with s94(1)(b) of the RMA." And The decisions sought under submission points 564.22, page 268 and 564.23, page 318. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.

Submission No.	Summary of Submission	Decision Requested
	established, and neighbours would have either had the opportunity to participate in the planning process at the time it was originally set up, or have subsequently moved into the area with the knowledge that an intensive farm is located nearby, as sufficient justification for providing for a controlled activity consent application to be assessed on a non-notified basis without the need for written approval. For the avoidance of doubt, however, the submitter contends that it should be stated that 'existing farms' are those that were established before the date on which this Plan was notified.	
New Zealand Pork Industry Board (564.22)	The submitter considers the fact that a pig farming activity is already established, and neighbours would have either had the opportunity to participate in the planning process at the time it was originally set up, or have subsequently moved into the area with the knowledge that an intensive farm is located nearby, as sufficient justification for providing for a controlled activity consent application to be assessed on a non-notified basis without the need for written approval. For the avoidance of doubt, however, the submitter contends that it should be stated that 'existing farms' are those that were established before the date on which this Plan was notified.	That the wording of Rule 9.1 be changed to read: "The expansion of any intensive livestock production activity that was existing before 8 September 2001, shall be a..." And The decisions sought under submission points 564.21, page 268 and 564.23, page 318. There may, however, be other methods or better wording for achieving the desired relief sought in these submissions. The submitter requests that any consequential amendments to the Plan be made in order to achieve consistency with, and the intent of, the changes requested.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Support
	Graeme Vanstone Irving (F935)	Support
	Chris Trengrove (F688)	Support
PIC New Zealand (594.06)	The submitter agrees that in circumstances where there is doubt surrounding an established farmer's ability to adequately control adverse effects, the Council should have the ability to decline a resource consent application to expand a farming operation. On the other hand though, the submitter thinks that if a farmer has been able to demonstrate through a good 'track record' that they can manage the potential adverse effects of their farming operation, they should at least have the option of expanding their operation as a 'controlled activity'. This would work well in conjunction with retaining the current 'restricted discretionary' rule, which could be used as a 'fallback' if the specified 'controlled activity' conditions were unable to be met. Doing so would reflect the statement in the Explanation to Policy 3 (section 1.3, page 43), which acknowledges that the effects of an activity do not necessarily increase with an increase in the scale of the activity. By implication, this recognises that farm management practices have a large role to play in terms of the potential for adverse effects to be generated, rather than just the number of pigs on a site. The submitter contends that providing more than one option for a farmer wishing to expand, would also provide an incentive for them to	Retain the current Rule 9.1. And That a new, non-notified 'controlled activity' Rule be included in the Plan, to provide for existing intensive farmers who have a proven track record that they do not cause significant adverse effects on the environment.

Submission No.	Summary of Submission	Decision Requested
	maintain high environmental standards in the operation of their current farm. This could in fact be incorporated into a controlled activity rule, in that good past performance could be specified as a standard, as judged on a basis of there having been no verified complaints resulting in enforcement action, in the 12 months prior to a consent application being lodged. By way of an example, just such a controlled activity Rule could apply in expansions such as the one that is currently underway at the submitter's Burnalan farm. The farm has an excellent track record in terms of there having been no verified complaints resulting in enforcement action in the last 12 months (which demonstrates good management is currently occurring), and the potential for adverse effects on the environment will actually be reduced through a net reduction in the amount of effluent produced on site (through a change in the ratio of breeding to 'grower' pigs on site). Under the present proposal in the Plan a 'restricted discretionary' consent would need to be obtained, whereas the submitter believes the past performance of the operation, and the fact that the potential for adverse effects to be generated would actually be reduced, mean that this is a prime example of an expansion that should be allowed for as a 'controlled activity'.	
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Prebbleton Community Association (599.24)	The effects of intensive farming and keeping of livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values. Concern is expressed that this activity is taken out of the public process by classifying these activities as restricted discretionary.	That the Expansion of Existing Farms (Rule 9.1) be listed as discretionary activities and that Rules 7.1 to 9.4 be amended accordingly. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Federated Farmers of New Zealand (F385)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
Ray Seebeck (632.03)	The submitter states that the expansion of existing farms should be a controlled activity because of an existing rights activity as long as the activity has been complying with Canterbury Regional Council resource consents.	Allow existing farms to expand their operation to maintain it as a sustainable operation without restrictions as long as it complies with existing consents.
	Further Submission	Support/Oppose
	Tegel Foods Ltd (F679)	Support
David William Stott (645.01)	The submitter supports Rule 9.2 regarding Intensive Livestock Farming, which states that applications to expand existing intensive livestock farms shall not be notified and shall not require the written consent of affected parties. The activity is already established and the affected parties had the chance to have a say in the planning process at the time of the establishment or have moved into the area since.	Support for the Rules 9.2 on Intensive Livestock Farming as written in the Proposed Plan.

Submission No.	Summary of Submission	Decision Requested
Tegel Foods Ltd (679.30)	Rule 9.3.1 allows the consideration of any nuisance effects that may arise from expanding an existing intensive livestock production activity. This provision is opposed by the submitter as it is considered that some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects.	Re-word Rule 9.3.1 to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties, with respect to expanding existing intensive livestock production activities. And The decision sought under submission point 679.29, page 268. And Such other relief necessary to address the submitter's concerns.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	MJ & TD Rickerby (F607)	Support
Chris Trengrove (688.03)	The submitter is not opposed to the Council wishing to retain the ability to decline a resource consent application to expand a farm in situations where there is doubt as to the ability of the farmer to control potential adverse effects. However, those farmers who have a good track record and have demonstrated their ability to operate in a way that ensures potential adverse effects on the environment are controlled, should be given the option to expand their operation as a 'controlled activity', with the 'restricted discretionary' Rule being used as a 'fallback' if the specified 'controlled activity' conditions are unable to be met. Doing so would acknowledge that farm management practices are more important than the number of pigs on a site in terms of the potential for adverse effects to be generated. It would also send a message to existing farmers that if they are thinking of expanding their operations in the future, they should be doing everything within their power to ensure that their current operation runs with a minimum of adverse effects – the incentive of doing so being the option to apply for a consent that has less uncertainty associated with it. The submitter believes that the current approach, whereby all farmers are put through the inherently uncertain process of applying for a restricted discretionary consent, is unfair on those farmers who are currently performing at a high level.	Retain the current Rule 9.1. And That a new, 'controlled activity' Rule be included in the Plan, to provide for existing intensive farmers who have a proven track record that they do not cause significant adverse effects on the environment.
	Further Submission	Support/Oppose
	New Zealand Pork Industry Board (F564)	Support
Pork Industry (696.03)	No particular reason given.	Amend Rule 9.1 so that expansion of existing intensive livestock production farms becomes a controlled activity.

Relevant Submissions from Report No. 18

Submission No.	Summary of Submission	Decision Requested
Victor Melvyn Challies (332.19)	It is considered that this rule does not adequately recognise the adverse effects of different forms of intensive and factory farming on the character and amenity values of the rural area. The lack of opportunity for public submission in respect to the establishment of Boarding of Animals, Intensive Livestock farming and the Expansion of Existing Farms does not recognise the effects that these activities have on rural character and amenity. Further there is considerable doubt in terms of the definition of Intensive Livestock Production as to whether this definition includes poultry etc., and there is not actual definition for Livestock Farming. Also with the problems which have been experienced with mushroom farming in the locality of Prebbleton there is doubt as to whether these Rules have regard to the establishment, operation and adverse effects of these type of activities.	Re-write the rules relating to intensive farming activities (including, but not only, Intensive Livestock Farming , Factory Farming and the Expansion of these farming activities) and the Boarding of Animals, so that they properly control and minimise the adverse effects of these activities on rural character and amenity values. Further definitions should be included eg "Factory Farming" to clarify and distinguish between activities. That these activities be classified as discretionary activities. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	Stephen Dean Glass (F916)	Oppose
	Graeme Vanstone Irving (F935)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose
	Ross & Julie Sadler (F622)	Oppose
	Chris Trengrove (F688)	Oppose
	Tegel Foods Ltd (F679)	Oppose
Prebbleton Community Association (599.19)	It is considered that this rule does not adequately recognise the adverse effects of different forms of intensive and factory farming on the character and amenity values of the rural area. The lack of opportunity for public submission in respect to the establishment of Boarding of Animals, Intensive Livestock farming and the Expansion of Existing Farms does not recognise the effects that these activities have on rural character and amenity. Further there is considerable doubt in terms of the definition of Intensive Livestock Production as to whether this definition includes poultry etc., and there is not actual definition for Livestock Farming. Also with the problems which have been experienced with mushroom farming in the locality of Prebbleton there is doubt as to whether these Rules have regard to the establishment, operation and adverse effects of these type of activities.	Re-write the rules relating to intensive farming activities (including, but not only, Intensive Livestock Farming , Factory Farming and the Expansion of these farming activities) and the Boarding of Animals, so that they properly control and minimise the adverse effects of these activities on rural character and amenity values. Further definitions should be included eg "Factory Farming" to clarify and distinguish between activities. That these activities be classified as discretionary activities. Note: Some of the decisions sought may require some alterations to the wording or cross referencing of policies and rules. It is expected that if Council adopts a submission then it will make any subsequent alterations, which may be necessary to other parts of the Plan.
	Further Submission	Support/Oppose
	R Dally & Others (F352)	Support
	Federated Farmers of New Zealand (F385)	Oppose
	New Zealand Pork Industry Board (F564)	Oppose

8.4.2 Discussion

8.4.2.1 The provisions of the PDP pertaining to the expansion of any existing “intensive livestock production” activity are set out in Rules 9.1-9.4 as follows:

Expansion of Existing Farms

9.1 *The expansion of any existing intensive livestock production activity shall be a restricted discretionary activity if all of the following standards and terms are met:*

9.1.1 *All of Rules 1.1 to 1.6 and 1.8 to 1.18.*

9.2 *Any resource consent application made under Rule 9.1 shall not be notified and shall not require the written approval of affected parties.*

9.3 *Under Rule 9.1, the Council shall restrict its discretion to consideration of:*

9.3.1 *Any nuisance effects from odour, dust, noise or traffic on surrounding properties;*

9.3.2 *The effectiveness of any proposed mitigation measures to address potential nuisance effects;*

9.3.3 *Any positive effects which may offset any adverse effects;*

9.3.4 *Any financial contributions payable under Rule X(1) or (3); and*

9.3.5 *Any monitoring or review conditions.*

9.4 *Any activity which does not comply with Rule 9.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.*

8.4.2.2 The following discussion addresses the submissions made on these rules.

Rule 9.1

8.4.2.3 The New Zealand Pork Industry Board (564.22) sought to alter Rule 9.1 to clarify that an ‘existing farm’ is one which was established before 8 September 2001, being the date of notification of the Rural Volume of the PDP. This suggestion is supported in the further submissions by Stephen Dean Glass (F916), Graeme Vanstone Irving (F935) and Chris Trengrove (F688). As discussed with regard to Rule 8.1, in our view the interpretation of what is a ‘new’ or an ‘existing’ farm is unlikely to cause confusion as the activity is either physically existing or not. We also note that by stating that ‘existing farms’ are only those that established prior to 8 September 2001, then it is difficult to know how the rules would be interpreted for a ‘new farm’ that established under Rule 8.1 but then wished to expand under Rule 9.1. On this basis we recommend that submission 564.22 be rejected.

8.4.2.4 Submissions by Victor Melvyn Challies (332.24) and Prebbleton Community Association (599.24) requested that Rule 9.1 be amended to classify the expansion of an existing intensive livestock production activity as a discretionary activity, rather than a restricted discretionary activity. Similar amendments were sought in relation to Rule 8.1 relating to the establishment of new intensive farming activities. The primary reason for this relief is that “the effects of intensive farming and keeping of

livestock can be a threat to the quality and enjoyment of rural life and consequently to rural values". This suggestion is opposed by Stephen Dean Glass (F916), Graeme Vanstone Irving (F935), New Zealand Pork Industry Board (F564), Chris Trengrove (F688), Tegel Foods Ltd (F679), Ross & Julie Sadler (F622) and Federated Farmers of New Zealand (F385) on the basis that intensive livestock production forms part of the rural environment.

8.4.2.5 The submissions that sought to change the status under Rule 9.1 to fully discretionary also expressed concern "that this activity is taken out of the public process by classifying these activities as restricted discretionary". We reach the same conclusion here as we did for similar submissions in relation to Rule 8.1, being that a status of restricted discretionary or discretionary has no basis in the assessment of notification, unless the plan expressly permits consideration of the application without the need to obtain the written approval of affected persons (s.94(1A) of the Act), as is the case for Rule 9.2. Like Rule 8.2, the Council has restricted its discretion to include "any nuisance effects from odour, dust, noise or traffic on surrounding properties" and "the effectiveness of any proposed mitigation measures to address potential nuisance effects". The submitters do not indicate whether there may be other effects which could arise from such activities and cause adverse amenity effects that are not encapsulated by the matters of discretion. We therefore see no need to alter the status of the expansion of an existing intensive farming activity to a discretionary activity and recommend that the submissions of Victor Melvyn Challies and Prebbleton Community Association be rejected in this instance.

8.4.2.6 A submission by Pork Industry (696.03) requested that Rule 9.1 be amended to provide for the expansion of an existing intensive farming activity as a controlled activity. No further explanation was provided in the submission; however other submission points generally seek to relax the controls on activities associated with intensive farming practices. Our understanding of the implications of such an amendment would be that Council could not then refuse an application to expand an existing farm, or impose conditions to mitigate adverse effects that would effectively decline the application. While we accept that (minor) odour, dust, noise and traffic effects arising from intensive farming activities form part of the rural environment, we do not consider that a controlled activity status would allow for the proper assessment of potential adverse effects in the decision-making process. We therefore recommend that this submission be rejected.

Rule 9.2

8.4.2.7 Environment Canterbury (371.153) requested that Rule 9.2, which provides for an application under Rule 9.1 to be considered on a non-notified basis without affected party approvals, be deleted. Alternatively, they requested that a note be inserted to the effect that a copy of the application shall still be served on Environment Canterbury in order to ascertain whether further resource consents are required. The reasons for this submission state that “the expansion of intensive livestock production does adversely affect neighbouring properties. The Regional Council also often requires consent for discharge of contaminants to air, and notification of consent is one method used by the Regional Council to ensure appropriate consents are applied for”. Jules J Snoyink (F1013) and Rosalie Joy Snoyink (F1014) support all submissions by Environment Canterbury and Eclectic Energy (F374) support this submission point. Further submissions by RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293); Santa Enterprises (F623); S T and C J Bell Ltd and R D Bell (F862); Frank and Diane Denson (F896) and H G and P M Innes (F934) oppose all submissions by Environment Canterbury and Tegel Foods Ltd (F679) oppose this submission point in part.

8.4.2.8 TD & JA Gallagher (398.04) and David William Stott (645.01) expressed support for all of Rules 9.1 to 9.4, however particular support is afforded to Rule 9.2. The reason for these submissions is stated as being “...that the activity is already established and that affected parties had the opportunity to have their say in the planning process at the time of establishment or have moved into the area since”. The further submission by Transit New Zealand (F686) opposed all submission points by T D & JA Gallagher in part, however their concerns do not relate to the intensive livestock farming provisions.

Relevant Submissions from Report No. 18

8.4.2.9 We note that two submission points by Victor Melvyn Challies (332.19) and Prebbleton Community Association (599.19) which were considered in Report No. 18 “Amenity Values” are relevant to the assessment of Rule 9.2. The relief sought in these submission points was that “...rules relating to intensive farming activities...are rewritten so that they properly control and minimise the adverse effects of these activities on rural character and amenity values...” and “...that these activities be classified as discretionary activities”. Among the reasons for this submission point, the submitters expressed concern that there is a lack of opportunity for public

submission. Further submissions opposing such amendments were made by Stephen Dean Glass (F916), Graeme Vanstone Irving (F935), New Zealand Pork Industry Board (F564), Chris Trengrove (F688), Tegel Foods Ltd (F679), Ross & Julie Sadler (F622) and Federated Farmers of New Zealand (F385), and a further submission by R Dally & Others (F352) supported the Prebbleton Community Association.

8.4.2.10 In addressing the issue of notification under the Act, we were referred to a Ministry for the Environment publication “To Notify or not to Notify under the Resource Management Act – A Good Practice Guide” (October 1997) which highlights that the presumption of s.93 of the Act is that all resource consent applications must be notified to allow public participation unless they fall within one of the exceptions listed in s.94. One such exception is s.94(1A) which allows a restricted discretionary activity to be processed on a non-notified basis if the plan expressly permits consideration without approval of affected parties – as is the case with Rule 9.2. The decision to exclude public participation should not be made lightly, as noted in the following passage (page 6):

“...The ability to waive the need for affected parties approval is a serious responsibility for councils and must be exercised with care.”

8.4.2.11 We accept, to some extent, the argument that once an intensive farming activity is established surrounding residents are likely to be somewhat desensitised to the associated effects and that some landowners may well have been involved in the initial planning process. We also acknowledge that the PDP seeks to avoid reverse sensitivity effects where people choose to reside in proximity to an intensive farming activity and then complain about the odour, noise, dust or traffic effects arising from the existing farming activity. However, we do not consider that Council could properly conduct an assessment of potential adverse effects on surrounding property owners from a proposed expansion of an existing intensive farming activity (as required by Rule 9.3) without the opportunity for affected party consultation.

8.6.3.2 We are also concerned that such an approach could be an abuse of the protection afforded by reverse sensitivity provisions. While we agree that people who choose to reside within proximity to an existing intensive farming activity should expect cross-boundary effects associated with the activity, we do not agree that such effects should be permitted to exacerbate without consultation with those who are likely to be affected. We are also of the opinion that while an expansion of an intensive farming activity does not necessarily imply that adverse effects automatically

increase (and in some cases, effects may decrease), people should be consulted if such effects are likely to be greater. Furthermore, we note that if adverse effects associated with an expanding activity increase, there is a likelihood that people could be adversely affected at a greater distance, that were not previously affected by the existing operations. This situation, we believe, is beyond the boundaries contemplated by provisions that seek to avoid reverse sensitivity effects.

8.4.2.12 We therefore concur with the assessment in Recommendation Report No. 18 and recommend that Rule 9.2 be deleted. We therefore recommend that the submissions by Victor Melvyn Challies and Prebbleton Community Association be accepted in part, to the extent that Rule 9.2 is deleted, and the submission by Environment Canterbury be accepted in full. As a consequence, we recommend that the submissions by T D & JA Gallagher and David William Stott that support all of Rules 9.1 to 9.4 be accepted in part (due to other amendments recommended in this section of the report).

Rule 9.3

8.4.2.13 Canterbury Poultry Meat Producers Association (321.30) and Tegel Foods Ltd (679.30) requested that Rule 9.3.1 “should be reworded to clarify that the Council is only concerned with potential effects from odour, dust, noise or traffic that may result in a more than minor adverse effect on surrounding properties”. The reason for this submission is that “some effects from odour and dust may be acceptable in the rural area if these are short in duration, infrequent, or to such a minor extent that they do not result in adverse effects”. The further submission by RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) opposes the whole of the submission by Canterbury Poultry Meat Producers Association and Tegel Foods Ltd, and MJ & TD Rickerby (F607) support the whole submission of Tegel Foods Ltd.

8.4.2.14 The submitters have sought a similar amendment to Rule 8.2.1 and we reach the same conclusion here as we did for that rule. That is, we concur with the submissions of Canterbury Poultry Meat Producers Association and Tegel Foods Ltd that Rule 9.3.1 should refer to adverse effects on the environment, rather than “nuisance effects” which could be open to further subjective assessment. Consequently, we recommend that these submission points be accepted. We also recommend that the word “nuisance” in Rule 9.3.2 is replaced with “adverse” as a consequential amendment to accepting these submissions.

Proposed New Rule

8.4.2.15 Submissions by New Zealand Pork Industry Board (564.21), PIC New Zealand (594.06), Ray Seebeck (632.03) and Chris Trengrove (688.03) made similar requests to insert a new rule that allows for the expansion of existing intensive farming operations to be considered as a controlled activity, provided that the operation has a proven track record of successfully managing adverse environmental effects. The submission by New Zealand Pork Industry Board goes further and suggests additional criteria of “any change in the activity shall not alter the character or increase the scale or intensity of any adverse effects of the activity on the environment”, and Ray Seebeck refers to a record of compliance with “CRC resource consents”. Further submitters in support of a new rule as proposed include New Zealand Pork Industry Board and Tegel Foods Ltd (in support of Ray Seebeck only).

8.4.2.16 The primary reason behind the request for a controlled activity status appears to be the pivotal role of farm management practices in whether adverse effects arise from intensive farming activities. The submitters effectively seek to ‘reward’ those operators who are able to demonstrate a good ‘track record’ (eg. no verified complaints within the preceding 12 months) with the certainty of being able to expand their operations as a controlled activity.

8.4.2.17 While we support the concept of providing incentives for ‘good performers’ to maintain high environmental standards and promoting a more ‘effects-based’ approach in relation to management practices as opposed to the size of the operation, we are not confident that a controlled activity status will ensure the retention of rural amenity values. In the submission of the New Zealand Pork Industry Board, it is suggested that matters to which Council could reserve control over include an assessment of “measures to control the nuisance effects of odour, dust, noise or traffic on surrounding properties”. However if such an assessment revealed the potential for significant adverse effects on nearby properties, Council could only impose conditions to the extent that they did not restrict the ability of the applicant to undertake the proposed activity. In our opinion, the effectiveness of imposing such conditions to successfully mitigate adverse effects in these circumstances is dubious.

