



**PUBLIC AGENDA**

**FOR THE MEETING OF**

**DISTRICT PLAN COMMITTEE**

**TO BE HELD AT THE**

**SELWYN DISTRICT COUNCIL OFFICES,**  
**COUNCIL CHAMBERS**

**ON WEDNESDAY 18 April 2018**

**COMMENCING AT 9:00AM**

## **Committee Members**

### Chair

Sam Broughton (Mayor)

### Selwyn District Council

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  
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### Project Lead

Justine Ashley  
Phone 027 285 9458

## **Agenda Items**

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12. Update on District Plan Review Financials	156-165	Written	Emma Hodgkin & Jesse Burgess

## **Standing Items**

### **1. APOLOGIES**

### **2. DECLARATION OF INTEREST**

Nil.

### **3. DEPUTATIONS BY APPOINTMENT**

Nil.

### **4. CONFIRMATION OF MINUTES**

Minutes from the meeting of the District Plan Committee on 28 March 2018.



**District Plan Committee  
meeting  
held on Wednesday 28 March 2018 at 9.00am at  
Selwyn District Council,  
Rolleston**

**Present:** The Mayor, Councillors M Alexander, D Hasson, M Lemon, B Mugford, J Bland, N Reid, C Watson, P McEvedy, M Lyall, Hirini Matunga (Te Taumutu Rūnanga) & P Skelton (Environment Canterbury).

**In attendance:** Chairperson – T Harris (Environmental Services Manager), J Burgess (Planning Manager), B Rhodes (Team Leader – Strategy and Policy), J Ashley (District Plan Review Project Lead), E Hodgkin (Project Manager, District Plan Review), A Mactier (Strategy and Policy Planner), J Lewes (Strategy and Policy Planner), R Love (Strategy and Policy Planner), S Hill (Business Relationship Manager), V Barker (Planning Consultant), K Johnston (Communications Consultant), S Dawson (Sarah Dawson Consulting), J Bentley & S Styles (Boffa Miskell), & note taker T Van Der Velde (District Plan Administrator).

**Standing Items:**

**1. Apologies**

Mr D Ward (CEO SDC)  
Councillor J Morten  
Councillor G Miller  
Ms T Wati (Te Ngāi Tūāhuriri Rūnanga)

Apologies for lateness:  
Councillor M Lyall

**Moved** – The Mayor / **Seconded** – Councillor Mark Alexander

*‘That the apologies received from the above Councillors be received for information.’*

**CARRIED**

## **2. Declaration of Interest**

Nil.

## **3. Deputations by Appointment**

Mr N Boyes Planning Consultant from Planz Consultants and Mr D Armstrong executive member of Canterbury Aero Club and Director of the Aviation Academy presented to Council on the issues over the recommended preferred option report for Airfields, Airstrips and Helicopter landing pads.

Mr Armstrong provided a recap of the West Melton Aerodrome discussion on the day of Councils visit.

Mr Armstrong advised that the Aviation Academy was established to help extend and secure recreational training and operation the Aero Club as operations are expensive.

The club is principally based at Harewood Aviation Club, a unique placing not available to any other training facility in New Zealand. The club is very protective and does not want to relocate.

Initial flight training is carried out in Harewood, then West Melton and Rangiora