8.4.2.18 While we accept that some weight could be placed on the ‘cleanliness’ of an operators ‘track record’ in assessing an application for an expansion of the activity, there is no assurance that good management practices would continue or that after consent was granted the property was not on-sold to a ‘bad’ operator. We are also of the opinion

that it would be difficult for any proposed expansion to demonstrate compliance with the New Zealand Pork Industry Board's proposed standard that "any change in the activity shall not alter the character or increase the scale or intensity of any adverse effects of the activity on the environment", given the subjective nature of the 'existing' level of effects, particularly if surrounding property occupiers were not able to be consulted.

8.4.2.19 We also note that the scale of the intensive farming activity may contribute to the potential for adverse odour effects to arise. As discussed in the Ministry for the Environment "Draft Good Practice Guide for Odour Management in New Zealand" (2002, page 8) "objectionable and offensive effects from odour can occur from low intensity, moderately unpleasant odours occurring frequently over a long period", known as "chronic" effects; and "conversely from high intensity, highly unpleasant odour occurring infrequently", known as "acute" effects. It is possible that an expanded intensive farming operation may have inherent odour emissions that cannot be fully internalised, causing chronic odour effects that may be insignificant on a small scale, but become significant on a larger scale.

8.4.2.20 On the basis of the above assessment, we recommend that the submissions by New Zealand Pork Industry Board, PIC New Zealand, Ray Seebeck and Chris Trengrove that request the insertion of a new controlled activity rule for the expansion of existing intensive farms be rejected.

Recommendation 23.8.4

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accepts** submission **321.30** and **reject** further submission **F293** insofar as it relates to submission number 321.30.
- (b) **Reject** submission **332.24** and **accept** further submissions **F916, F935, F564, F688** and **F679** insofar as they relate to submission number 332.24.
- (c) **Accept** submission **371.153** and further submissions **F1013, F1014** and **F374** and **reject** further submissions **F293, F623, F862, F896, F934** and **F679** insofar as they relate to submission number 371.153.
- (d) **Accept in part** submission **398.04** and **reject** further submission **F686** insofar as it relates to submission number 398.04.
- (e) **Reject** submission **564.21**.
- (f) **Reject** submission **564.22** and further submissions **F916, F935** and **F688** insofar as they relate to submission number 564.22.

- (g) **Reject** submission **594.06** and further submission **F564** insofar as it relates to submission number 594.06.
- (h) **Reject** submission **599.24** and **accept** further submissions **F385** and **F564** insofar as they relate to submission number 599.24.
- (i) **Reject** submission **632.03** and further submission **F679** insofar as it relates to submission number 632.03.
- (j) **Reject** submission **645.01**.
- (k) **Accept** submission **679.30** and further submission **F607** and **reject** further submission **F293** insofar as they relate to submission number 679.30.
- (l) **Reject** submission **688.03** and further submission **F564** insofar as it relates to submission number 688.03.
- (m) **Reject** submission **696.03**.
- (n) **Accept in part** submission **332.19** and **reject** further submissions **F916**, **F935**, **F564**, **F622**, **F688** and **F679** insofar as they relate to submission number 332.19.
- (o) **Accept in part** submission **599.19** and further submission **F352** and **reject** further submissions **F385** and **F564** insofar as they relate to submission number 599.19.

Amendments to the PDP as a consequence of Recommendation 23.8.4:

1. Delete Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals, **Rule 9.2** Intensive Livestock Farming – Expansion of Existing Farms (page 269)
2. Amend Part 3, Section 2, Rule VIII – Activities, Rule 1.7 Animals, Rule 9.3 Intensive Livestock Farming – Expansion of Existing Farms (page 269), by replacing the word “nuisance” with “adverse” in **Rule 9.3.1**. As a consequential amendment, we also recommend that the same substitution is made in **Rule 9.3.2**, as follows:
 - 9.3 Under Rule 9.1, the Council shall restrict its discretion to consideration of:
 - 9.3.1 Any adverse effects from odour, dust, noise or traffic on surrounding properties;
 - 9.3.2 The effectiveness of any proposed mitigation measures to address potential adverse effects;
 - 9.3.3 Any positive effects which may offset any adverse effects;
 - 9.3.4 Any financial contributions payable under Rule X(1) or (3); and
 - 9.3.5 Any monitoring or review conditions.

9. TOPIC 9 – DAIRY FARMS

9.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Federated Farmers of New Zealand (385.41)	The submitter supports Policy 10.	Adopt Policy 10.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
Federated Farmers of New Zealand (385.42)	The submitter supports the intention of the Policy that denies a farmer the automatic right to walk dairy cows along a formed public road, on a regular basis, between land newly purchased or leased and the existing "home" property where the cow shed is located, in situations when the new land does not adjoin the home property. The submitter opposes the proposal to place restrictions on dairy farms where cows are currently being walked along a public road between non-adjacent properties and an expansion occurs that has no significant change to the effects of the activity. For example, the expansion of land area and cow numbers may be solely due the purchase of more land adjoining the "home" block in which case there will be no change in effects on the roadway. For example. A 300 acre farm with 300 cows, consisting of a 200 acre "home" block and a 100 acre "separate" block that expands to 400 cows	Amend Policy 11 along the line of the following: "Require new dairy farms, or existing dairy farms that graze milking cows on additional land purchased or leased that does not adjoin the land on which the milking shed is located, to have alternative access for milking herds to milking sheds other than along formed, legal road reserves." Explanation and Reasons: – Amend along the line of the following: First Paragraph "Policy 11 applies to new dairy farms setting up in the rural area and to existing dairy farms that use additional land, that is not adjoining the land on which the shed used for milking is located, to graze milking cows.] The policy"

Submission No.	Summary of Submission	Decision Requested
	on a 400 acre farm consisting of an expanded 300 acre home block (by the addition of a 100 acre block adjoining the "home" block) and the same 100 acre separate block will not result in an increased use of the road by the farmer's cows and should continue to be permitted.	Sixth Paragraph: Delete. New Method: The submitter requests that a District Bylaws, rather than rules in the District Plan are the most appropriate method to implement this Policy. The submitter questions the legality and practicality of requiring a resource consent to farm dairy cows on a particular piece of land. The Council will have significant difficulties with the purchase of a non-adjacent dairy farm by an existing dairy farmer and with the conversion of farms to dairying from other uses. Compared with a District Rule, a bylaw is much more appropriate in that it is more flexible, can be more easily amended, can be written and applied in a much shorter time frame, and can provide a much greater degree of certainty for both landowners and the Council.
	Further Submission	Support/Oppose
	Transit New Zealand (F686)	Support
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support

Submission No.	Summary of Submission	Decision Requested
Transit New Zealand (686.56)	The intention of Rule 1.1 is supported by the submitter, particularly from a traffic safety perspective (Note: it would appear that 'Rule 1.1' should read 'Rule 1.8'). However the rule appears to have some words missing, and the connection to relevant policies set out earlier in the Plan needs to be made clear, particularly in terms of managing issues such as stock movement along or across the State Highway.	Amend Rule 1.8 to include the appropriate wording to give effect to policies expressed in previous sections of the Proposed Plan. Note: this is unclear as the submitter refers to Rule 1.8 in their decision requested, but to Rule 1.1 in their summary.
	Further Submission Transit New Zealand (F686)	Support/Oppose Support
Transit New Zealand (686.57)	The submitter supports Rule 10.1 with respect to dairy farms adjoining State Highway or Strategic Routes but notes that Council is not able to limit its discretion when considering a non complying activity. Should the rule be amended in such a way that the listed criteria can be retained they should be expanded to include traffic safety matters, which Transit submits are very important in considering proposals potentially involving movement of stock along or across Strategic Routes.	Amend Rule 10.2 to delete the reference to restricted discretion, Or (Should the rule be amended in such a way that the listed criteria can be retained they should be expanded to include traffic safety matters) include criteria for consideration of traffic safety.

The above submissions were assessed and heard by a hearings panel appointed to decide on 'Transport' matters in the PDP. That Panel subsequently determined that such submissions should be transferred to this current topic to ensure that all related submissions are assessed and heard together.

Submission No.	Summary of Submission	Decision Requested
AgResearch Limited (255.08)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 1.8. There may, however, be other methods of achieving the desired relief.
	Further Submission Lincoln University (F947)	Support/Oppose Support
AgResearch Limited (255.09)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that	Delete Rule 10.1. There may, however, be other methods of achieving the desired relief.

Submission No.	Summary of Submission	Decision Requested
	are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
Duncan Laing Contractors (349.03)	The submitter considers the rules are inappropriate and unnecessary and will cause unnecessary costs on resource users. Where an activity cannot meet the permitted activity standards but is not a new dairy farm or extension to an existing dairy farm, the matters over which the Council has reserved its discretion, will impose unacceptable costs on the resource user. Any extension to an existing dairy farm or new dairy farm that cannot meet the permitted activity standards automatically defaults to a non-complying activity.	Delete Rules 1.8, 10.1, 10.2, and 10.3.
Eclectic Energy (374.12)	The submitter currently resides in the Waikato in the middle of a dairying area, and has observed the damage and hazards that are associated with driving dairy herds across roads between one farm especially effluent and roaming stock. Underpasses would resolve these problems and lower the associated risks. Dairy farmers should have to put cow underpasses on any roads where the dairy farm is bisected by a road.	It should not be a permitted activity for milking herds to be driven across roads.
	Further Submission	Support/Oppose
	Eclectic Energy (F374)	Support
Federated Farmers of New Zealand (385.80)	The submitter states that the most appropriate method to meet the objectives of the Plan is via District Bylaw that applies to new dairy farms and farmers that buy additional non-adjointing land.	Delete Rule 1.8, Rule 10.1, Rule 10.2, Rule 10.3 and the accompanying Note: "Adjoining is defined in Part 3, Section 3 of the Plan and includes any land which is separated by a road, easement, water-race or drain." Where the submitter has requested that a rule be amended or deleted, the submitter has attempted to locate all other rules or notes associated with it, and request either their amendment or deletion as well. In the event that the submitter has overlooked any rules or notes that are associated requested deletions or amendments, the submitter requests that the Council make the appropriate changes to the Plan to reflect the purpose and intent of the submitter's submission.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support

Submission No.	Summary of Submission	Decision Requested
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
Heinz Watties Australasia (419.21)	It is understood by the submitter that it is Council's intention to require a resource consent for dairy farming if it is a new activity or is expanding in a different locality from an existing activity. This is an appropriate control to manage the potential adverse effects that result from dairying operations. However, the rule is poorly written and it is unclear exactly what is controlled. Amendments are sought from Council with respect to this rule.	Amend Rule 1.8 to ensure that any establishment of, or any extension to, any dairy farm is on land that is adjoining an existing dairy farm. Or Any other decision to provide relief consistent with what is sought. And Any necessary consequential amendments to give effect to the above relief.
New Zealand Institute of Crop and Food Research Limited (560.08)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 1.8. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
New Zealand Institute of Crop and Food Research Limited (560.09)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 10.1. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support

Submission No.	Summary of Submission	Decision Requested
Santa Enterprises (623.07)	It is submitted that permitted activity 1.8 has no clear meaning and should be deleted, as should Rule 10.1.	Delete Rule 1.8 and Rule 10.1.
AgResearch Limited (255.08)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 1.8. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
AgResearch Limited (255.09)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 10.1. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
Duncan Laing Contractors (349.03)	The submitter considers the rules are inappropriate and unnecessary and will cause unnecessary costs on resource users. Where an activity cannot meet the permitted activity standards but is not a new dairy farm or extension to an existing dairy farm, the matters over which the Council has reserved its discretion, will impose unacceptable costs on the resource user. Any extension to an existing dairy farm or new dairy farm that cannot meet the permitted activity standards automatically defaults to a non-complying activity.	Delete Rules 1.8, 10.1, 10.2, and 10.3.
Eclectic Energy (374.12)	The submitter currently resides in the Waikato in the middle of a dairying area, and has observed the damage and hazards that are associated with driving dairy herds across roads between one farm especially effluent and roaming stock. Underpasses would resolve these problems and lower the associated risks. Dairy farmers should have to put cow underpasses on any roads where the dairy farm is bisected by a road.	It should not be a permitted activity for milking herds to be driven across roads.
	Further Submission	Support/Oppose
	Eclectic Energy (F374)	Support
Federated Farmers of New Zealand	The submitter states that the most appropriate method to meet the objectives of the Plan is via	Delete Rule 1.8, Rule 10.1, Rule 10.2, Rule 10.3 and the accompanying Note:

Submission No.	Summary of Submission	Decision Requested
(385.80)	District Bylaw that applies to new dairy farms and farmers that buy additional non-adjointing land.	"Adjoining is defined in Part 3, Section 3 of the Plan and includes any land which is separated by a road, easement, water-race or drain." Where the submitter has requested that a rule be amended or deleted, the submitter has attempted to locate all other rules or notes associated with it, and request either their amendment or deletion as well. In the event that the submitter has overlooked any rules or notes that are associated requested deletions or amendments, the submitter requests that the Council make the appropriate changes to the Plan to reflect the purpose and intent of the submitter's submission.
	Further Submission	Support/Oppose
	Lawrence Croft (F890)	Support
	George Timothy Deans (F894)	Support
	Craig Eggleston (F901)	Support
	P J Fleming (F902)	Support
	A D Florance (F903)	Support
	David Florance (F904)	Support
	Margaret C George (F913)	Support
	Brian Goddard (F919)	Support
	Peter Graham (F920)	Support
	Christopher C A Gray (F921)	Support
	Rodger & Caroline Hardwick (F926)	Support
	B L & D J Haylock (F928)	Support
	H G and P M Innes (F934)	Support
	Garry & Honoria Lamers (F944)	Support
	Jim Macartney (F953)	Support
	Mount White Station Ltd (F974)	Support
	L M Nicoll (F980)	Support
	I H Reed (F996)	Support
	Mark Robert McAtamney (F952)	Support
	Dwight William Love (950)	Support
	L McKenzie (F958)	Support
	Kelly Frame (F909)	Support
	Bridget Frame (F908)	Support
	L I Bradley (F867)	Support
	Matthew Davis Bradley (F868)	Support
	M G Bradley (F869)	Support
	Castle Hill Partnership (F881)	Support
	Fiona J Hussey (F930)	Support
	Scott Hussey (F931)	Support
	Bruce Nell (F977)	Support
	R F James (F936)	Support
	Guy Martin (F1039)	Support
	Philip W Wareing (F1026)	Support
	Lyn Nell (F978)	Support
	John McDermott (F954)	Support
Heinz Watties Australasia (419.21)	It is understood by the submitter that it is Council's intention to require a resource consent for dairy farming if it is a new activity or is expanding in a different locality from an existing activity. This is an appropriate control to manage the potential adverse effects that result from dairying operations. However, the rule is poorly written and it is unclear exactly what is controlled. Amendments are sought from Council with respect to this rule.	Amend Rule 1.8 to ensure that any establishment of, or any extension to, any dairy farm is on land that is adjoining an existing dairy farm. Or Any other decision to provide relief consistent with what is sought. And Any necessary consequential amendments to give effect to the above relief.
New Zealand Institute of Crop	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1	Delete Rule 1.8.

Submission No.	Summary of Submission	Decision Requested
and Food Research Limited (560.08)	of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
New Zealand Institute of Crop and Food Research Limited (560.09)	The submitter opposes the uncertainty of the status of Dairy Farms under Rules 1.8 and 10.1 of the Plan due to their imprecise and incomplete nature. Rule 1.8 intends to provide for the establishment of, or extension to existing, Dairy Farms as a permitted activity, provided certain standards are met. The qualifying standards have been omitted from the Plan and thus Plan users are unable to gauge the certainty that should otherwise be provided. The submission rests with a concern about the unknown nature of the controls that are intended to be attached to the rule. The rule should be deleted in its entirety and as a consequence, Rule 10.1 should also be deleted.	Delete Rule 10.1. There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Lincoln University (F947)	Support
Santa Enterprises (623.07)	It is submitted that permitted activity 1.8 has no clear meaning and should be deleted, as should Rule 10.1.	Delete Rule 1.8 and Rule 10.1.

9.1.1 Discussion

9.1.1.1 This topic involves policies and rules in the PDP which relate to the droving of stock on roads adjoining dairy farms. This is a significant issue in the district which has been highlighted by the recent development of a number of new dairy units of a significant size.

9.1.1.2 The submissions involved in this Recommendation Report include those originally assigned to the topic together with several which were referred to us from the Panel dealing with Transport issues.

9.1.1.3 To a greater or lesser extent the submissions can be summarised by saying that the majority of them support the policies dealing with the topic but oppose the rules designed to implement those policies. The policies in question are Policies 10 and 11 of Section 2.1 Transport Networks which provide as follows:

Policy 10. Promote stock droving practices that alert motorists that stock are ahead and which minimise disruption to traffic flow along Strategic Routes and arterial roads.

9.1.1.4 Policy 11 of Section 2.1 Transport Networks (Road, Rail & Airfields) and the associated 'Explanation and Reasons' reads as follows:

Policy 11. Require new dairy farms or existing dairy farms expanding in either herd numbers or land areas to have alternative access for milking herds to milking sheds other than along formed, legal road reserves.

Explanation and Reasons

Policy 11 applies to new dairy farms setting up in the rural area and to the expansion of existing dairy farms. Expansion includes both an increase in dairy herd numbers or an increase in the land area of the farm. The policy requires dairy farms to have other means by which to move dairy cows between milking sheds and grazing paddocks, than along legal road reserves. The legal road reserve includes both the carriageway and the grass berms.

The Policy applies specifically to dairy herds because they have the greatest effect on the road reserve; due to the frequency of stock movements.

Policy 11 is to avoid creating more situations where dairy farmers need to drive dairy herds along the road twice daily. This practice causes premature wear to the road tar seal and slippery driving conditions. Dairy herds trampling in the road berm churns up the frontage outside other people's properties.

The Policy and corresponding Rule do not apply to:

- i. Driving dairy herds across a road which bisects the property;
- ii. Dry herds being driven along roads.
- iii. Driving dairy herds along unformed, legal roads.

The area of the road affected in the first case and the frequency of droving in the second case, mean any effects on the road reserve will be minor. In the third case, there will be no effects on the road surface or effects on other motorists.

Establishing a new dairy farm or expanding an existing dairy farm where the land is not adjoining is a non-complying activity. See Rule VIII – 10.1. A resource consent for this activity may be granted in a special case where any effects on the road reserve or adjoining properties will be minor.

The Council's Stock Droving by-law manages stock droving from existing dairy farms (see Policy 10).

Method

- District Plan Rule - Dairy farms

- 9.1.1.5 The rules in question are Rules 1.8, 10.1, 10.2 and 10.3 of Part 3, Section 3, Rule VIII – Activities, which provide as follows:

Permitted Activities

Dairy Farms

1.8 *The establishment of, or any extension to, any dairy farm is on land, which is adjoining;*

Note:

For Rule 1.8 expanding dairy farms include dairy farms which are expanding through an increase in herd numbers or an increase in land area.

Rule 1.8 does not apply to land which is used for grazing dry herds.

Adjoining is defined in Part 3, Section 3 of the Plan and includes any land which is separated by a road, easement, water-race or drain.

Other Activities

Dairy Farms

10.1 *The establishment of any new dairy farm or any extension to an existing dairy farm which does not comply with Rule 1.8 shall be a non-complying activity.*

10.1.1 *All of Rules 1.1 to 1.7 and 1.9 to 1.18.*

10.2 *Under Rule 10.1, the Council shall restrict its discretion to consideration of:*

10.2.1 *The proposed method to move dairy cows between grazing areas and milking sheds;*

10.2.2 *Any financial contributions payable under Rule X(1);*

10.2.3 *Any positive effects which may offset any adverse effects; and*

10.2.4 *Any monitoring or review conditions.*

10.3 *Any activity which does not comply with Rule 10.1.1 shall have the status set out in the column headed Other Activities for the rule(s) with which it does not comply.*

- 9.1.1.6 The main point emphasised in some of the submissions was that the policies could best be implemented by a bylaw rather than by rules in the PDP. This point was addressed at some length in the Section 42A Report and we find that we concur with that assessment. In particular we note the following points:

- In terms of Section 32 of the RMA the Council must be satisfied that any rule is necessary to achieve the purpose of the Act. The rule must also be the most effective and efficient means available to meet that end.
- The Council currently enforces a Stock Control Bylaw which includes provisions for the droving of stock along or across a road and specific conditions relating to the droving of dairy cows for milking purposes. We were advised that Council staff find this bylaw to be clear and relatively simple to administer. We also note that the bylaw was adopted after extensive and successful consultation with the effected members of the farming community.
- Given this situation we can see little point in now adopting rules which, because of their regulatory status, would effectively supersede the bylaw. In our view that amounts to unnecessary duplication.
- In the reasons for the rules the PDP states “the Council has bylaws for driving stock along roads, which manage existing activities. The purpose of the District

Plan rule is to prevent any increase in this activity, unless any effects on the road reserve will be minor". (emphasis added.) While we recognise that the intent of this rule is to discourage dairy farms from relying on the road reserve for regular stock driving purposes in the first instance, we agree with some submitters that the implementation of such provisions is likely to be problematic. Taking into account the case of Eccles, WR & Ors v Matamata-Piako District Council and noting the Court's conclusion that "the proposed use of the road reserve for driving cows along the road from one property to another is an exercise of a public right" we suggest that it would be difficult for Council to refuse resource consent where a substantial amount of "non-adjoining" land has been purchased to extend an existing dairy farm operation. Furthermore, a resource consent process has the potential to become a long and costly exercise for an applicant, particularly where the application is notified and a submitter has the ability to appeal Council's decision to the Environment Court.

- In our opinion it would also be difficult for Council to enforce the rules as it is likely to be unaware of when a dairy farm is expanding (in terms of land area or cow numbers) or when "non-adjoining" land is being purchased and/or converted for dairying purposes. In this context we note that no resource consent applications have been received for non-compliance with Rule 1.8. While we can only speculate as to whether breaches have occurred in this regard, we consider this to be a strange statistic given the high number of dairy conversions that have occurred in the district since September 2001. If existing operations are found to be in breach of Rule 1.8 and a retrospective resource consent is required, there would seem little point in invoking district plan provisions (that are intended to be proactive rather than reactive) where there is an existing bylaw that already addresses such matters effectively.

9.1.1.7 On the basis of the above assessment we are of the opinion that Rules 1.8, 10.1, 10.2 and 10.3 are unnecessary in that the potential effects from the stock driving of dairy cows for milking purposes are already controlled efficiently and effectively through the enforcement of a bylaw. We therefore recommend that all of those submissions seeking to delete these provisions be accepted and that those submissions requesting amendments to, or in support of these provisions be rejected. We also recommend that Policy 10 be retained and Policy 11 be amended so as to reflect a new implementation method namely the Stock Driving Bylaw. The changes to the text incorporate consequential amendments as a result of the above recommendations. They also include part of the relief sought by Federated Farmers (385.24). We therefore recommend that this submission be accepted in part.

Recommendation 23.9

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** submissions **255.08** and **255.09** and further submission **F947** insofar as it relates to submission numbers 255.08 and 255.09.
- (b) **Accept** submission **349.03**.
- (c) **Reject** submission **374.12** and further submission **F374** insofar as it relates to submission number 374.12.
- (d) **Accept** submission **385.80** and further submissions **F890, F894, F901, F902, F903, F904, F913, F919, F920, F921, F926, F928, F934, F944, F953, F974, F980, F996, F952, F950, F958, F909, F908, F867, F868, F869, F881, F930, F931, F977, F936, F1039, F1026, F978** and **F954** insofar as they relate to submission number 385.80.
- (e) **Reject** submission **419.21**.
- (f) **Accept** submissions **560.08** and **560.09** and further submission **F947** insofar as it relates to submission numbers 560.08 and 560.09.
- (g) **Accept** submission **623.07**.
- (h) **Accept** submission **385.41** and further submissions **F890, F894, F901, F902, F903, F904, F913, F919, F920, F921, F926, F928, F934, F944, F953, F974, F980, F996, F952, F950, F958, F909, F908, F867, F868, F869, F881, F930, F931, F977, F936, F1039, F1026, F978** and **F954** insofar as they relate to submission number 385.41.
- (i) **Accept in part** submission **385.42** and further submissions **F890, F894, F901, F902, F903, F904, F913, F919, F920, F921, F926, F928, F934, F944, F953, F974, F980, F996, F952, F950, F958, F909, F908, F867, F868, F869, F881, F930, F931, F977, F936, F1039, F1026, F978, F954** and **F686** insofar as they relate to submission number 385.42.
- (j) **Reject** submission **686.56** and further submission **F686** insofar as it relates to submission number 686.56.
- (k) **Reject** submission **686.57**.

Amendments to the PDP as a consequence of Recommendation 23.9:

1. Delete Rules 1.8, 10.1, 10.2 and 10.3 pertaining to 'Dairy Farms' and the associated 'Notes' from Part 3, Section 2, Rule VIII – Activities, Rule 1.8 Dairy Farms – Rural Volume (pages 269-270). Make consequential amendments by deleting all reference to these rules throughout the Rural Volume of the PDP.
2. Amend Policy 11 of Part 2, 2.1 Transport Networks (Road, Rail & Airfields) – Rural Volume (page 85) to reflect the deletion of Rules 1.8, 10.1, 10.2 and 10.3 above and

replace the implementation method with a new method referring to the Stock Droving Bylaw. The changes to the text are as follows:

Policy 11. Require dairy farms to have alternative access for milking herds to milking sheds other than along formed, legal road reserves.

Explanation and Reasons

Policy 11 requires dairy farms to have other means by which to move dairy cows between milking sheds and grazing paddocks, then along legal road reserves. The legal road reserve includes both the carriageway and the grass berms.

The Policy applies specifically to dairy herds because they have the greatest effect on the road reserve; due to the frequency of stock movements.

This practice causes premature wear to the road tar seal and slippery driving conditions. Dairy herds trampling in the road berm churns up the frontage outside other people's properties.

Method

- Bylaw
 - Stock droving

10. TOPIC 10 – KEEPING OF ANIMALS IN TOWNSHIPS

10.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Muller-Cajar, H & U (14.4)	The submitter seeks a rewording of this definition for two reasons. Firstly, the removal from the definition of the exclusion of 'donkey, pig, rooster, or peacock' as all of these animals have a long tradition to be kept as pets and fit in well and should be permitted in the rural environment. Held as pets they produce less noise and environmental and safety problems than dogs, for example. Secondly, the submitter states that many people keep and breed chickens for lifestyle reasons.	Reword the definition of " Domestic Pets" along the lines of "Domestic pet: Any animal kept on site for a primary purpose other than financial gain."
	Further Submission	Support/Oppose
	Hallowes, P.J. (F30)	Support
Craig, D.H. & R.A. (71.2)	The submitter seeks a rewording of this definition for two reasons. Firstly, the removal from the definition of the exclusion of 'donkey, pig, rooster, or peacock' as all of these animals have a long tradition to be kept as pets and fit well into the rural environment. Held as pets they produce less noise and environmental and safety problems than dogs, for example. Secondly, the submitter states that many people keep and breed chickens for lifestyle reasons.	Reword the definition of " Domestic Pets" along the lines of "Domestic pet: Any animal kept on site for a primary purpose other than financial gain."
	Further Submission	Support/Oppose
	Hallowes, P.J. (F30)	Support
Hallowes, P.J. (30.1)	The submitter's land has been rezoned from Rural A to Living 2 and as a result the submitter is concerned about keeping donkeys in a living zone and the possible requirement to obtain a resource consent. The submitter considers that this rule should not apply to existing occupants or their animals, or that the definition of domestic pets should include donkeys.	Amend the definition of 'Domestic Pet' to include Donkeys. Note: The submitter offers an alternative to this submission. Refer to Submission 30.2 (page 245).
Kirwee Community Committee (48.6)	There should not be a restriction on the number of pets on rural residential properties. Other Council by-laws adequately provide for the control of animals and pets	Remove the exclusion of donkey, pig, rooster or peacock from the definition of "Domestic Pets".
	Further Submission	Support/Oppose
	Hallowes, P.J. (F30)	Support
Wood, T.R. (128.4)	The submitter opposes Rule 21 as is written. It appears to have been written for Living 1 properties with no regard to the different requirements of Living 2 properties.	Amend Rule 21 (Keeping of Animals) into a) Living 1 zones, and b) Living 2 zones, to cater for the different requirements of the two zones.
	Further Submission	Support/Oppose
	Muller-Cajar, H & U (F14)	Support
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
Wood, T.R. (128.5)	Neumarch, P.F. (F13)	Oppose
	The submitter supports Rules 21.3 and 21.4. Boarding kennels, catteries or intensive livestock production are inappropriate for living zones.	Adopt Rule 21.3
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
Wood, T.R. (128.6)	Neumarch, P.F. (F13)	Oppose
	The submitter supports Rules 21.3 and 21.4. Boarding kennels, catteries or intensive livestock production are inappropriate for living zones.	Adopt Rule 21.4
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose

Submission No.	Summary of Submission	Decision Requested
	Neumarch, P.F. (F13)	Oppose
Wood, T.R. (128.7)	The submitter opposes Rule 21.1 as a general rule for Living Zones. It is inappropriate for Living 2 Zones. The term domestic pets is open to interpretation.	Amend Rule 21.1 by making the keeping of animals other than domestic pets a permitted activity in the Living 2 Zone.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
	Hallowes, P.J. (F30)	Support
Wood, T.R. (128.8)	The submitter opposes Rule 21.2 as a general rule for Living Zones. It is inappropriate for Living 2 Zones. Considering that Living 2 properties were purchased as Rural Residential properties and are up to 2ha in size, "Commercial rearing of animals for sale of progeny, meat, skins, wool or other products" must be a permitted activity.	Amend Rule 21.2 by making the commercial rearing of animals a permitted activity on Living 2 properties.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
Wood, T.R. (128.9)	The submitter opposes Note 2 as a general rule for Living Zones. It is inappropriate for Living 2 Zones. Many people purchased Rural Residential properties specifically so they can have pets. Decisions on which animals should be excluded from near residential areas are very subjective.	Amend Rule 21 - Note 2 by excluding Living 2 properties.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
	Hallowes, P.J. (F30)	Support
Wood, T.R. (128.10)	The submitter opposes the second paragraph under Reasons as the requirement for a resource consent for commercial rearing of animals for the reasons stated in submission points 128.7 and 128.8 (It is inappropriate for Living 2 Zones. The term domestic pets is open to interpretation. Considering that Living 2 properties were purchased as Rural Residential properties and are up to 2ha in size, "Commercial rearing of animals for sale of progeny, meat, skins, wool or other products" must be a permitted activity).	Amend Rule 21 - Reasons (paragraph 2), to be consistent with amendments sought to Rules 21.1. and 21.2 (submission points 128.7 and 128.8) i.e. make keeping of animals other than pets and commercial rearing of animals, a permitted activity in L2 Zones.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support
Wood, T.R. (128.11)	The submitter opposes the requirement of a resource consent for the keeping of more than 15 domestic pets.	Amend Rule 21 - Reasons (Paragraph 2), by excluding Living 2 properties from requiring a resource consent for more than 15 domestic pets.
	Further Submission	Support/Oppose
	Neumarch, Patricia (F8)	Oppose
	Neumarch, L.J. (F12)	Oppose
	Neumarch, P.F. (F13)	Oppose
	Muller-Cajar, H & U (F14)	Support

Submission No.	Summary of Submission	Decision Requested
Muller-Cajar, H & U (14.6)	At any one time a number of chickens and at least one rooster is kept on the submitter's 1 ha section for hobby purposes and to supplement diet requirements. Chickens are also bred to rejuvenate stock and this is not possible without at least one adult rooster. The proposed rule would restrict changing the mixture of the submitter's stock. It may also lead to reverse sensitivity issues from people moving into the area who do not want to live in a rural environment. Crowing of roosters is part of living in the country and this noise is preferred by many to noise common in living areas.	Amend Rule 21 to allow for (at least for the less densely populated Living 2 areas) the keeping of at least one adult rooster per allotment as a permitted activity.
Muller-Cajar, H & U (14.7)	A number of animals are kept on the submitter's property for hobby purposes and to supplement dietary requirements. The proposed rule would place restrictions on changing the mixture of stock. It may attract reverse sensitivity issues from people not wishing to live in a rural environment.	Remove from the Reasons for Rule 21 (at least for the less densely populated Living 2 areas) the limitation to 15 domestic pets (as detailed in paragraph 2 of the Reasons for the Rule).
Muller-Cajar, H & U (14.8)	It is unfair that that small allotments in Living 1 zones may have significantly higher animal density than large allotments in Living 2 zones. If an overall limitation in the animal density is required, the submitter proposes to specify any limit per 1000m ² instead of per allotment and also to define specific limits depending on the kind of animal (e.g. dogs, cats, birds, fish, sheep).	Make the overall animal density (i.e. animals per 1000m ²) in Living 1 zones equal to or smaller than in Living 2 zones.
Selwyn District Council (226.35)	The Living and Business Zone rules for the Keeping of Animals are supported but amendments are sought in order to clarify the intent of the rules. In both the Living and Business Zones, the keeping of animals other than domestic pets requires resource consent for either a discretionary activity or non-complying activity, depending on the nature of the activity. However the status of domestic pets as a permitted activity in both these zones has been omitted from the permitted activity column, and therefore an addition to that effect is sought. A note is contained under the table in each rule which states that donkeys, pigs, roosters and peacocks are excluded from the definition in the Plan for "domestic pets". For further clarification, inclusion of this note directly under the permitted activity rule is sought.	Insert the following rule in the column for 'Permitted Activities' as Rule 21.1 for Living Zones and make consequential amendments to the rule numbering: "21.1 The keeping of domestic pets. Note – the definition of 'domestic pets' in this Plan excludes donkeys, pigs, roosters and peacocks."
	Further Submission Hallowes, P.J. (F30)	Support/Oppose Oppose
Hallowes, P.J. (30.2)	The submitter's land has been rezoned from Rural A to Living 2 and as a result the submitter is concerned about keeping donkeys in a living zone and the possible requirement to obtain a resource consent. The submitter considers that this rule should not apply to existing occupants or their animals or that the definition of domestic pets should include donkeys.	Amend Rule 21 to provide an exemption for existing owners and their animals for their lifetimes. Note: The submitter offers an alternative to this submission. Refer to Submission 30.1 (page 343).
Kirwee Community Committee (48.7)	There should no be a restriction on the number of pets on rural residential properties. There has been no difficulty with the number of animals to date. Every person who moves to the country wants to have animals as pets and as a contribution to self supply. Other Council by-laws adequately provide for the control of animals and pets.	Remove from Reasons for Rule 21 the limitation to 15 domestic pets (as detailed in paragraph 2 of the Reasons for the Rule).

Submission No.	Summary of Submission	Decision Requested
Craig, D.H. & R.A. (71.1)	It is unfair that small allotments in Living 1 zones may have a significantly higher animal density than large allotments in Living 2 zones. If an overall limitation in the animal density is required, the submitter proposes to specify any limit per 1000m2 instead of per allotment and also to define specific limits depending on the kind of animal (e.g. dogs, cats, birds, fish, sheep, ...).	Amend Rule 21 to make the overall animal density (i.e. animals per 1000m2) in Living 1 zones is equal or smaller than in Living 2 zones. Define specific limits depending on the kind of animal.
Craig, D.H. & R.A. (71.3)	Submitter is presently in the process of obtaining chickens and a rooster and feels that many people move into a rural-residential area with the intention of having animals. The proposed rule would restrict changing the mixture of stock. It may also lead to reverse sensitivity issues from people moving into the area who do not want to live in a rural environment. Crowing of roosters is part of living in the country and this noise is preferred by many to noise common in living areas.	Amend Rule 21 to allow (at least for the less densely populated Living 2 areas) the keeping of at least one adult rooster per allotment as a permitted activity
Craig, D.H. & R.A. (71.8)	The proposed rule would place restrictions on changing the mixture of the submitter's stock. It may attract reverse sensitivity issues from people not wishing to live in a rural environment. It is also highly unfair that small allotments in Living 1 Zones may have a significantly higher animal density than large allotments in Living 2 Zones.	Remove from the Reasons to Rule 21 (at least for the less densely populated Living 2 areas) the limitation to 15 animals (as found in paragraph 2 of the Reasons).
Selwyn District Council (226.36)	The Living and Business Zone rules for the Keeping of Animals are supported but amendments are sought in order to clarify the intent of the rules. In both the Living and Business Zones, the keeping of animals other than domestic pets requires resource consent for either a discretionary activity or non-complying activity, depending on the nature of the activity. However the status of domestic pets as a permitted activity in both these zones has been omitted from the permitted activity column, and therefore an addition to that effect is sought. A note is contained under the table in each rule which states that donkeys, pigs, roosters and peacocks are excluded from the definition in the Plan for "domestic pets". For further clarification, inclusion of this note directly under the permitted activity rule is sought.	Insert the following rule in the column for 'Permitted Activities' as Rule 14.2 for Business Zones: "14.2 The keeping of domestic pets. Note – the definition of 'domestic pets' in this Plan excludes donkeys, pigs, roosters and peacocks."
Selwyn District Council (226.37)	The Living and Business Zone rules for the Keeping of Animals are supported but amendments are sought in order to clarify the intent of the rules. Accordingly amendments are sought to clarify this matter.	Amend the following rules in the column for 'Other Activities' in Rule 14 for Business Zones: (i) Delete Rule 14.2 and replace with: "14.3 Any activity which does not comply with Rule 14.1 or 14.2 shall be a discretionary activity except as provided for under Rules 14.4 to 14.6." and amend the numbering of Rules 14.3, 14.4 and 14.5 to "14.4", "14.5" and "14.6".
Selwyn District Council (226.38)	The Living and Business Zone rules for the Keeping of Animals are supported but amendments are sought in order to clarify the intent of the rules. Accordingly amendments are sought to clarify this matter.	Amend the following rules in the column for 'Other Activities' in Rule 14 for Business Zones: (ii) Insert the following new rule 14.7: "Any activity which does not comply with Rule 14.1 or 14.2 shall be a discretionary activity" and amend the numbering of Rules 14.6, 14.7 and 14.8 to "14.8", "14.9" and "14.10".

10.2 Discussion

10.2.1.1 The above submissions deal mainly with the definition of domestic pets and the keeping of animals in Living and Business zones. The following assessment deals with these matters.

10.2.1.2 The definition of “domestic pets” in the Township Volume is as follows:

Domestic pets: means any domesticated bird or animal bred, reared and/or kept on a site for the purposes of a pet or security; other than any donkey, pig, rooster or peacock.

10.2.1.3 Submissions by H & U Muller-Cajar (14.4), D.H. & R.A Craig (71.2) and Kirwee Community Committee (48.6) seek to remove the exclusion of donkey, pig, rooster or peacock from the above definition. In addition, H & U Muller-Cajar and D.H. & R.A Craig propose a new definition of the term “domestic pet” as follows:

Domestic pet: any animal kept on site for a primary purpose other than financial gain.

10.2.1.4 The submitters were concerned that the definition unfairly discriminates against such animals that “...have a long tradition to be kept as pets – and fit well into a rural environment”. The Kirwee Community Committee also mentioned that “other Council by-laws adequately provide for control of animals and pets”. A further submission by P.J. Hallowes (F30) supported each of these submission points as the exclusion of donkeys, pigs, roosters and peacocks “would be taking away the rights of people who bought properties in a country area...”.

10.2.1.5 An original submission by P.J. Hallowes (30.1) reiterated the above concern, but specifically requested that donkeys be included in the definition of “domestic pets”. The reason for this request is that the submitter owns two donkeys in a Living 2 zone, which were a permitted activity prior to the notification of the PDP, and those neighbours who have since moved into the area have not complained about the animals.

10.2.1.6 Other submissions by T.R. Wood, H & U Muller-Cajar and D.H. & R.A Craig expressed similar concerns that Rule 21.1 was too restrictive in the types of pets permitted, particularly in relation to Living 2 zones which are more rural-residential than residential in nature. The submitters believe that people who reside in a Living 2 zone should be entitled to undertake hobby farming activities, which may be the purpose for such properties being purchased. The relief sought to remedy this situation varies from: allowing the keeping of animals as a permitted activity; setting a stricter level of animal density in a Living 1 zone compared to a Living 2 zone;

and allowing for the keeping of at least one adult rooster. These submitters, and the Kirwee Community Committee, also requested consequential amendments to the 'Notes' and 'Reasons' for Rule 21, including the removal of the phrase which states that resource consent is required for the keeping of more than 15 domestic pets. We note that there does not appear to be a rule in the PDP which restricts the number of domestic pets to 15. Further submissions in support of T.R. Wood in this context were lodged by H & U Muller-Cajar and P.J. Hallowes, however the further submissions by Patricia Neumarch, L.J. Neumarch and P.F. Neumarch oppose the whole submission of T.R. Wood and do not relate specifically to the above provisions.

- 10.2.1.7 As an alternative to an amendment sought to the definition of "domestic pets", P.J. Hallowes requested that "existing owners and their animals should be exempt [from Rule 21.1] for their lifetimes". The reason for this submission raises matters of 'existing use rights' for animals that were legally permitted on a site prior to the notification of the PDP and the submission effectively raises concerns of potential reverse sensitivity effects due to people subsequently moving into the area.

- 10.2.1.8 Selwyn District Council sought to clarify that the intent of Rule 21.1 is to provide for the keeping of "domestic pets" as a permitted activity, and therefore this should be stated in the column entitled "Permitted Activities". A further submission by P.J. Hallowes opposed this submission point on the grounds that "pigs, roosters, peacocks and particularly donkeys should be excluded from the definition of domestic pets".

- 10.2.1.9 T.R. Wood requested that Rule 21.2 be amended to provide for the "commercial rearing" of animals as a permitted activity in the Living 2 zone, given that some properties in the Living 2 zone are up to 2ha in size where the selling of produce is an integral part of a hobby farming activity. Again this submission was supported by H & U Muller-Cajar and opposed by Patricia Neumarch, L.J. Neumarch and P.F. Neumarch whose concerns do not relate to Rule 21.2.

- 10.2.1.10 Another two submissions by T.R. Wood supported Rules 21.3 and 21.4, which specify that "boarding kennels or catteries" and "intensive livestock production" are non-complying activities in all Living zones, as these activities are considered "inappropriate" in such areas. The further submissions by Patricia Neumarch, L.J.

Neumarch and P.F. Neumarch oppose the whole submission of T.R. Wood, but again do not relate to these provisions.

10.2.1.11 The Section 42A Reports provided us with some strong guidance in dealing with the above matters. In particular we refer to the following points:

- There is no information in the PDP to support the exclusion of certain types of animals and birds from the definition of “domestic pets”. In the absence of such reasons the blanket restriction on the keeping of such birds and animals is heavy-handed and probably unnecessary.
- In considering its duties under s.32 of the Act the Council must be satisfied that any rule is necessary in achieving the purpose of the Act and is the most effective and efficient means available. In this respect, we take heed of the comment by Kirwee Community Committee that “other Council by-laws adequately provide for control of animals and pets”.
- The Council has the ability to make bylaws relating to the keeping of animals in accordance with Sections 682 & 684 of the Local Government Act 1974. To this accord, Council enforces a bylaw which prohibits the keeping of pigs in “any area which has a predominantly urban character under the District Plan...” and states that “no person shall keep on any premises any noisy animal, bird, or poultry which causes a nuisance to residents in the neighbourhood”. Consultation with Council's Resource Monitoring Officer indicates that this bylaw is clear, effective and relatively simple to administer.

10.2.1.12 We also note that Mr Muller-Cajar, who gave evidence for himself and for the Kirwee Community Committee, supported the recommendations in the Section 42A Report.

10.2.1.13 In our opinion, the bylaw has sufficient scope and enforcement means to manage any adverse effects from the keeping of animals within urban areas of the district and there does not appear to be any sound reason why these should be duplicated or confused by introducing another set of controls under the Resource Management Act. The reasons why we support the use of a bylaw instead of provisions in a district plan in this instance are:

- (a) The bylaw is effective in controlling nuisance effects from the keeping of animals in townships when such effects arise;
- (b) The bylaw procedures are clear and simple and relatively cost effective to all parties;
- (c) Introducing additional provisions in a district plan may duplicate, undermine or contradict action taken under the bylaw;
- (d) To require a resource consent for any donkey or rooster in a Living 2 zone could prove to be a lengthy and expensive process for an applicant, even though it is unknown whether adverse effects will arise. There is no certainty in the outcome for either the applicant or submitter (if the application is

notified) and potentially such an application could be appealed to the Environment Court. Comparatively, the bylaw only tends to be implemented where a nuisance effect arises, which in our opinion, better reflects the small and localised scale of the problem;

- (e) Effective implementation of such rules in a district plan could be hindered by legal matters, such as whether the animal or bird has 'existing use rights' under s.10 of the Act. The bylaw on the other hand can be administered where any nuisance effects arise.

10.2.1.14 On the basis of this assessment we consider that Rule 21.1 – Living Zones and Rule 14.2 – Business Zones are unnecessary in that the potential effects from the keeping of animals within urban areas are already controlled efficiently and effectively through the enforcement of bylaws. While all original submissions received in respect to these provisions express valid concerns with regard to the level of restriction for the keeping of domestic pets and the types of pets excluded from the associated definition, there are no submissions that request that these rules and the definition be deleted in their entirety. As a consequence, we recommend that Council initiate a Variation to the PDP to delete Rule 21.1 – Living Zones, Rule 14.2 – Business Zones, the associated 'Notes' and 'Reasons' and the definition of "Domestic Pets". We therefore recommend that all original submissions made in respect of these provisions be rejected on the basis that a Variation is required to remove those provisions.

10.2.1.15 Rule 14.1 of the Business zone provisions provides for the "keeping of animals for education and research purposes" as a permitted activity in the Business 3 zone. Selwyn District Council, in submission points 226.37 and 226.38, seeks to include two additional rules to clarify that such activities will require resource consent for a discretionary activity in any other Business zone. We understand the merits of these submissions, however we recommend that they be accepted in part on the basis that we do not support the inclusion of a new Rule 14.2 relating to "domestic pets" (submission point 226.36).

10.2.1.16 The "commercial rearing" of animals for the sale of progeny, meat, skins, wool or other products is listed as a discretionary activity in all Living zones, a non-complying activity in Business 1, 1A and 3 zones, and a discretionary activity in the Business 2 zone. The "commercial rearing" of animals could include the selling of eggs from household hens, but would exclude animals kept at a density which constituted "intensive livestock production" (or the suggested definition of "intensive farming").

- 10.2.1.17 Given the limited size of most residential or business properties we consider that the small-scale keeping of animals that falls within the definition of “commercial rearing” but not “intensive livestock production”, is unlikely to adversely impact on the amenity of either Living or Business zones. However, the submissions received in respect of Rule 21.2 (Living zones) and Rules 14.3 and 14.6 (Business zones) only raise concern with controlling such activities in the Living 2 zone. In this respect, we agree with the submitters that the selling of home-grown animal produce is an integral part of undertaking a hobby farming activity within a Living 2 zone and that this type of activity forms part of the amenity of these areas. We therefore recommend that submission point 128.8 by T.R. Wood be accepted and that Rule 21.2 be amended to include an exception for properties zoned Living 2.
- 10.2.1.18 We acknowledge that allotment sizes and the character of Living 2 zones do vary throughout the District. As a result, it may be that some Living 2 zones are of a more residential than rural-residential nature, and the commercial rearing of animals in those urban orientated environments may not be suitable. However, in our experience a developer often imposes land covenants to restrict the commercial rearing of animals where the subdivision is of a more residential character. On this basis, and considering that the bylaw could be enforced where necessary, we conclude that the likelihood of adverse effects arising from the above recommendation will be minor.
- 10.2.1.19 We recommend that the two submission points by T.R. Wood (128.5 and 128.6) which support Rules 21.3 and 21.4, that specify that “boarding kennels or catteries” and “intensive livestock production” are non-complying activities in all Living zones, be accepted on the basis that no submissions challenge these provisions.

Recommendation 23.10

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

1. Initiate a Variation to delete the definition of “domestic pets” from the Township Volume of the PDP. As a consequence we recommend that the Council rejects the associated submissions, as follows.
 - (a) **Reject** submission **14.4** and further submission **F30** in so far as it relates to submission number 14.4.
 - (b) **Reject** submission **71.2** and further submission **F30** in so far as it relates to submission number 71.2.
 - (c) **Reject** submission **30.1**.
 - (d) **Reject** submission **48.6** and further submission **F30** in so far as it relates to submission number 48.6.
2. Initiate a Variation to delete Rule 21.1 and the associated ‘Notes’ and ‘Reasons’ from the Township Volume of the PDP. As a consequence we recommend that the Council rejects the associated submissions, as follows.
 - (a) **Reject** submissions **128.4, 128.7, 128.9, 128.10** and **128.11** and further submissions **F14** and **F30** in so far as they relate to submissions 128.7 and 128.9 only, and **accept** further submissions **F8, F12** and **F13** in so far as they relate to submission numbers 128.4, 128.7, 128.9, 128.10 and 128.11.
 - (b) **Reject** submissions **14.6, 14.7** and **14.8**.
 - (c) **Reject** submission **226.35** and **accept** further submission **F30** in so far as it relates to submission number 226.35.
 - (d) **Reject** submission **30.2**.
 - (e) **Reject** submission **48.7**.
 - (f) **Reject** submissions **71.1, 71.3** and **71.8**.
3. **Accept** submission **128.8** and further submission **F14** and **reject** further submissions **F8, F12** and **F13** in so far as they relate to submission number 128.8.
4. **Accept** submission **128.5** and **reject** further submissions **F8, F12** and **F13** in so far as they relate to submission number 128.5.
5. **Accept** submission **128.6** and **reject** further submissions **F8, F12** and **F13** in so far as they relate to submission number 128.6.
6. **Reject** submission **226.36**.
7. **Accept in part** submissions **226.37** and **226.38**.

Amendments to the PDP as a consequence of Recommendation 23.10:

1. By way of Variation, delete the definition of “domestic pets” from Part 3, Section 6, Definitions – Township Volume (page 343).
2. By way of Variation, delete Part 3, Section 2, **Rule 21.1** Keeping of Animals – Township Volume (page 245) and all references to this rule in the associated ‘Notes’ and ‘Reasons’. Renumber Rules 21.2 to 21.4 accordingly.
3. Amend Part 3, Section 2, **Rule 21.2** Keeping of Animals – Township Volume (page 245) by excluding Living 2 zones and make consequential amendments to the ‘Reasons’.

The amendments as a result of Numbers 2 and 3 above are illustrated as follows:

- 21.1 Except within a Living 2 Zone, the commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a *discretionary activity*.
- 21.2 Boarding kennels or catteries shall be a *non-complying activity*.
- 21.3 Intensive livestock production shall be a *non-complying activity*.

Notes

1. The keeping of domestic pets in the Living Zones does not require a resource consent. However, the keeping of domestic pets may be subject to a Council Bylaw. As an example, the Council has a bylaw for the keeping of dogs.

Reasons

Selwyn District is principally a rural area and many residents come to live in townships in the District to be close to a ‘rural’ lifestyle. Domestic pets, including a pet sheep or horse, are common features of the Living zones in the District. As noted above, the keeping of domestic pets may be subject to a Council bylaw. Under the Local Government Act 1974, the Council may make bylaws relating to the keeping of animals.

Resource consent for a *discretionary activity* is required for the commercial rearing of animals for sale of progeny, meat, skins, wool or other products, except within a Living 2 Zone which has the potential for greater separation between neighbours; . This activity may be granted resource consent, depending on whether adverse effects can be adequately mitigated, and if there is consistency with the relevant objectives and policies of the plan.

Resource consent for a *non-complying activity* is required for boarding kennels and catteries, and for intensive livestock production. These activities are generally regarded as having effects inappropriate to Living zones and the rural areas of the District are considered more suitable locations to receive their respective effects.

Remember: ‘Permitted Activities’ are those that do not need a resource consent. See section 1 for Rule Guide.

4. By way of Variation, delete Part 3, Section 3, Rule 14.2 Keeping of Animals – Township Volume (page 300-301) and all references to this rule in the associated ‘Notes’ and ‘Reasons’. Renumber Rules 14.3 to 14.8 accordingly.

5. Include two additional rules to clarify that any activity which does not comply with Rule 14.1 shall be a discretionary activity in all Business zones, except for Business 3.

The amendments as a result of Numbers 4 and 5 above are illustrated as follows:

Business 1, 1A & 3 Zones

- 14.2 Any activity which does not comply with Rule 14.1 shall be a discretionary activity except as provided for under Rules 14.3 to 14.5 below.
- 14.3 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a *non-complying activity*.
- 14.4 Boarding kennels and catteries shall be a *non-complying activity*.
- 14.5 Intensive livestock production shall be a *non-complying activity*.

Business 2 Zone

- 14.6 Any activity which does not comply with Rule 14.1 shall be a discretionary activity.
- 14.7 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a *discretionary activity*.
- 14.8 Boarding kennels and catteries shall be a *discretionary activity*.
- 14.9 Intensive livestock production shall be a *discretionary activity*.

Notes

1. The keeping of domestic pets in the Business Zones does not require a resource consent. However, the keeping of domestic pets may be subject to a Council bylaw. As an example, the Council has a bylaw for the keeping of dogs.

Reasons

Some control over animals (excepting domestic pets) in the Business zones is needed because of the potential of being in close proximity of residential neighbours in the adjoining Living zone(s) and to protect the prevailing amenity values of Business Zones.

The undertaking of intensive livestock production (factory farms) and the boarding and commercial rearing of animals do, in most cases, have adverse environmental effects which are incompatible with anticipated environmental outcomes for business areas. They will also largely be incompatible with the range of activities that may be undertaken in the Business 1 and 1A zone, which tend to be more retail or commercial in nature. It is on this basis that any activity involving intensive livestock production or the boarding or commercial rearing of animals is required to be assessed as a *non complying activity*. These activities may be allowed, depending on the scale of the particular activity and conditions upon which it is undertaken.

However for the Business 2 Zone, which is more industrial in nature, such activities need approval only as a *discretionary activity*. The need for a Resource Consent is on the basis that significant areas of this zone are in close proximity to a Living Zone.

Special provision is made for the Business 3 Zone in Lincoln which focuses on the primary activities of education and research.

11. TOPIC 11 – MISCELLANEOUS MATTERS INCLUDING CONSEQUENTIAL AMENDMENTS

11.1 Sub-Topic 11.1 – General Matters

11.1.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
MJ & TD Rickerby (607.01)	The objectives and policies in the Plan are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere within the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities. The rules and various matters the Council is required to consider in respect of restricted discretionary activities with respect to building set-backs, animals, residential density and subdivision are inadequate to manage the issue of reverse sensitivity in the Inner Plains and elsewhere in the District with respect to the subdivision and location of new residential dwellings adjacent to existing intensive farming activities. The objectives and policies regarding expansion of existing intensive farming activities in the Inner Plains and elsewhere in the District are unnecessarily restrictive and inconsistent with the Resource Management Act 1991.	Generally that the objectives, policies and rules relating to the issue of reverse sensitivity be revised in order to establish a framework for management of reverse sensitivity effects that provides: (a) Increased and adequate recognition to the potential for reverse sensitivity effects arising from new residential activities and subdivision of land adjacent to existing intensive farming activities; and (b) A management framework that enables expansion of existing intensive farming activities provided that the effects of any such expansion are no more than minor. That such review include, but not necessarily be limited to, consideration of the more detailed submissions as listed below (submission points 607.02 to 607.12). That all amendments which are consequential or appropriate to give effect to the intent of this submission including amendments to the objectives, policies, rules, methods and Planning Maps are made so as to give full effect to this submission.
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Federated Farmers of New Zealand (F385)	Support
	Tegel Foods Ltd (F679)	Support
Grant Williams (714.01)	No indication is given as to the nature of the submitter's reasons for wishing to raise these issues.	The submitter wishes to speak on the Proposed Selwyn District Plan with regard to matters affecting pig farmers. In particular but not exclusively the submitter wishes to speak to the following points: - Set back distances for effluent disposal. - Complaints procedures. - Pig matters in general.
G.D. Gillanders & Sons Ltd (119.2)	Supports Council attitude of allowing submitters to continue their livestock and cropping farming operation using modern day farming practices in the Living 1 and X zones of land they own between Greendale Road and Telegraph Road.	Adopt Rule 2.2 Note: Rule 2.2 requires a non-complying resource consent for intensive livestock production and discretionary resource consent for commercial rearing of animals for sale of progeny, meat, skins, wool or other products in living zones i.e. some of the submitter's farming operations, where not covered by 'existing use' rights under section 10 of the RMA, would be subject to resource consent(s).

11.1.2 Discussion

11.1.2.1 MJ & TD Rickerby (607.01) have lodged a general submission seeking a review of the objectives, policies and rules in the PDP to establish a framework for managing reverse sensitivity effects that: (a) provides increased recognition of the potential for reverse sensitivity effects on existing intensive farming activities; and (b) enables the expansion of existing intensive farming activities where the effects are minor. This submission was supported by Federated Farmers of New Zealand (F385) and Tegel Foods Ltd (F679). The 'blanket' submission by RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) opposes the whole submission by MJ & TD Rickerby.

11.1.2.2 Mr and Mrs Rickerby were represented at the hearing and their counsel indicated their general support for the recommendations in the Section 42A Report. We also accept the majority of those recommendations as indicated by our decisions in the preceding sections of this Report and in Recommendation Report No. 22. On that basis we propose to accept submission 607.01 in part.

11.1.2.3 Mr G Williams (714.01) made a general submission dealing with past problems relating to his pig farm. He expressed general support for the recommendations in the Section 42A Report. We therefore recommend that this submission be accepted in terms of the spirit in which it was made.

11.1.2.4 G D Gillanders & Sons Ltd (119.2) made a submission in support of Rule 2.2. We recommend that this submission be accepted.

Recommendation 23.11.1

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept in part** submission **607.01** and further submissions **F385** and **F679** and **reject** further submission **F293** in so far as they relate to submission number 607.01.
- (b) **Accept** submission **714.01**.
- (c) **Accept** submission **119.2**.

Amendments to the PDP as a consequence of Recommendation 23.11.1:

Nil – all matters have been covered by amendments already listed in either this report or Recommendation Report No. 22.

11.2 Sub-Topic 11.2 – Advisory Note on Reverse Sensitivity Effects

11.2.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations (565.01)	The submitter notes the mention of reverse sensitivity throughout the Plan. Given the proximity to Christchurch City the area is under pressure from those seeking a 'lifestyle' type property. The establishment of such properties places existing land uses under some considerable pressure. The submitter considers that it is essential that potential residents a rural area are aware of the range of management practices that are part of the activity in the rural area. Because there is no single source where potential landowners can obtain information in respect to land use it is requested that a number of mechanisms be used to address this issue. It is considered that this matter could be more actively addressed by the Council using the Land Information Memorandum (LIM) property reports to a greater extent to make prospective land owners aware of the type of environment into which they are moving. Methods proposed are that: - An Advisory Note be included in the Plan. - A copy of the Advisory Note be attached as a note to all subdivision consents for the rural area in Selwyn District. - A copy of the Advisory Note be included in the LIM for all such properties. - Information sheets be prepared by Council for distribution detailing the type of activities that occur in rural areas. Such a mechanism would ensure that the nature of the activities in the area is clearly stated so that expectations of a quiet ambient environment are not falsely held.	That an Advisory Note detailing the type of activities that occur in the rural area is included in relevant parts of the District Plan, including Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity effects. The Advisory Note is to state: "The rural area includes intensive agricultural/horticultural production activities and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour, night harvesting, bird scarers, hail cannons and irrigation pumping occur." That an additional method of implementation be included under Reverse Sensitivity effects (page 150) stating that "Advisory Notes on Subdivision consents will be used as a means to ensure that future purchasers are informed of the nature of the area in which they are locating." The Advisory Note is to state: "This site is located in a rural area where intensive agricultural/horticultural activities take place and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour and night harvesting, bird scarers, hail cannons, and irrigation pumping occur." That an additional method of implementation be included in under Reverse Sensitivity effects (page 150) of the Plan stating that "Land Information Memorandum (LIM's) will be used as a means to ensure that future purchasers are informed of the nature of the area in which they are locating." The wording of the Advisory Note on the LIM's is to state: "This site is located in a rural area where intensive agricultural/horticultural production takes place and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour and night harvesting, bird scarers, hail cannons and irrigation pumping occur."
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Federated Farmers of New Zealand (F385)	Support
	Tegel Foods Ltd (F679)	Support
New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations (565.02)	The submitter notes the mention of reverse sensitivity throughout the Plan. Given the proximity to Christchurch City the area is under pressure from those seeking a 'lifestyle' type property. The establishment of such properties places existing land uses under some considerable pressure. The submitter considers that it is	That an Advisory Note detailing the type of activities that occur in the rural area is included in relevant parts of the District Plan, including Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity effects. The Advisory Note is to state: "The rural area includes intensive agricultural/horticultural production activities and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery,

Submission No.	Summary of Submission	Decision Requested
	essential that potential residents a rural area are aware of the range of management practices that are part of the activity in the rural area. Because there is no single source where potential landowners can obtain information in respect to land use it is requested that a number of mechanisms be used to address this issue. It is considered that this matter could be more actively addressed by the Council using the Land Information Memorandum (LIM) property reports to a greater extent to make prospective land owners aware of the type of environment into which they are moving. Methods proposed are that: - An Advisory Note be included in the Plan. - A copy of the Advisory Note be attached as a note to all subdivision consents for the rural area in Selwyn District. - A copy of the Advisory Note be included in the LIM for all such properties. - Information sheets be prepared by Council for distribution detailing the type of activities that occur in rural areas. Such a mechanism would ensure that the nature of the activities in the area is clearly stated so that expectations of a quiet ambient environment are not falsely held.	odour, night harvesting, bird scarers, hail cannons and irrigation pumping occur." That an additional method of implementation be included under Reverse Sensitivity effects (page 150) stating that "Advisory Notes on Subdivision consents will be used as a means to ensure that future purchasers are informed of the nature of the area in which they are locating." The Advisory Note is to state: "This site is located in a rural area where intensive agricultural/horticultural activities take place and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour and night harvesting, bird scarers, hail cannons, and irrigation pumping occur." That an additional method of implementation be included in under Reverse Sensitivity effects (page 150) of the Plan stating that "Land Information Memorandum (LIM's) will be used as a means to ensure that future purchasers are informed of the nature of the area in which they are locating." The wording of the Advisory Note on the LIM's is to state: "This site is located in a rural area where intensive agricultural/horticultural production takes place and residents live in an environment where farm management practices such as agrichemical spraying, use of farm machinery, odour and night harvesting, bird scarers, hail cannons and irrigation pumping occur."
	Further Submission	Support/Oppose
	RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Oppose
	Tegel Foods Ltd (F679)	Support
Norman Archie Dunlop (370.04)	No particular reason given.	The submitter requests that LIM reports on farms and lifestyle blocks that share a boundary with a pig farm should register the interest of the pig farm. Note: this is referred to in the body of the submission, but not specifically in the relief sought.

11.2.2 Discussion

11.2.2.1 New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations (565.01 and 565.02) requested that an 'Advisory Note' be: (a) included in the PDP; (b) attached as a note to all subdivision consents for the rural area; and (c) included in the Land Information Memorandum (LIM) for all rural properties, to advise potential residents that a range of management practices form part of the rural environment. These submission points are supported by Federated Farmers of New Zealand (F385) and Tegel Foods Ltd (F679) and opposed by RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293).

11.2.2.2 Similarly, Norman Archie Dunlop (370.04) requested that LIM reports for properties which share a boundary with a pig farm should note the presence of the intensive farming activity.

11.2.2.3 The Council has produced an information sheet entitled “Interaction between existing activities in Rural Zones”. A copy of this sheet is currently included in all LIM reports for properties in the rural area. Its purpose is to inform prospective purchasers of a number of matters that are considered to form part of the rural environment, so that they are aware of what to expect prior to confirming any sale and purchase agreement. With the inclusion of recommended separation distances from intensive farming activities, the implementation of other methods to address reverse sensitivity effects and the circulation of this information sheet to potential land purchasers, we are satisfied that the potential for reverse sensitivity effects will be easily recognised.

11.2.2.4 With regard to the Advisory Note suggested by the submitter above, we agree that an additional implementation method should be added to Policies 18-21 in Part 3, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – page 150 to ensure the continued practice of distributing the information sheet. We do not consider it necessary, however to insert the Advisory Note in other parts of the PDP, as we believe that reverse sensitivity effects are well canvassed in this respect. We therefore recommend that the submissions by New Zealand Vegetable and Potato Growers & New Zealand Fruitgrowers Federations and Norman Archie Dunlop be accepted in part.

Recommendation 23.11.2

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

1. **Accept in part** submission **565.01** and further submissions **F385** and **F679** and **reject** further submission F293 in so far as they relate to submission number 565.01.
2. **Accept in part** submission **565.02** and further submission **F679** and **reject** further submission **F293** in so far as they relate to submission number 565.02.
3. **Accept in part** submission **370.04**.

Amendments to the PDP as a consequence of Recommendation 23.11.2:

1. Amend the 'Methods' for Policies 18-21 in Part 3, Section 3.4 Amenity Values, Quality of the Environment and Reverse Sensitivity Effects (Rural Volume) – page 150 to include "Land Information Memorandum – Information Sheet", as follows:

Methods

•	District Plan Rules	-	Discretionary activates
		-	Intensive livestock farming
		-	Waste disposal
		-	Aircraft
		-	Residential density
		-	Building position controls
		-	Subdivision standards
•	District Plan Policies	-	Township Volume, Section 4.3, Growth of Towns
		-	Rural Volume, Section 4.1, Policy 1.
•	Land Information Memorandum	-	Information Sheet

11.3 Sub-Topic 11.3 – Duplication of Rules

11.3.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Selwyn District Council (241.1d)	A number of the listed activities for Living Zones are addressed in the effects-based rules. To avoid unnecessary duplication, the deletion of these activities from the 'listed activities' is therefore sought. The activities which are duplicated are as follows: Rule 1 Non Complying Activities d) Boarding kennels or catteries - addressed in Rule 21 Keeping of Animals.	Delete item (d) from the rule for Listed Non Complying Activities and make consequential amendments to the numbering.
Selwyn District Council (241.1i)	A number of the listed activities for Living Zones are addressed in the effects-based rules. To avoid unnecessary duplication, the deletion of these activities from the 'listed activities' is therefore sought. The activities which are duplicated are as follows: Rule 1 Non Complying Activities i) Intensive livestock production - addressed in Rule 21 Keeping of Animals.	Delete item (i) from the rule for Listed Non Complying Activities and make consequential amendments to the numbering.
Selwyn District Council (241.1m)	A number of the listed activities for Living Zones are addressed in the effects-based rules. To avoid unnecessary duplication, the deletion of these activities from the 'listed activities' is therefore sought. The activities which are duplicated are as follows: Rule 1 Non Complying Activities m) Processing, composting or disposal onto land of any organic matter - addressed in Rule 26 Waste Generation, Storage and Disposal.	Delete item (m) from the rule for Listed Non Complying Activities and make consequential amendments to the numbering.
Selwyn District Council (241.3b)	A number of the listed activities for Living Zones are addressed in the effects-based rules. To avoid unnecessary duplication, the deletion of these activities from the 'listed activities' is therefore sought. The activities which are duplicated are as follows: Rule 2 Discretionary Activities b) Commercial rearing of animals for sale of progeny, meat, skins, wool or other products - addressed in Rule 21 Keeping of Animals.	Delete item (b) from the rule for Listed Discretionary Activities, and make consequential amendments to the numbering.
Selwyn District Council (241.4d)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. For example, the classification of airports as a listed non complying activity is in conflict with the effects based rules, which allow for some aircraft movements in Business Zones. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are:	Delete item (d) from the rule for Listed Non Complying Activities for Business 1 and 1A Zones, and make consequential amendments to the numbering.

Submission No.	Summary of Submission	Decision Requested
	Rule 1 Non Complying Activities (Business 1 and 1A Zones) d) Intensive livestock production - addressed in Rule 14 Keeping of Animals.	
Selwyn District Council (241.5a)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 2 Discretionary Activities (Business 1 and 1A Zones) a) Boarding kennels and/or catteries - addressed in Rule 14 Keeping of Animals.	Delete item (a) from the rule for Listed Discretionary Activities for Business 1 and 1A Zones, and make consequential amendments to the numbering.
Selwyn District Council (241.6b)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 3 Non Complying Activities (Business 2 Zone) b) Commercial rearing of animals - addressed in Rule 14 Keeping of Animals.	Delete item (b) from the rule for Listed Non Complying Activities for Business 2 Zones, and make consequential amendments to the numbering.
Selwyn District Council (241.6c)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 3 Non Complying Activities (Business 2 Zone) c) Intensive livestock production - addressed in Rule 14 Keeping of Animals.	Delete item (c) from the rule for Listed Non Complying Activities for Business 2 Zones, and make consequential amendments to the numbering.

Submission No.	Summary of Submission	Decision Requested
Selwyn District Council (241.7)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate. The activities which are duplicated, and therefore are to be deleted are: Rule 4 Discretionary Activities (Business 2 Zone) c) Boarding kennels and/or catteries - addressed in Rule 14 Keeping of Animals.	Delete item (c) from the rule for Listed Discretionary Activities for Business 2 Zones, and make consequential amendments to the numbering.
Selwyn District Council (241.8d)	A number of the listed activities for Business Zones are addressed in the effects based rules. To avoid unnecessary duplication, the deletion of these rules from the 'listed activities' is therefore sought. Several of the classifications for listed activities are in conflict with those stated for the activity under the effects based rules. The deletion of such terms from the listed activity rules clarify that the effects based classification are the ones considered appropriate.	Delete item (d) from the rule for Listed Non Complying Activities for the Business 3 Zone, and make consequential amendments to the numbering.

11.3.2 Discussion

11.3.2.1 Selwyn District Council lodged a number of submissions seeking to delete certain 'listed activities' from each of the Living and Business Zone rules as such activities are already addressed in the effects-based rules. We agree with the submitter that the PDP should avoid unnecessary duplication where possible, we therefore recommend that each of the above submissions be accepted.

Recommendation 23.11.3

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept** submissions **241.1d, 241.1i, 241.1m, 241.3b, 241.4d, 241.5a, 241.6b, 241.6c, 241.7 and 241.8d.**

Amendments to the PDP as a consequence of Recommendation 23.11.3:

1. Amend Part 3, Section 2.2 Listed Activities – Living Zones (Township Volume) – pages 209-210, as follows:

Rule 1 - Non-Complying Activities

1. The following activities shall be *non-complying activities* in Living zones:
 - i. Any activity which is specified in Section 2.3 Rules 1 to 34 *as being a non-complying activity*.
 - ii. Any of the activities listed in (a) to (n) below, irrespective of whether they comply with the conditions for *permitted activities* in Section 2.3 Rules 1 to 34.
 - a) Airports
 - b) Any activity that requires an offensive trade license issued under the Health Act 1956.
 - c) Any facilities for the treatment and/or disposal of solid or liquid waste delivered or conveyed on to the site.
(*This rule does not apply to the underground treatment and disposal of effluent using an on-site effluent treatment or disposal system; or to the burning or composting of green garden waste as part of residential activities*)
 - d) Disposal of any hazardous substance.
 - e) Forestry
 - f) Generation of energy for distribution.
(*This rule does not apply to solar, wind or petroleum based powered generators used to generate energy for use only on the site on which they are located.*)
 - g) Industry
 - h) Manufacture of any hazardous substance, as either a product or by-product.
 - i) Mining or quarrying
 - j) Correction facility
 - k) Processing, composting or disposal on to land of any organic matter.
(*This rule does not apply to the activities set out in Rule 26.3*)
 - l) Quarantine Facilities.

Rule 2 - Discretionary Activities

1. The following activities shall be *discretionary activities* in Living zones:
 - i. Any activity which is specified in Section 2.3, Rules 1 to 34, *as a discretionary activity*.
 - ii. Any of the activities listed in (a) to (j) below, irrespective of whether they comply with the conditions for *permitted activities* in Section 2.3 Rules 1 to 34.
 - a) Any facilities for the temporary storage of solid and/or liquid waste delivered or conveyed on to the site.
(*This rule does not include rubbish bins or similar containers used to store solid waste on the site from which it is generated, until it is collected for refuse disposal*)
 - b) Drive through retail outlets
 - c) Hospitals, hospices and other facilities providing 24 hour medical care
 - d) Mineral exploration
 - e) Service Stations
 - f) The use of audible bird-scaring devices
 - g) The use of audible devices for modifying the effects of frost, hail or other weather conditions.

- h) Transport depots
- i) Veterinary hospitals and other facilities providing 24 hour veterinary care.

2. Amend Part 3, Section 3.2 Listed Activities – Business Zones (Township Volume) – pages 275-277, as follows:

Rule 1 - Non-Complying Activities (Business 1 and 1A Zones)

1. The following activities shall be *non-complying activities* in the Business 1 & 1A zones:
 - i. Any activity which is specified in section 3.3 Rules 1 to 23 as being a *non-complying activity*.
 - ii. Any of the activities listed in (a) to (h) below, irrespective of whether they comply with the conditions for *permitted activities* in section 3.3 Rules 1 to 23.
 - (a) Airports.
 - (b) Any activity that requires an offensive trade licence issued under the Health Act 1956.
 - (c) Forestry
 - (d) Manufacture and/or disposal of any hazardous substance.
 - (e) Mining or quarrying
 - (f) Correction facility
 - (g) Treatment and/or disposal of solid or liquid waste delivered or conveyed onto the site.

Rule 2 Discretionary Activities (Business 1 and 1A Zones)

1. The following activities shall be *discretionary activities* in the Business 1& 1A Zones :
 - i. Any activity which is specified in Section 3.3 Rules 1 to 23, *as a discretionary activity*.
 - ii. Any of the activities listed in (a) to (f) below, irrespective of whether they comply with the conditions for *permitted activities* in Section 3.3 Rules 1 to 23.
 - (a) Generation of energy for distribution.
 - (b) Industry
 - (c) Mineral exploration
 - (d) Temporary storage of solid or liquid waste delivered or conveyed onto the site.
 - (e) Transport depots

Rule 3 – Non-Complying Activities (Business 2 Zone)

1. All of the following activities shall be *non-complying activities* in Business 2 zones:
 - i. Any activity which is specified in Section 3.3 Rules 1 to 23 *as being a non-complying activity*.
 - ii. Any of the activities listed in (a) to (f) below, irrespective whether they comply with the conditions for *permitted activities* in Section 3.3 Rules 1 to 23.
 - (a) Airports.
 - (c) Mining or quarrying
 - (d) Correction facility

- (e) Treatment or disposal of solid or liquid waste delivered or conveyed onto the site.

Rule 4 - Discretionary Activities (Business 2 Zone)

1. All of the following activities shall be *discretionary activities*:
 1. Any activity which is specified in Section 3.3 Rules 1 to 23, *as a discretionary activity*.
 2. Any of the activities listed in (a) to (g) below, irrespective of whether they comply with the conditions for *permitted activities* in Section 3.3 Rules 1 to 23.
 - (a) Any activity that requires an offensive trade licence issued under the Health Act 1956.
 - (b) Audible bird-scaring devices
 - (c) Forestry
 - (d) Mineral exploration
 - (e) Processing, composting or disposal on to land of any organic matter (*This rule does not apply to the application of compost or organic fertilizers to fertilize gardens or land*).
 - (f) Residential activities (other than for security or custodial purposes).

Rule 5 - - Non-Complying Activities (Business 3 Zone)

1. The following activities shall be *non-complying activities* in the Business 3 zone:
 - i. Any activity which is specified in Section 3.3 Rules 1 to 23 *as being a non-complying activity*.
 - ii. Any of the activities listed in (a) to (g) below, irrespective of whether they comply with the conditions for *permitted activities* in Section 3 Rules 1 to 23.
 - (a) Airports.
 - (b) Any activity that requires an offensive trade licence under the Health Act 1956
 - (c) Disposal of any hazardous waste
 - (d) Mining or quarrying
 - (e) Correction facility
 - (g) Treatment or disposal of solid or liquid waste [Cl 16(2), 1st Sch RMA] delivered or conveyed onto the site

11.4 Sub-Topic 11.4 – Consequential Amendments and Supporting Submissions

11.4.1 Submissions Considered

Submission No.	Summary of Submission	Decision Requested
Canterbury Poultry Meat Producers Association (321.31)	Consequential and similar amendments to IV Environmental Results are sought, resulting from the decisions requested under submission points 321.20, page 41, 321.21, page 42, 321.22, page 41, 321.23, page 41, 321.24, page 42 and 321.25, page 42.	Consequential and similar amendments to IV Environmental Results are sought, resulting from the decisions requested under submission points 321.20, page 41, 321.21, page 42, 321.22, page 41, 321.23, page 41, 321.24, page 42 and 321.25, page 42.
	Further Submission RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Support/Oppose Oppose
Tegel Foods Ltd (679.31)	Consequential and similar amendments to IV Environmental Results are sought, resulting from the decisions requested under submission points 679.20, page 41, 679.21, page 42, 679.22, page 41, 679.23, page 41, 679.24, page 42 and 679.25, page 42.	Consequential and similar amendments to IV Environmental Results are sought, resulting from the decisions requested under submission points 679.20, page 41, 679.21, page 42, 679.22, page 41, 679.23, page 41, 679.24, page 42 and 679.25, page 42.
	Further Submission RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293)	Support/Oppose Oppose
	MJ & TD Rickerby (F607)	Support
Willaden Farms (399.03)	The submitter supports the submissions presented by the New Zealand Pork Industry Board on behalf of pig farmers in the Selwyn District.	Support for N.Z. Pork Industry Board Submission, submission number 564.
Pork Industry (696.07)	The submitter strongly supports the submissions presented by the New Zealand Pork Industry Board on behalf of pig farmers in the Selwyn District.	Support for N.Z. Pork Industry Board Submission, submission number 564 ie. Amend/adopt the Proposed Plan provisions in the manner set out in submission 564.
G Van Ameyde (697.02)	The submitter supports the submissions presented by the New Zealand Pork Industry Board.	Support for N.Z. Pork Industry Board Submission, submission number 564 i.e Amend/adopt etc. the Proposed Plan in the manner set out in submission 564.

11.4.2 Discussion

11.4.2.1 The above submissions by Canterbury Poultry Meat Producers Association (321.31) and Tegel Foods Ltd (679.31) merely sought consequential amendments to the relief sought in other submission points. The further submission by RD, JR & DJ Butt, JS Bisphan, DJ Clark, RW & G Wilson (F293) opposed the whole submission of each of the above submitters and MJ & TD Rickerby (F607) supported the whole submission of Tegel Foods Ltd. On the basis that we have recommended amendments to the PDP which will address some of the submitters' concerns, we recommend that these submission points be accepted in part.

11.4.2.2 Willaden Farms (399.03), Pork Industry (696.07) and G Van Ameyde (697.02) express support for the whole of the New Zealand Pork Industry Board's submission. The usual method for showing support for a submission is by way of a further submission; however these are original submissions. Given that we have

recommended that various submissions of the NZPIB be accepted and rejected, we recommend that this submission point be accepted in part.

Recommendation 23.11.4

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept in part** submission **321.31** and **reject** further submission **F293** in so far as it relates to submission number 321.31.
- (b) **Accept in part** submission **679.31** and further submission **F607** and **reject** further submission **F293** in so far as they relate to submission number 679.31.
- (c) **Accept in part** submissions **399.03**, **696.07** and **697.02**.

Amendments to the PDP as a consequence of Recommendation 23.11.4:

Nil – all matters have been covered by amendments already listed in either this report or Recommendation Report No. 22.

12. TOPIC 12 – SUBMISSIONS FROM OFFICERS REPORT NO. 32

12.1 Submissions Considered

Submitter	Submission	Relief sought
AgResearch Limited (255.06, 225.07)	The submitter opposes Rules 8.1 and 9.1 insofar as they may apply to tertiary education and research activities. Rule 8.1 and 9.1 place restrictions on intensive livestock farming. The submitter may from time to time undertake intensive livestock farming as part of research/education activities. While it seems clear from the definition of the term intensive livestock farming that the rules are not intended to apply to research or education activities, and would thus be a permitted activity, this submission seeks greater certainty than currently exists. The phrase "Intensive Livestock Production" is defined in the Plan and makes reference to the "commercial rearing and management of livestock". By reference to the definition alone, intensive livestock production as part of an education or research activity would not be subject to the restrictive provisions of Rules 8.1 and 9.1. The submitter, however, is of the view that greater clarity as to the effect of the rules would be achieved if an exclusion was included within the rule itself.	Amend Rule 8.1 of Rule VIII as follows: "The establishment of any new site for intensive livestock production, <u>unless associated with any education or research facility</u> , shall be a discretionary activity." Amend Rule 9.1 of Rule VIII as follows: "The expansion of any existing intensive livestock production activity, <u>unless associated with a tertiary education or research activity</u> , shall be a restricted discretionary activity...." There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Eclectic Energy (F374)	Oppose
	Lincoln University (F947)	Support
New Zealand Institute of Crop and Food Research Limited (560.06 and 560.07)	The submitter opposes Rules 8.1 and 9.1 insofar as they may apply to tertiary education and research activities. Rule 8.1 and 9.1 place restrictions on intensive livestock farming. The submitter may from time to time undertake intensive livestock farming as part of research/education activities. While it seems clear from the definition of the term intensive livestock farming that the rules are not intended to apply to research or education activities, and would thus be a permitted activity, this submission seeks greater certainty than currently exists. The phrase "Intensive Livestock Production" is defined in the Plan and makes reference to the "commercial rearing and management of livestock". By reference to the definition alone, intensive livestock production as part of an education or research activity would not be subject to the restrictive provisions of Rules 8.1 and 9.1. The submitter, however, is of the view that greater clarity as to the effect of the rules would be achieved if an exclusion was included within the rule itself.	Amen Rule 8.1 of Rule VIII as follows: "The establishment of any new site for intensive livestock production, <u>unless associated with any education or research facility</u> , shall be a discretionary activity." Amend Rule 9.1 of Rule VIII as follows: "The expansion of any existing intensive livestock production activity, <u>unless associated with a tertiary education or research activity</u> , shall be a restricted discretionary activity...." There may, however, be other methods of achieving the desired relief.
	Further Submission	Support/Oppose
	Eclectic Energy (F374)	Oppose
	Lincoln University (F947)	Support

12.1.1 Discussion

12.1.1.1 The above submissions were covered in Officer's Report 32 prepared by Ms E Frazer.

This was necessary because the author of Officer's Report 23 had a conflict of interest. The submissions relate to Rules 8.1 and 9.1 of Rule VIII of the Rural Volume of the PDP. The submitters sought that the rules be amended to make it clear that extensions to or the establishment of new intensive livestock units did not apply to education or research facilities. Other submissions relating to these matters are addressed in Sub-Topics 8.1, 8.3 and 8.4 of this Recommendation Report.

12.1.1.2 The submissions relate to the definition of "Existing Livestock Farming". We note that in our recommendations on Sub-Topic 8.1 (23.8.1) we have recommended that the Council initiate a variation to delete the above term and replace it with a new term "Intensive Farming". The definition of this term is as follows:

Intensive Farming means the use of land and buildings for the commercial production of plant and animal produce, where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density, or nature of the activity, precludes the maintenance of pasture or ground cover. Processes may involve: poultry, pig, duck, rabbit, fitch and opossum; mushroom farming; and feedlots for commercial livestock such as cattle. It excludes those activities where production requires pasture or ground cover to be maintained, glasshouses and horticulture.

12.1.1.3 We are satisfied that, in terms of this definition, intensive farming activities associated with research and education would not be required to go through the resource consent process as they would be considered permitted activities.

12.1.1.4 Although we agree with the further submission by Eclectic Energy, that intensive farming for any purpose has the potential to create environmental effects, the potential significance of research and education for the benefit of future generations is equally as important. The overriding purpose of the Act, the sustainable management of natural and physical resources, allows for management of the use of resources to enable people and communities to provide for their social and economic wellbeing, as well as their health and safety. The work undertaken by the Crown research agencies can have national significance, and the potential to provide benefits to the health and wellbeing of many communities. As such, we consider that AgResearch and the New Zealand Institute of Crop and Food are able to be exempt from the requirement for resource consent for intensive farming activities.

12.1.1.5 We consider, however, that the definition of intensive farming as suggested above provides enough clarity to determine what is and what is not an intensive farm. We therefore recommend that the submissions by AgResearch and New Zealand Institute of Crop and Food relating to both Rules 8.1 and 9.1 be rejected for the reason that the definition provides the same outcome as the relief sought. We further recommend that the further submissions by Lincoln University be rejected and the further submissions be Eclectic Energy be accepted.

Recommendation 23.12

That for the reasons set out above, but subject to the consideration of matters arising in other recommendations, the Council:

- (a) **Accept in part** further submission **F374**.
- (b) **Reject** submissions **255.06, 255.07, 560.06** and **560.07** and further submission **F947**.

Amendments to the PDP as a consequence of Recommendation 23.12:

Nil. Refer to Recommendation 23.8.1.

9. Proactive Zoning for Ellesmere and Malvern Townships

Author:	Ben Rhodes, Team Leader Strategy & Policy
Contact:	3472824

Purpose

To receive direction from the District Plan Committee on whether Council should proactively zone 'greenfield' sites in the Ellesmere and Malvern Wards, including funding the necessary technical investigations; or leave consideration of any rezoning of 'greenfield' sites to the DPR submission phase.

Recommendation

"That the Committee notes the report."

"That the Committee endorses Option 2 outlined in the report, which is to not proactively rezone 'greenfield' sites in the Ellesmere and Malvern Wards"

Attachments

"Proactive Zoning for Ellesmere and Malvern Townships", dated 19 February 2018

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19th February 2018

ISSUE: Zoning options for new 'greenfield' residential areas in the Malvern and Ellesmere Wards

PREPARED BY: Ben Rhodes – Team Leader - Strategy and Policy Planner

EXECUTIVE SUMMARY

<i>Issue</i>	<i>There are two mechanisms available to Council to facilitate the rezoning of any new "greenfield" residential areas in Malvern and Ellesmere through the District Plan Review (DPR)</i>
<i>Purpose</i>	<i>Receive direction from the District Plan Committee on whether Council should proactively zone 'greenfield' sites in the Ellesmere and Malvern Wards, including funding the necessary technical investigations;; or leave consideration of any rezoning of 'greenfield' sites to the DPR submission phase.</i>
<i>DPC Decision</i>	



1.0 Background

- 1.1 This report follows on from two previous discussions on the re-zoning of 'greenfield' residential land in the Ellesmere and Malvern Wards by the District Plan Committee (DPC). The first was at the meeting on 23 November 2016, where staff sought clarity on the DPC's position regarding the rezoning of potential 'greenfield' sites.
- 1.2 At that stage, there was no mandate for 'greenfield' zoning in the Urban Development Strategy Area (UDS Area) given the strong direction of Chapter 6 of the Regional Policy Statement (RPS). Consideration of new zoning in the Greater Christchurch Partnership GCP Area is to be considered at the completion of the work to give effect to the National Policy Statement on Urban Development Capacity (NPS-UDC).
- 1.3 For the wider district, the Ellesmere and Malvern Area Plans (Area Plans) had recently been adopted at that time, which outlined Preferred Future Development Areas (PFD Areas) for township growth. However the Area Plans also stated for most towns there was sufficient land available to accommodate projected population¹ growth through to 2031, without Council needing to proactively rezone additional 'greenfield' land. In this context, and with an updated capacity assessment, it was staff's recommendation at the DPC meeting on 23 November 2016 to not proactively rezone through the District Plan Review (DPR) and to leave the promotion of 'greenfield' zoning to the submission phase. The DPC accepted this recommendation.
- 1.4 However following that DPC meeting some concerns were raised in discussion around community expectations involving the implementation of the Area Plans. Given this another report on the matter was brought to DPC for consideration at the DPC meeting on 24th May 2017. That report sought direction from the DPC on whether Council should proactively zone 'greenfield' sites in the Ellesmere and Malvern Wards through the DPR, or leave consideration of zoning 'greenfield' sites to the submission phase and hearing process.
- 1.5 Two options were put to the DPC for consideration being:
 - i. Option 1: The incorporation of proposed greenfield rezoning in the notified District Plan (i.e. Proactive zoning, Council-led)
 - ii. Option 2: The incorporation of proposed greenfield rezoning through submissions on the DPR (i.e. landowner-led)
- 1.6 The DPC decided on a hybrid approach to use both the population projection data but also take a lead on recommending some areas for further consideration. It was noted that Council had commissioned a new Growth Model that was due for completion towards the end of the year and that may provide more clarity and detail on the capacity of the townships and the forecast demand.
- 1.7 The Area Plan Working Party (APWP) was tasked with considering the PFD Areas of the Area Plans and determining which sites were suitable for a 'proactive rezoning' approach. Staff would then come back to DPC with more analysis around these selected sites.

¹ LTP2018 population projections. Council has since commissioned and complete new projections through the Selwyn Capacity for Growth Model.

- 1.8 The APWP held its first discussion on the matter at its meeting on 28th June 2017. The purpose of the discussion was to set a hierarchy of towns and locations for consideration for proactive re-zoning. This would help staff deliver to DPC, with more detail (e.g. cost), the implications of proactively zoning PFD Areas verses trying to do this for every identified site in the Area Plans. It was acknowledged that Council cannot afford to lead this work in all towns as there was a significant cost implication of doing so. The Ellesmere and Malvern townships were discussed in terms growth issues faced and whether there was a need to proactively rezone any of the PFD Areas. Discussion ended up heading towards existing capacity of the zoned land and the projected demand of each town. That existing analysis outlined that each town had sufficient capacity for projected demand out beyond 2031. In this context the APWP did not think there would be a need to proactively rezone 'greenfield' areas.
- 1.9 However the APWP noted that the analysis would be updated once the new growth model had been completed. It was discussed that if this new growth model determined that there was sufficient capacity (i.e. supply) then there would not be a need to proactively re-zone 'greenfield' sites in the Area Plan Townships. As such further discussion on this matter by the APWP was deferred until the new growth model had been completed and analysed.
- 1.10 The Selwyn Capacity for Growth Model (SCGM) was endorsed by DPC on 6th December 2017 and the APWP held discussions on the results of the SCGM on 7th February 2018. The results of the SCGM and the APWP discussion around this are outlined in sections 2 and 3 respectively of this report.
- 1.11 This report presents similar information to that presented to DPC at 24th May 2017 meeting on the implications of Council proactively rezoning through the DPR. This includes the growth management approach, information requirements, and infrastructure costs and programming. The main changes made to the report is the commentary made in sections 2 and 3 below on the SCGM and the most recent APWP meeting.
- 1.12 The two options presented are also similar to those last considered by DPC (e.g. Council proactively rezones or leaves to submission phase). There has been no change to the options as no sites have been promoted for further consideration under the "hybrid" approach discussed at the 24th May 2017 meeting.

2.0 Selwyn Capacity for Growth Model

- 2.1 At the DPC meeting on 6 December 2017 the development, structure and function of the SCGM was presented. The SCGM received endorsement for use in the DPR with particular control settings being applied. This enabled staff to progress analysis of township capacity and forecasted demand with some certainty.
- 2.2 The results² of the SCGM for the Ellesmere and Malvern Townships are provided in **Appendix 1** to this report. All townships, other than Rakaia Huts (at capacity at 2028), are projected to have capacity to meet demand out to 2033 and beyond. For most towns this is

² The SCGM utilises a medium growth rate to get these results.

sooner than predicted in the Area Plans, however this is not surprising given the further testing of available capacity undertaken for the SCGM.

- 2.3 Although the capacity is close at 2028 for Rakaia Huts this is beyond a 10 year supply and for a town that has significant land and servicing constraints.
- 2.4 Taking these SCGM projections at face value, there is over 10 years of residential capacity in the Ellesmere and Malvern townships. It is worth noting that even at a Medium-High growth rate all the towns (again except Rakaia Huts) still have capacity out beyond 2028.
- 2.5 It is these results that were provided to the APWP to allow further consideration of the growth issues for each of the Ellesmere and Malvern Townships and whether it was appropriate to promote selected sites for further analysis under a proactive rezoning approach. This meeting is discussed in the next section.

3.0 Area Plan Working Party

- 3.1 With the endorsement of the SCGM, an APWP meeting was set and held on the 7 February 2018 to discuss the SCGM results and implications for the growth of the Ellesmere and Malvern Townships. Taking into account the results of the SCGM (discussed above) the APWP agreed that there was no need for proactive rezoning by Council as part of the DPR process. The APWP did not promote any townships or PFD Areas for further consideration and inclusion in the DPR process.
- 3.2 However the APWP noted and clarified that this did not preclude the public from making submissions on the DPR to promote sites or even promoting private plan changes ahead of notification of the Proposed District Plan. It is important to note that the Council has one private plan change lodged and a number of proposed private plan changes being discussed and developed for PFD Areas identified in the Area Plans.
- 3.3 As well as private plan changes Council has the ability to promote changes at a later date when a need is determined. In respect to this the APWP encouraged on-going monitoring of land uptake and growth in the Ellesmere and Malvern Townships to ensure Council is well aware of any impending growth issues and can respond proactively.
- 3.4 Further to this the APWP discussed that deferred land should be unlocked before any of the PFD Areas in the Area Plans are investigated. To this end the APWP requested Council staff seek to facilitate and progress solutions to lifting the deferred status of land (e.g. storm water issues in Leeston).

4.0 Re-cap of options for zoning land through the DPR

- 4.1 Given the background outlined in sections 1 – 3 above this report promotes two distinct options for DPC consideration on the matter of proactively rezoning ‘greenfield’ sites in the Ellesmere and Malvern Townships.

Option 1: Incorporation of proposed zoning in the notified District Plan

- 4.2 Option 1 involves Council investigating and evaluating the appropriateness of zoning 'greenfield' sites with a view to notify these as new residential areas through the DPR. This would be a Council-led approach in a similar way to Plan Change 7 (PC7), which introduced the Living Z framework and Outline Development Areas in Rolleston and Lincoln. It is noted that PC7 was developed under different circumstances as it was required to give effect to the Regional Policy Statement (RPS). Also, more detailed analysis of the 'greenfield' sites to be rezoned had been undertaken through the Rolleston and Lincoln Structure Plans (i.e. location of road network connections, densities, reserves, local and neighbourhood centres etc). This level of detail was not undertaken through the Area Plan process.
- 4.3 This option also puts the onus on Council to select which sites should be considered for a proactive zoning approach. This process has already been undertaken via the APWP and no sites have been identified by the APWP as warranting further investigation at this stage.
- 4.4 A Council-led approach would involve Council absorbing the cost and taking on the risk of funding investigations, removing constraints to development and providing the infrastructure servicing required for development. The Council would also need to fund the progression of any rezoning proposal through the submission, hearing and appeal stages of the DPR, if it chose to continue with the proposals.

Option 2: Request for proposed zoning through a submission on the DPR

- 4.5 Option 2 requires landholders who desire their land to be rezoned to residential to undertake the investigative and evaluative work in determining appropriateness of zoning as part of a submission on the DPR. In this option Council would not be notifying any new 'greenfield' sites but would leave consideration of this through its response to any submissions. This would be a landowner-led approach and is very much akin to the Private Plan Change process. If Council decide to take this approach then strong direction on the level information required for a submission seeking rezoning will need to be made available as soon as possible to enable landowner's sufficient time to get the information together.
- 4.6 The approach in Option 2 would involve the submitters absorbing the cost and taking on the risk of funding investigations and removing constraints to development. Council would have to take on costs of reviewing information provided in a submission to enable a recommendation to accept or reject the proposal. If Council accepts the submission then the land would be rezoned as part of the DPR process.
- 4.7 It is worth noting that a landowner submitting for a zone change through the DPR process would be slightly advantaged financially compared to a private plan change process. In a private plan change process an applicant would absorb all costs up to a decision, including Council costs. However as a submitter in the DPR process, although a landowner must finance the investigation and their on-going costs, they do not have to pay all costs of Council. In this way there is a sharing of costs between the landowner and Council.
- 4.8 As mentioned in section 3 it is important to note that neither option precludes Council from promoting land for rezoning at any time should the need arise. The need for clarity on this issue and what option to follow is merely for the development of the DPR up to notification of a Proposed District Plan. This enables staff to focus resource and time on other matters. Not having direction on this issue creates uncertainty around budget and timeframes.

5.0 Strategic context

- 5.1 The Area Plans were developed to implement an action of Selwyn 2031 District Development Strategy (Selwyn 2031). Selwyn 2031 provides an overarching strategic framework for achieving sustainable growth across the district to 2031. Selwyn 2031 emphasises the importance of adopting and implementing a strategic approach to managing urban growth as a means of strengthening the district's self-sufficiency and to ensure that it continues to be a great place to live, work and play.
- 5.2 Another key aspect of Selwyn 2031 is the Township Network³, which provides the framework for managing the scale, character and intensity of urban growth across the whole district. This enables investment decisions by the Council to be made within an appropriate context and ensure that the infrastructure provided supports the population base of the township, having regard to its scale and relationship to the wider area. It will also present residents and businesses with an opportunity to achieve better living environments and greater economic growth by focusing on those investment decisions that will be of most benefit to each individual community. The township network provides the context for managing urban growth and a platform for strategic planning by:
- identifying the role of each township;
 - ensuring that the Council, community and other stakeholders have a clear understanding of where each township sits within the network and the reasons why;
 - ensuring that the community's expectations of the level of service received from the Council is commensurate to the role that each township will play in accommodating urban growth within the district;
 - enables the costs and benefits of providing infrastructure to be assessed at an appropriate context and scale.
- 5.3 The township network is important in the context of a zoning conversation as it will help guide decision making around proactively rezoning, if that's Council's direction, and/or responding to submissions for new zoning proposals.
- 5.4 The Township network is outlined below in Table 1:

Table 1: Township Network

District Centre - Rolleston	Functions as the primary population, commercial and industrial base of the district.
Sub-District Centre - Lincoln	Functions independently with a range of residential, commercial and industrial activities while providing support to surrounding Service and Rural Townships.
Service Townships - West Melton, Prebbleton, Darfield and Leeston	Function is based on providing a high amenity residential environment and primary services to Rural Townships and surrounding rural area.
Rural Townships - Arthur's Pass, Coalgate, Doyleston, Dunsandel, Glentunnel, Hororata, Kirwee, Lake Coleridge, Sheffield, Southbridge,	Function is based on village characteristics with some services offered to the surrounding rural area.

³ Pg 33, Selwyn 2031 District Development Strategy

Springfield, Springston, Tai Tapu, Waddington, Whitecliffs	

6.0 Role of Ellesmere and Malvern Area Plans

- 6.1 The Area Plans were adopted in September 2016. Their primary purpose is to provide high-level planning direction to guide urban growth and sustainable management of Malvern and Ellesmere townships through to 2031. The Area Plans introduced a range of issues and opportunities to inform the ongoing strategic planning and management of township growth. Although non-statutory they are intended to help inform:
- The District Plan Review and other statutory planning processes;
 - Long Term Plan and Activity Management Plans;
 - Other Council, community and privately initiated projects and capital investment decisions.
- 6.2 With regard to residential growth, the Area Plans acknowledge that each town has capacity to meet growth projections through existing zoned land (i.e. developable land or ‘plan-enabled’ land). This existing capacity included zoned but undeveloped land (e.g. existing greenfield areas) or developed land with further development potential (e.g. infill). As discussed in section 2 the SCGM has refined this analysis further but the overall results remain similar in that there is sufficient capacity for the next decade and beyond.
- 6.3 Although the Area Plans identified sufficient capacity for growth they still took another step in identifying PFD Areas for most townships. These sites were identified to:
- 1) guide Council and land owners who may wish to zone land;
 - 2) identify constraints and capital works upgrades required to make land viable to develop.
- 6.4 The Area Plans outline⁴ that they do not rezone land in themselves and that there are very few examples where there is an identified need for Council to promote additional residential zoning under the DPR. As mentioned above evidence suggested there is sufficient developable land available to accommodate projected household growth or that there are constraints which currently preclude additional development, which need to be addressed and overcome (e.g. infrastructure, flooding).
- 6.5 The Area Plans do note⁵ that the identification of PFD Areas is only an initial step in the process to identify the appropriateness of any future land use zoning to enable development. The Area Plans recognise that the substantive merits of zoning land must be determined through the statutory process set out in the Resource Management Act (the Act), which could include the DPR (including via the submission process), a Council plan change or a privately-initiated request. The Area Plans are clear that the DPR could be a mechanism, among others, for implementing the Area Plans growth area.

⁴ Para.2 pg. 12, Ellesmere and Malvern Area Plans

⁵ Para.1, pg. 11 Ellesmere Area Plan & Para.8, pg. 10 Malvern Area Plan

7.0 Overview of Section 32 information requirements for rezoning

- 7.1 District Plans that are developed using sound evidence and rigorous policy analysis lead to more robust, enduring provisions, and can mean issues are resolved early on in plan-making, reducing opposition during hearings or at appeal. As outlined in the Area Plans and mentioned above the substantive merit of zoning any site, including the PFD Area must be determined through the statutory process set out in the Act. To determine the substantive merits of these areas investigations will be required which will include the commissioning of detailed technical reports. The purpose and requirement to do this work is to help inform section 32⁶ evaluation reports to demonstrate that the zoning has been well tested against the purpose of the Act and that the anticipated benefits outweigh costs and risks. In short, the evaluation must examine whether the objectives of the proposal (new zoning) are the most appropriate way to achieve the purpose of the Act.
- 7.2 To evaluate the efficiency and effectiveness of the proposal it is necessary to identify, quantify and assess the benefits and costs and to assess the risk of acting or not acting. To inform this evaluation key technical assessments are likely to be required to support any rezoning request, including:
- o Geotech
 - o Contamination
 - o Transport
 - o Infrastructure
 - o Landscape
 - o Economic
 - o Planning
 - o Urban design – ODP design
- 7.3 The approximate cost to undertake the above investigations for *one site* development is estimated to be between \$80,000 and \$120,000⁷. The level of information or the number of technical reports required would have some impact on this cost but this provides an ‘average’ picture. All things being equal there is also little in the way of economies of scale in that the cost of a plan change to provide for yield of 75 lots was very similar to the costs of a plan change to provide a yield of 400 lots⁸.

8.0 Infrastructure provision, cost and programming

- 8.1 Aside from the initial s32 information and investigation costs any rezoning proposal will also need to consider the costs on, and supply of, infrastructure (e.g. from the 5 waters and roading, community services etc). The Area Plans identified constraints to development in each town including the PFD Area. Many of these constraints require a commitment from Council and the wider community around capital works upgrades, which are potentially significant in scale (e.g. community funding reticulated wastewater in Darfield, Leeston stormwater (underway) and wastewater infrastructure etc).

⁶ Section 32 (s32) is integral to ensuring transparent, robust decision-making in Resource Management Act (RMA) plans, plan changes and policy statements S32 requires new proposals to be examined for their appropriateness in achieving the purpose of the RMA, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk.

⁷ Obtained through discussions with Planz Consultants and Baseline Group

⁸ John Ferguson, Planning Director, Baseline Group.

- 8.2 If Council proactively zones (i.e. Option 1) then the cost of meeting the infrastructure needs has to be planned and financed for by Council. The infrastructure needs could be a transparent trigger for a deferred zoning but there will need to be commitment from Council (i.e. Long Term Plan) to provide it at a nominated time in the future.
- 8.3 A significant aspect to the s32 evaluation will be the quantification of benefits and costs. The financial cost of having to provide and service finance on infrastructure will be significant in many cases. The financial benefit to the wider community of any Council-led rezoning may be quite limited in low growth areas (i.e. to the individual landowner, jobs through construction phase etc.). There may be social benefits to providing more opportunities for growth but it is important to ensure this is not overridden by a financial burden for a community in servicing infrastructure that is not taken up. In short, the financial costs may outweigh the quantification of benefits. This relates to the risk identified previously that funding is put towards investigation of the PFD Area but ultimately, the assessments demonstrate that they are not suitable for rezoning.
- 8.4 In financing any new infrastructure or upgrades Council takes on debt and obligations of servicing a loan and/or recouping its own investment. This is normally recouped through Development Contributions (DCs). In areas of low growth there is a risk to Council that the amount of DCs recouped each year is not sufficient to service a loan. Alternatively, to reduce this risk, the DC may have to be so high that developments in low growth areas are not commercially feasible. In a scenario where a private developer promotes a zone change (through a submission on the new District Plan or through a private plan change) the infrastructure provision (including any upgrades) and cost of this falls on the developer, not Council.
- 8.5 A relatively recent example of this is the Southbridge Plan Change to rezone a rural block to Living 1. To service this land with wastewater a significant upgrade to the system was required. As the promoter of the change the developer had to show, among other s32 aspects, how the land would be serviced. This resulted in the cost of wastewater upgrades having to be paid by the developer to ensure services would be available at the time of subdivision. Had Council promoted this then the cost of infrastructure upgrades would have fallen on the whole community.
- 8.6 As well as servicing any financing, Council will also need to ensure that infrastructure requirements are programed into the Long Term Plan (LTP) to provide services to zoned land or to uplift any deferrals. This provides some certainty to the community and the developers that the land is developable and when and how it will be available for serviced development. It is also important to note that where growth is provided for and occurs this invariably results in the need to upgrade community facilities, such as community centres, reserves, libraries etc – all things that need to be factored into Council's long term planning. As with the finance servicing issue there is a risk that Council's forward programming of infrastructure and community facilities, based on zoned land, is not required due to continued low growth. This may impinge on budget and planning for other infrastructure that may become more pressing.
- 8.7 As an example an important question to consider for Darfield and Kirwee is "does Council want to be initiating additional rezoning of greenfield land ahead of further community discussion around wastewater servicing and Councils options analysis?". The results of this process could dramatically change the potential landuse opportunities (e.g densities and housing typologies) in these towns.

- 8.8 Overall there is a cost risk to Council in proactively zoning areas of land and addressing infrastructure constraints. This is particularly the case in towns where there is already land available to meet growth projections. Going beyond what is needed or feasible in infrastructure capacity puts Council at risk of not being able service funding and/or increases community expectations around the provision of other facilities that is (potentially) inconsistent with the Township Network set out in Selwyn 2031.

9.0 Option 1 for zoning ‘greenfield’ sites: Incorporation of rezoning proposal as part of the notified District Plan

- 9.1 Option 1 involves Council undertaking the work to zone new ‘greenfield’ sites and will notify these through the DPR process. The Area Plans identify 35 PFD Areas across both Area Plans that would be a starting point for consideration for ‘greenfield’ zoning for proactive zoning.
- 9.2 The sites range in size and scale and indicate the preferred growth locations but not how large these areas need to be or are required to be. Considering the costs outlined in section 7.3 even investigating and preparing appropriate levels of information for the few of these sites would have significant costs. Given the evaluative nature of the s32 process that is required to determine the costs and benefits (and overall merit) of a rezoning proposal there is a risk that even after completing the site specific investigations, the s32 evaluations may not support rezoning (e.g. the costs outweigh the benefits). If Council proceeds with zoning then consideration will be required around whether it continues to fund the progression of any rezoning proposal and defend its inclusion through the submission, hearing and appeal stages of the DPR, which will bring with it additional costs.
- 9.3 As well taking on the costs of evaluation and the costs of progressing through the DPR process Council will also be financing the development/upgrade of servicing infrastructure. Although infrastructure provision is one of Councils core roles it is often provided in response to demand or a private plan change, where costs can be recouped with some confidence or met by a developer. If Council is to proactively zone then it will need to be prudent in its assessment of the demand for development of a ‘greenfield’ proposal to ensure that the cost of improving or developing new infrastructure can be recouped.
- 9.4 As discussed in the introduction to this report an alternative approach to looking at every PFD Area, and to reduce costs, was to pick some priority locations to investigate for zoning. As discussed in Section 3 direction on what areas may be selected as priority locations was put to the APWP for their consideration. The APWP in its discussion on growth matters have not promoted any of the PFD Area sites for further consideration or analysis leading into the DPR notification.
- 9.5 The cost and time of proactively rezoning PFD Areas also needs to be balanced against the potential existing capacity, including existing deferred zonings. Any s32 evaluation would need to rationalise why additional ‘greenfield’ land is required if there is existing deferred land available, particularly when the same constraints to zoning would apply (e.g. infrastructure). Should

Council therefore be prioritising/resourcing the upliftment of existing deferred zones, rather than rezoning new sites? The APWP considers that deferred zonings should be promoted and “unlocked” ahead of rezoning new ‘greenfield’ sites. How these deferred zonings are to be addressed is being considered in a separate standalone scope of work within the DPR residential topic.

- 9.6 It is important to note that deferred zonings are a legitimate mechanism to use however the same level of Section 32 information is required for a deferred zoning proposal as is the case for an ‘unconstrained’ residential zoning proposal. It needs to be clear and transparent as to how the deferral is lifted (e.g. timing of infrastructure). It also needs to be clear what is permitted when the deferral is in place and what is permitted when it is lifted. This provides certainty for landholders and the community. A deferral would be void where an additional plan change is required to justify its appropriateness and provides uncertainty around permitted land uses. That work must have already been completed and tested.
- 9.7 Overall s32 requires a significant level of information to support a residential rezoning and the cost implications around Council proactively rezoning ‘greenfield’ sites (Option 1) needs to be considered.

10.0 Option 2: Request for rezoning proposal through a submission on the notified District Plan

- 10.1 Option 2 does not *notify* any new ‘greenfield’ areas through the DPR. To put this another way the township boundaries will remain as they are at the time of notification. Once the District Plan is notified all landowners, including those who own the PFD Areas identified in the Area Plans will have an opportunity to lodge a submission on the District Plan seeking that their land be rezoned. The submission will need to be supported by a s32 evaluation, including all necessary technical assessments.
- 10.2 The Area Plans will still provide strategic guidance and Council leadership as to where any new ‘greenfield’ land is preferred and help Council in assessing and consider submissions. However in this option the investigation costs and s32 evaluation will be borne and undertaken by the submitter to support their submission for rezoning. Councils cost will be limited to reviewing the information and making a recommendation to accept or reject the submission, which are costs that will be inevitable regardless of the option selected. Option 2 is very similar to private plan change process. This option still allows consideration for rezoning sites in line with the Area Plans but leaves the cost to the market, which if taken up would indicate a demand and/or opportunity for growth, more so than Council proactively rezoning ahead of any substantial land capacity requirements.
- 10.3 There are a number of examples of Area Plans providing a lead on development. Council has recently had a Private Plan Change lodge for a PFD Area in Springfield. Council has had discussions with landowners and is aware of applications being prepared for sites in Doyleston, Leeston, Darfield and Dunsandel. The Area Plans outlined the opportunity as well as the constraints that needed to be considered, which is advantageous for landowners and the community. Discussions have been had with the landholder’s representatives around how these constraints may be addressed. In this scenario, Private Plan Change, the costs will fall with the developer not Council and the community. This would be true for most private plan changes and also for any submissions received through the DPR process.

- 10.4 It is important to note that developers/landowners could also promote, and are likely to promote, sites beyond those identified in the Area Plans for rezoning through a submissions. Again, in this case the landholder/developer must meet the information requirements and costs of a s32 evaluation.
- 10.5 If Council accepts and then approves sites promoted through submissions then infrastructure will need to be available with capacity. If infrastructure is not available, or does not have capacity, then a zone may be accepted and approved with a deferral for infrastructure provision as a trigger. This enables Council time to plan for infrastructure and to ensure that the DCs can be put in place to pay for it. There is still a potential risk in the ability to service a loan, however this should be reduced with the quantitative analysis for cost and benefits. Risk should also be further reduced by the fact that the rezoning has been promoted by the market, where an assumption could be drawn that there is demand and willingness to develop.
- 10.6 The purpose of the Area Plans is to provide a Council led strategic approach to development. In Option 2 the identification of preferred growth areas provides some clarity and direction but ultimately development and associated costs is driven and absorbed by the market and where the market can sustain it. In short landholders/developers are taking the risk and funding a proposal rather than Council and the community. This gives Council and the community further assurance that any development promoted is feasible or has merit.

11.0 Conclusion

- 11.1 The Area Plans are an example of Council taking a leadership approach to development rather than leaving management to the private market. The Area Plans provide direction for strategic planning and management of township growth and outline opportunities and constraints for residential development. This is advantageous for landholders identified as a PFD Area however other landholders are not precluded from applying for rezoning.
- 11.2 The DPR provides an opportunity for Council to take a further lead and proactively zone 'greenfield' growth areas in line with the Area Plans (Option 1). This may meet community expectation on what the intent of the Area Plans were. However the SCGM results and discussions with the APWP suggest there are few examples of where there is a need to rezone more land to accommodate future growth.
- 11.3 There is also a significant cost involved in rezoning including technical investigations, removing constraints to development and providing and funding infrastructure. Even where there is an identified 'need' some consideration should be given by Council as to whether it wants to invest and drive growth in some smaller, low growth towns, having regard to the overarching Township Network set out in S2031. As discussed at the last APWP meeting the deferred zoned areas should also be promoted and "unlocked" ahead of zoning new 'greenfield' areas.
- 11.4 Taking the Option 2 (leave to submissions) approach to zoning 'greenfield' sites may not meet community expectations on delivery of the Area Plans but it does remove the burden of cost to Council. The Area Plans are still relevant documents in leading the growth direction and desired outcomes in the Ellesmere and Malvern Areas, with recent private plan change proposals evidence of this. With Option 2 the cost and risk is effectively left to the market to respond to opportunities and demand. This would give more surety that any proposal for rezoning is feasible

as it is driven and paid for by the market, more so than Council leading in response to community expectation.

12.0 Staff Recommendation

- 12.1 Given the discussion above, in particular the results of the SCGM and direction from the APWP, it is staff recommendation that Option 2 is selected.

13.0 Next steps

- 13.1 If direction of DPC is to proactively rezone as part of the notified District Plan (i.e. Option 1) then a further discussion will be required to determine the scope of this work. This will likely involve similar conversations with the APWP that have been held recently. It will also be necessary to consider the subsequent impact on the DPR budget and timeframe for notification of the new District Plan.
- 13.2 Alternatively, if it is decided that any rezoning proposals will be considered as part of the DPR process through submissions (i.e. Option 2), staff can write to each of the landowners of the PFD Area to advise them of the opportunity to lodge a submission on the new District Plan (and the associated information requirements).

Appendix 1: Selwyn Capacity for Growth Model – Ellesmere and Malvern Township Results

Residential Growth Capacity for Ellesmere and Malvern Townships

Infill - Dwelling Capacity							
SDC Towns	2018	2023	2028	2033	2038	2043	2048
Darfield	33	33	33	33	33	33	33
Leeston	36	36	36	36	36	36	36
Southbridge	101	101	101	101	101	101	101
Coalgate	138	138	138	138	138	138	138
Dunsandel	7	7	7	7	7	7	7
Minor settlements Non-UDS	29	29	29	29	29	29	29
Total	344	344	344	344	344	344	344

Greenfield - Dwelling Capacity							
SDC Areas of Interest	2018	2023	2028	2033	2038	2043	2048
Coalgate	192	192	192	192	192	192	192
Leeston	388	388	388	388	388	388	388
Leeston Def	-	-	-	-	-	-	-
Darfield	776	776	776	776	776	776	776
Darfield Def	-	-	-	-	-	-	-
Castle Hill	143	143	143	143	143	143	143
Springfield	40	40	40	40	40	40	40
Southbridge	128	128	128	128	128	128	128
Dunsandel	30	30	30	30	30	30	30
Dunsandel Def	-	-	-	-	-	-	-
Glentunnel	34	34	34	34	34	34	34
Sheffield	113	113	113	113	113	113	113
Arthurs Pass	18	18	18	18	18	18	18
Hororata	75	75	75	75	75	75	75
Whitecliffs	20	20	20	20	20	20	20
Lake Coleridge	21	21	21	21	21	21	21
Doyleston	35	35	35	35	35	35	35
Rakaia Huts	2	2	2	2	2	2	2
Waddington	11	11	11	11	11	11	11
Total	2,026	2,026	2,026	2,026	2,026	2,026	2,026

Rural Residential - Dwelling Capacity							
SDC Areas of Interest	2018	2023	2028	2033	2038	2043	2048
Coalgate	-	-	-	-	-	-	-
Leeston	33	33	33	33	33	33	33
Leeston Def	-	-	-	-	-	-	-
Darfield	218	218	218	218	218	218	218
Darfield Def	1	1	1	1	1	1	1
Castle Hill	-	-	-	-	-	-	-
Springfield	-	-	-	-	-	-	-
Southbridge	-	-	-	-	-	-	-
Dunsandel	-	-	-	-	-	-	-
Dunsandel Def	-	-	-	-	-	-	-
Glentunnel	-	-	-	-	-	-	-
Sheffield	-	-	-	-	-	-	-
Arthurs Pass	-	-	-	-	-	-	-
Hororata	-	-	-	-	-	-	-
Whitecliffs	-	-	-	-	-	-	-
Lake Coleridge	-	-	-	-	-	-	-
Doyleston	-	-	-	-	-	-	-
Rakaia Huts	-	-	-	-	-	-	-
Waddington	-	-	-	-	-	-	-
Total	252	252	252	252	252	252	252

Infill - Dwelling Forecast

2018	2023	2028	2033	2038	2043	2048
8	23	33	33	33	33	33
8	21	35	36	36	36	36
9	24	40	62	101	101	101
22	61	100	138	138	138	138
1	2	4	6	7	7	7
4	11	17	27	29	29	29
52	142	229	302	344	344	344

Greenfield - Dwelling Forecast						
2018	2023	2028	2033	2038	2043	2048
16	45	71	104	192	192	192
63	172	274	384	388	388	388
-	-	-	-	-	-	-
66	180	287	422	776	776	776
-	-	-	-	-	-	-
12	33	53	78	143	143	143
3	9	15	22	40	40	40
11	30	47	70	128	128	128
3	7	11	16	30	30	30
-	-	-	-	-	-	-
3	8	13	18	34	34	34
10	26	42	61	113	113	113
2	4	7	10	18	18	18
6	17	28	41	75	75	75
2	5	7	11	20	20	20
2	5	8	11	21	21	21
5	15	23	34	35	35	35
0	1	1	2	2	2	2
1	3	4	6	11	11	11
204	559	890	1,291	2,026	2,026	2,026

Rural Residential - Dwelling Forecast						
2018	2023	2028	2033	2038	2043	2048
-	-	-	-	-	-	-
8	18	24	32	33	33	33
-	-	-	-	-	-	-
29	78	123	173	218	218	218
0	0	1	1	1	1	1
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
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-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
37	96	148	206	252	252	252

Infill - Dwelling Capacity Remaining

2018	2023	2028	2033	2038	2043	2048
25	10	-	-	-	-	-
28	15	1	-	-	-	-
92	77	61	39	-	-	-
116	77	38	-	-	-	-
6	5	3	1	-	-	-
25	18	12	2	-	-	-
292	202	115	42	-	-	-

Greenfield - Dwelling Capacity Remaining						
2018	2023	2028	2033	2038	2043	2048
176	147	121	88	-	-	-
325	216	114	4	-	-	-
-	-	-	-	-	-	-
710	596	489	354	-	-	-
-	-	-	-	-	-	-
131	110	90	65	-	-	-
37	31	25	18	-	-	-
117	98	81	58	-	-	-
27	23	19	14	-	-	-
-	-	-	-	-	-	-
31	26	21	16	-	-	-
103	87	71	52	-	-	-
16	14	11	8	-	-	-
69	58	47	34	-	-	-
18	15	13	9	-	-	-
19	16	13	10	-	-	-
30	20	12	1	-	-	-
2	1	1	-	-	-	-
10	8	7	5	-	-	-
1,821	1,466	1,135	736	-	-	-

Rural Residential - Dwelling Capacity Remaining						
2018	2023	2028	2033	2038	2043	2048
-	-	-	-	-	-	-
25	15	9	1	-	-	-
-	-	-	-	-	-	-
189	140	95	45	-	-	-
1	1	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
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-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
215	156	104	46	-	-	-

10. Update on Communication & Engagement

Author:	Stephen Hill, Business Relationship Manager & Emma Hodgkin, DPR Project Manager
Contact:	3472940

Purpose

To provide the Committee with an update on District Plan Review communications and engagement.

Recommendation

“That the Committee notes the presentation.”

Attachments

PowerPoint “Communications and engagement update”

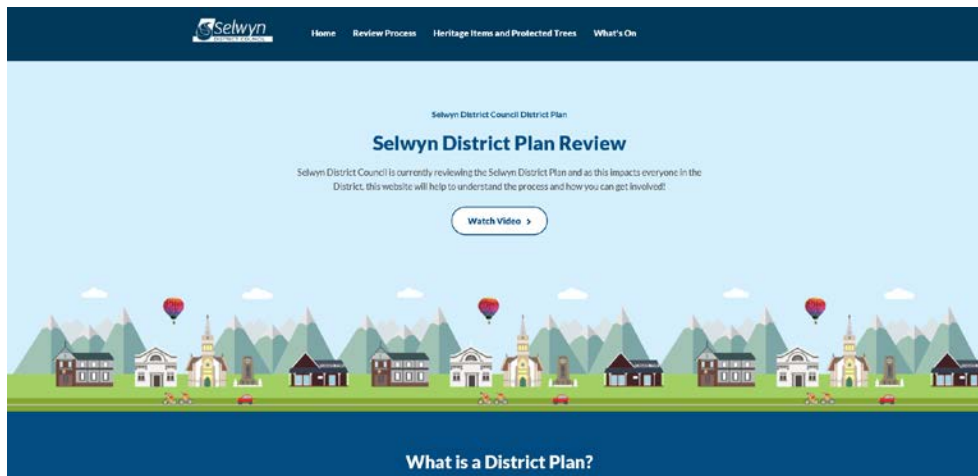
The proposed Selwyn District Plan



Communications and Engagement Update

Overall DPR activities since December

- Launch of DPR website
www.selwyndistrictplan.co.nz



- [DPR video](#)



Overall DPR activities since December (cont'd)

- Promotional flyer developed



Topic specific activities

- First stage of public engagement on DPR started (heritage items nominations)
- [Engagement HQ](#) launched



Topic specific activities cont'd

- Public drop-in sessions held in four locations

Drop-in sessions

Four drop-in sessions will be held in the following locations (all sessions run from 3.30 to 6.30pm):

Tuesday 13 February 2018 3.30 to 6.30pm	Darfield Library and Service Centre - Room 1A
Wednesday 14 February 2018 3.30 to 6.30pm	Leeston Library and Service Centre - Community Room
Thursday 15 February 2018 3.30 to 6.30pm	Lincoln Event Centre - Baylis Lounge
Friday 16 February 2018 3.30 to 6.30pm	Selwyn District Council HQ, Rolleston - Council Chambers

- Letters to key stakeholders and landowners of current heritage items and protected trees



Topic specific activities cont'd



Topic specific activities cont'd



- ### Heritage items and notable trees – communications and engagement summary

Page 10 of 10

- heritageitems.org

- be added to the proposed Plan then the Council would like to hear from you.

Engagement dur

Review phases	Internal	Ecan	and/or Runanga	Key stakeholders	Current landowners	landowners	Gen

Baseline assessments		
Assessing individual capabilities		

Issues and options development							
Preferred option consultation							

Reference	

Thematic Areas	Partners	Key stakeholders	Leadowners	General public
Coventry	City	Heritage SIG	Owners/occupiers of currently listed heritage assets includes SIG	citizens
OPC	Maharaja	DELTA Historical Society Delaware Historical Society Colonial Museum, Household Stables, Historic Society, Little & Dennis Historical Society, Historic Museum & Cottage Center	Owners/occupiers of new projects includes SIG	towns media
		General Delaware Citizens Historical Society Building, Monitoring and Enforcement, Property and Commercial Sites	Owners/occupiers of currently listed, protected sites includes SIG	
			Owners/occupiers of new projects includes SIG	

High level of intra-

High level of influence ("Manage closely")	Low level of influence ("Keep informed")	High level of influence ("Keep satisfied")	Low level of influence ("Monitor only")

(more detailed action plans to be developed for each major milestone or as required)

[illegible]

Risk

Risk	Communications & engagement mitigation	Business mitigation
Confusion about nominating new protected trees	Clearly communicate we aren't seeking new nominations and why but explain what the next step is someone wants to do it already	Ensure a plan is prepared for how to respond to new nominations
A lot of new nominations are lodged		

² This plan covers period until public consultation on preferred options starts.



What's next?

- Focus on stakeholder and landowner engagement (Outstanding Natural Landscapes, Quarrying, Natural hazards, and Energy and infrastructure)
- No public consultation until after LTP consultation finishes



11. Update on District Plan Review Financials

Author:	Jesse Burgess, Planning Manager & Emma Hodgkin, DPR Project Manager
Contact:	3472733

Purpose

To provide the Committee with a report on the District Plan Review budget and financials.

Recommendation

“That the Committee notes the presentation.”

Attachments

“DPR Financial update to DPC” report, dated 19 February 2018”

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19 February 2018

ISSUES AND OPTIONS: DPR Financial Report to 31 December 2018

PREPARED BY: Emma Hodgkin, DPR Project Manager

EXECUTIVE SUMMARY

<i>Purpose</i>	<i>To provide an update on the District Plan Review budget and expenditure to 31 December 2017</i>
<i>Recommendation</i>	<i>That DPC notes the report</i>
<i>DPC Decision</i>	



1.0 Summary

- 1.1 The DPC budget is currently set at, and being tracked against, the amount agreed by Council at the LTP Workshop in September 2017 and not the budget previously approved in the 2015-25 LTP Budget (which was \$882,000). The 2017-18 revised budget is set at \$2,358,739.00 plus GST plus an additional \$551,739.00 which was accrued from the 2016-17 financial year into the current financial year¹. The addition of the carryforward further increases the 2017-18 budget to **\$2,910,478.00 plus GST**.
- 1.2 The annual expenditure is expected to decline in 2018-19 financial year (particularly in Quarter 3 and Quarter 4) due to a shift from the baseline and development of options phases into s32 reports and provision drafting, much of which will be completed in house by Council staff.
- 1.3 During December we processed \$92,782.30 worth of invoices which were paid up to the Christmas period. This reduced amount (compared to \$115, 598.44 approved during November 2017) accounts for the shorter working period during December and that some Suppliers held off submitting December invoices until January 2018.
- 1.4 Overall the DPR is tracking at 40% of the budget for the 2017-18 financial year. The project level expenses are currently tracking at 39% against the budget and this is offset by the slightly higher actual percentage spend vs expected spend of 42%.
- 1.5 This report is for expenditure to 31 December 2017. This is due to the agenda for DPC closing before the January 2018 financial report is available. The updated financial report to 31 January 2018, will be presented at the next SDC Audit and Risk Committee. Going forward, DPC will receive the report following its presentation to Audit and Risk but will likely always be at least one month behind due to the dates DPC meetings falls (i.e. March 2018 DPC meeting will include financial report to 31 January 2018 as opposed to report to 28 February 2018)
- 1.6 Procurement and expenditure continue to remain closely monitored on a monthly basis through the manual checking of each invoice as well as implementing stringent service and financial reporting requirements onto Suppliers via our contracting and reporting mechanisms. This is also being supported by the communication and relationship management principles we are implementing with our Suppliers.
- 1.7 There are a number of cost centres which are yet to incur expenditure. These activities (such as communications resources and collateral, GiS mapping, Coastal Environments, other Rural and District Wide work) are set to take place from now until the end of the current financial year.

¹ Note that the carryforward of \$551,739.00 was committed to contracts to complete baseline work during the 2016-17 year but costs were not invoiced until 2017-18 financial year.

- 1.8 The only area of expenditure exceeding budget for the current financial year is the area of Strategic Communications and Engagement (198% of budget has been spent). This is largely due to gaps in capacity within the Council's Communications team which has required us to contract additional resource to support this planning and work. Going forward, additional expenditure and requirements in this areas (specifically related to communications and engagement implementation, will be jointly shared between the DPR and Council Communications Teams.

2.0 Procurement and Contracting

- 2.1 Implementing the DPR Procurement Plan remains a key piece of work for the Project Manager and DPR Administrator as the baseline phase draws to a close and we start to develop a number of Phase 2 Scopes of Work and develop Preferred Options papers for DPC approval.
- 2.2 December saw a number of contracts and baseline assessments end across a number of topics. Scopes of Work for further baseline assessments yet to begin as well as a number of Phase 2 Scopes of work have been issued during January with a number of contracts currently under negotiation. This work continues to be a priority for the Team to ensure fair and transparent contracting and procurement processes are implemented. As at 16 February 2018, the DPR has developed 116 Scopes of Work and procured external services via 65 contracts (excluding variations).
- 2.3 Gaining approval for further expenditure against remaining Scopes of Work as well as beginning the process of determining carryforwards for the 2018-19 financial year will take place over the next month.

3.0 Key Trends

- 3.1 A number of budget areas have not incurred costs as year during the financial year (such as economic analysis, GIS analysis and some topic areas including coastal environments, mana whenua engagement and communications and some District Wide topic areas. This is due to work not yet commencing in these areas. Expenditure is scheduled to occur during Quarter 3 and predominately Quarter 4 of the financial year
- 3.2 The overall budget has increased by an additional \$118,739 plus GST. This is due to shifting some other Policy and Strategy budgets into the DPR budget (notably \$105,000 that was tagged to NPS-UDC has been moved into the DPR budget plus a further unspent \$13,739 plus GST which has been added to the budget for Heritage and Protected Trees).
- 3.3 There has been considerable overspend on the budget for Strategic Communications and Engagement. This is due to needing to contract additional communications resource to support the development of the Communications and Engagement Framework and Implementation Plan. Going forward, our budget for Communications Implementation (\$35,000) will also be exceeded. These additional costs will be equally met by the DPR Budget and the Council's internal Communications budget
- 3.4 Overall expenditure against topic expenses is tracking well with nearly all Suppliers completing work within or under initial budgets. The exceptions to this are in the areas of Heritage, where

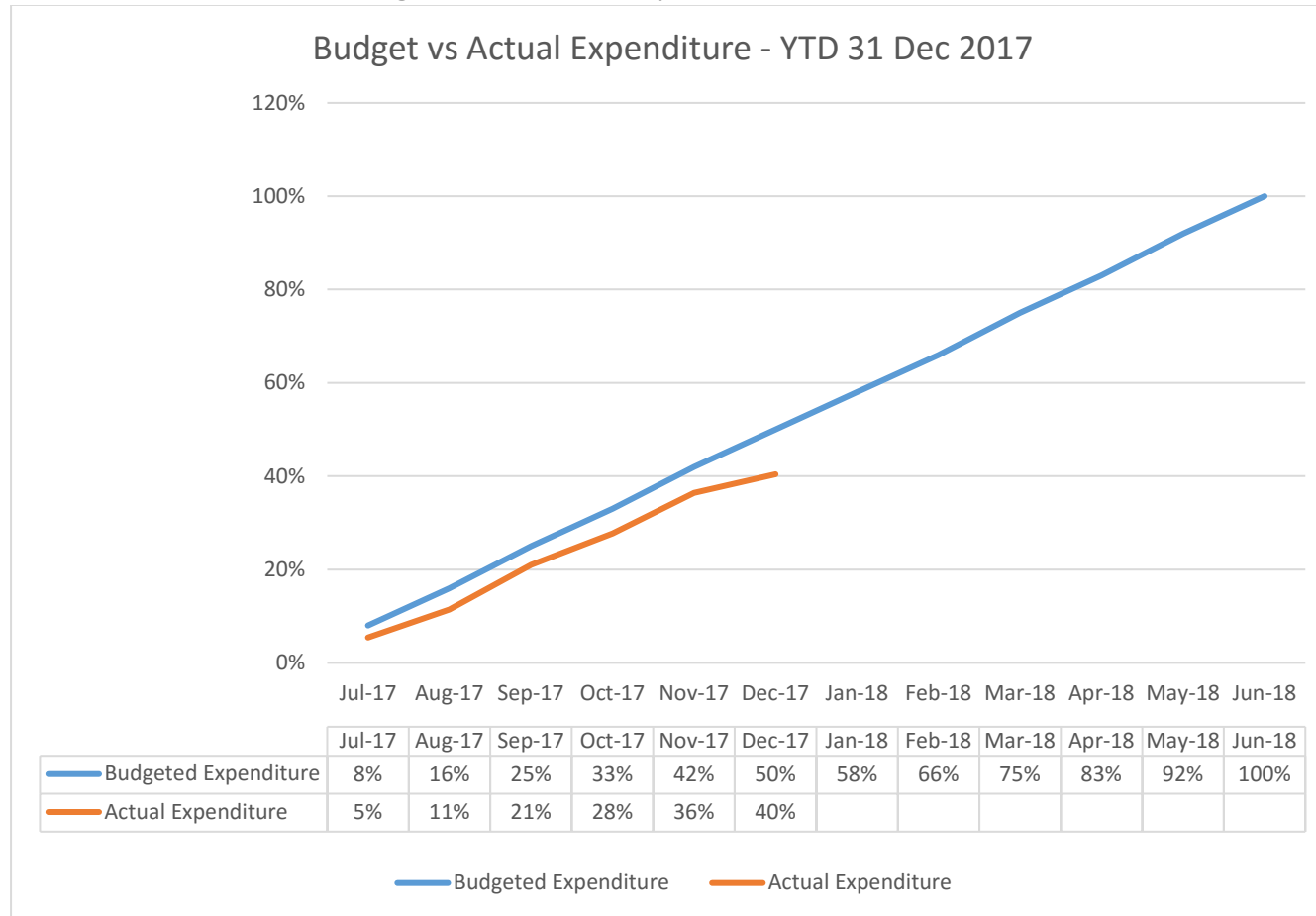
further assessments than initially budgeted for will likely be required, as well as the Outstanding Natural Landscapes and Features topic.

4.0 Financial Risks and Management

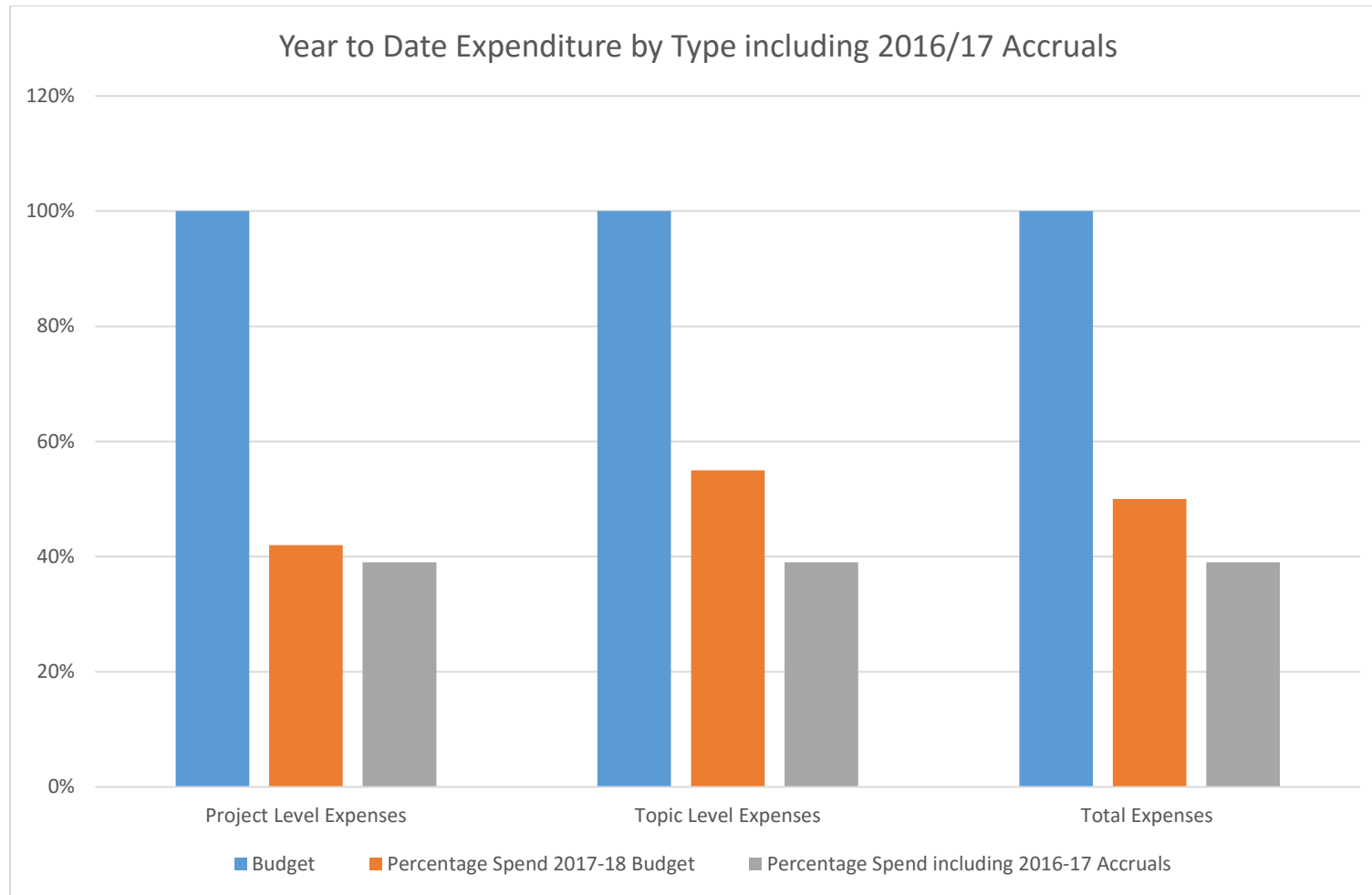
- 4.1 A significant portion of the external work and budget is currently allocated to one Supplier Panel member and a small team of experienced planners. The Suppliers' total contract value is already 29% of the total 2017-18 Topic Level budget with further expenditure to come as they move into Phase 2 of the work they are undertaking. Effective management of the Council's relationship with this Supplier, along with prudent management of their financial expenditure and quality of outputs will be vital to the overall success of the DPR and overall financial expenditure.
- 4.2 Internal resourcing across the DPR team and Communications team remains a considerable risk. From a Planning perspective this may require additional consultant expenditure to support the delivery of the Business, Natural Hazards and Energy and Infrastructure topics. In the short term, completion of smaller baseline reports is being mitigated by contracting additional planning resource that will be with the DPR Team until 31 March to complete a number of baseline assessments for topics such as Stock Drovers, Keeping/Boarding of Animals, Research Facilities and Scheduled Sites.
- 4.3 Steps have been put in place to resolve the communications and engagement capacity in the short to medium term however these wider resources (such as website and IT, resource design and development) and the resource available will be stretched to deal with the significant amount of activity that will occur in this area over the course of 2018. It is likely that further costs in this area will be incurred to ensure our Engagement Principles are able to be met.
- 4.4 There is currently no budget to support monitoring or evaluation activities against this Project. This is a risk to assessing our performance in achieving our Engagement Principles as we are unable to measure the key indicators we identified (such as reduced engagement fatigue or how engaged the community felt in the process)
- 4.5 The resources needed to meet the Council's requirements under the NSP-UDC are still unknown but it is likely that much of the DPR Contingency budget will be used to support this work which places further restrictions on the core DPR budget.
- 4.6 The Council does not currently have a policy with managing non-performance of Suppliers, for example, specifically relating to withholding payment of invoices until work has been completed to a satisfactory level. The Project Manager has prioritised this as a piece of work for early 2018. This will provide the Council with clear guidance it can communicate to Suppliers regarding the Council's expectations and performance management and mitigation processes. This will be required if the delivery against the Programme Plan is to be achieved. This will also incur additional legal costs as any policy will require legal approval before adoption.

5.0 District Plan Review – Financial Position to 31 December 2018

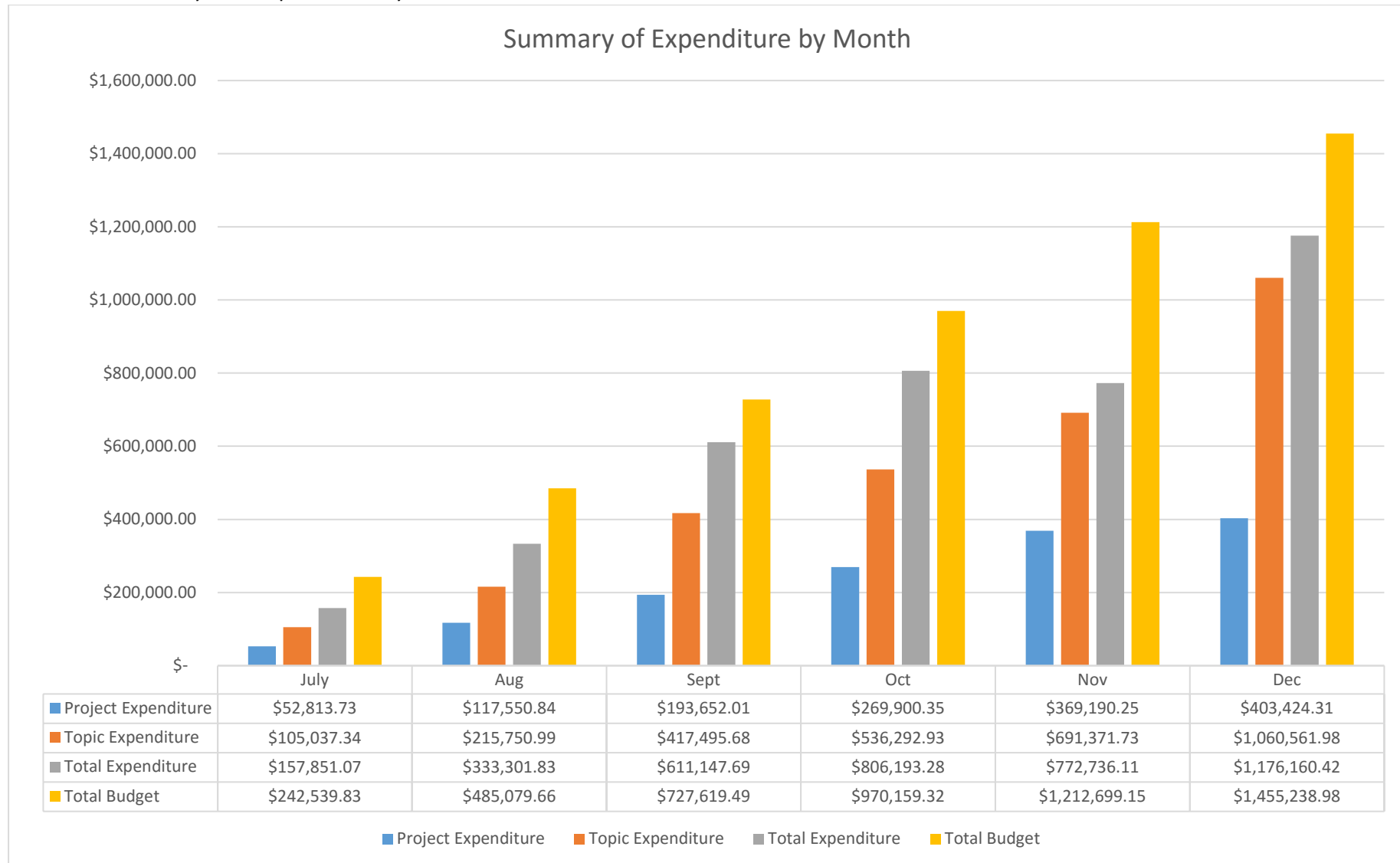
5.1 Year to Date Budget vs Actual Expenditure



5.2 Year to Date Expenditure by Type of Expense



5.3 Summary of Expenses by Month



4.0 Conclusion

- 4.1 At the half way point of the financial year, the DPR budget is on track to come within the amended budget agreed by Council at the LTP workshop in 2017.

5.0 Recommendation to DPC

- 5.1 The Project Manager recommends that:
1. DPC receive the financial report

12. Option of notifying a Draft District Plan

Author:	Jesse Burgess, Planning Manager
Contact:	3472773

Purpose

To brief the Committee on the option of notifying a 'Draft' District Plan to enable public feedback prior to notifying the 'Proposed' District Plan, which is subject to a formal submission process. Legal advice on the merits (or otherwise) of notifying a Draft District Plan has been sought from Adderley Head.

Recommendation

"That the Committee confirms that a Draft District Plan will not be notified prior to the formal notification of a Proposed District Plan."

Attachments

"Advice on Draft Plan" Memorandum, Adderley Head, dated 9 February 2018

Memo

DATE: 9 February 2018
TO: Tim Harris / Jesse Burgess
FROM: Paul Rogers
CLIENT: Selwyn District Council
OUR MATTER: 038777\236
SUBJECT: **ADVICE ON DRAFT PLAN**

Advice sought

- 1 The Council is considering providing the public with the opportunity to comment on a draft plan prior to notification stage.
- 2 You would like to know our view on whether releasing a draft plan for public comment prior to notification will add any value to the review process and if there are any legal impediments to releasing a draft plan.

Legal aspects

- 3 In our view, there is no legal impediment to releasing a draft plan. However, for the reasons we advance below, it is difficult to determine if releasing a draft plan will add any value to the review process.
- 4 As you know, a draft plan is a non-statutory document. It is a consultation technique used by some local authorities as a means for addressing issues outside of the formal legal process.
- 5 Issuing a non-statutory document can create cost and time delays for a council and create confusion and uncertainty for submitters. Further, given the non-statutory nature of a draft plan and its un-finalised form, its provisions are not given any weight.
- 6 Taking these matters into consideration, there needs to be a sound reason to issue a draft plan for public consultation prior to notification. In particular, the Council needs to be confident that there is a real benefit in doing so.
- 7 In our view, the only potential benefit is that it may provide the opportunity to resolve some issues early which may reduce the number of submissions post formal notification of the plan. Practically however, it is extremely difficult to assess whether releasing a draft plan will reduce the number of submissions post-notification.
- 8 Additionally, the review process is designed to encourage public participation – attempting to reduce submissions once the plan is formally notified could limit that public participatory process.

- 9 Further to this, submissions can be a very valuable part of the review process. Submissions assist in determining issues and can in some instances identify issues of importance that the Council has not considered. Further, submissions often provide differing views and provide an opportunity for opposing points of view to be aired. Limiting or reducing submissions on a notified plan can therefore have negative implications.
- 10 For these reasons, it is very difficult to determine with certainty, whether releasing a draft plan for early public consultation will provide any real benefit.
- 11 Notwithstanding this, a consent authority is required under section 3 of Schedule 1 RMA, during the preparation of a plan, to consult with specific parties. For example you must consult with:
 - (a) the Minister for the Environment;
 - (b) any other local authorities who may be affected;
 - (c) any Ministers of the Crown who may be affected by the plan;
 - (d) Tangata whenua of the area through iwi authorities; and
 - (e) any customary marine title group in the area.
- 12 There may also be some additional stakeholders that the Council considers should be involved in early consultation on the draft plan. The Council is entitled to do this, however, before engaging in such consultation, we suggest you consider the following:
 - (a) Is it necessary to involve a particular stakeholder early? Consider equivalent treatment, i.e. is there a legitimate reason to release the draft plan to a stakeholder for comment prior to releasing it to the public?
 - (b) Should you limit how much of the draft plan is released to the stakeholder? If only some sections of the plan are relevant to the stakeholder, consider only releasing those parts and withholding the remainder of the plan. This is particularly important when it comes to rezoning provisions.
- 13 Early consultation with the parties outlined in paragraph 11(a) above as well as any other additional key stakeholders will provide the Council with the ability to identify and solve some issues early. We do not consider that further consultation with the public is necessary, particularly given that the public will have an opportunity to submit on the plan once it is formally notified.

Positive and negative aspects of early public consultation on draft plan

- 14 We have assessed the pros and cons of releasing a draft plan to the public for consultation and set these out below. Balancing the pros and cons and weighing them against each other, it is our view that the negatives outweigh the positives.

Pros		Cons	
1	Identification of some issues early	1	Creates an additional step in the review process, elongating the review and causing delay and cost
2	If issues can be identified early the Council may be able to proactively 'weed out' or deal with some issues prior to notification	2	Unnecessarily duplicates the process - comprehensive public engagement will take place once the plan is formally notified and therefore it is not necessary to have open consultation prior to notification. Providing two opportunities to submit has the potential to confuse submitters as to the legal status of the plan
3	Potential to reduce number of submissions once plan notified if Council can deal with some issues early – early communication might also encourage people with the same issue to submit as a group rather than submit individual submissions	3	Submitter fatigue – submitters may become confused as to how many times they are required to comment/submit on the plan which could lead to a lack of participation or engagement. Additionally, submitters may not be aware that the draft plan is not a 'notified' version and is subject to change. A submitter may have no issue with the provisions of the draft plan and therefore not submit on it. The notified plan may differ from the draft plan and include a change that affects the submitter – the submitter, assuming the two versions of the plan are the same, may fail to submit on the issue
4	Potential to enhance Council's reputation with its constituents if Council seen to be communicating and consulting early, i.e. being transparent with the public	4	Early consultation could decrease the level of public engagement at notification stage - if they have had the opportunity to comment on the draft, the public may be less inclined to participate in formal review process once the plan is notified as they may be under the impression their comments have already been considered by the Council
5	Enable better communication – the Council will be better informed of	5	Resentment – if a submitter and the Council come to some sort of

	public concerns and questions which will assist the Council in communicating to the public (for instance, if there are a lot of frequently asked questions from the public, the Council may be able to create informative webpages for the public to refer to)		understanding at the draft plan consultation stage and this understanding is not reflected in the notified plan, the submitter may become resentful of the Council
		6	It will create additional costs for the Council
		7	Risk of unfair treatment - if consulting with some people (i.e. some stakeholders) but not all, this may be considered to be unfair / unequal treatment which could lead to resentment of the Council

Evaluation/Recommendation

- 15 Overall, taking into account the statutory process and balancing the pros and cons as outlined above, we do not consider that releasing a draft plan for early public consultation will, with certainty, provide any real benefit to the Council. We think it is more likely that it will not.
- 16 Regardless of the fact that there is no legal impediment to doing so, there is no statutory requirement to issue a draft plan for public consultation and in our view, we think detracting from the statutory process will create cost and time delays for the Council and will cause confusion for submitters. Overall, releasing a draft plan early has the potential to create an inefficient review process.
- 17 We consider it would be more beneficial for the Council, and for the public to concentrate public comment/submissions until after the plan has been formally notified. This will ensure a streamlined review process without creating confusion for the public or unnecessary delays and costs for the Council.

13. RESOLUTION TO EXCLUDE THE PUBLIC

Recommended:

1. *'That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Public Excluded Minutes	<i>Good reason to withhold exists under Section 7</i>	<i>Section 48(1)(a)</i>
2.	National Policy Statement on Urban Development Capacity – Settlement Pattern Review Discussion Document		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1.	protect information where the making available of the information (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 7(2)(b)(ii)
2.	Maintain the effective conduct of public affairs through: (i) the free and frank expression of opinions by or between or to members or offices or employees of any local authority, or any persons to whom section (5) applies, in the course of their duty; (ii) The protection of such members, officers, employees and persons from improper pressure or harassment.	Section 7(2)(f)

2. *That appropriate officers remain to provide advice to the Committee.*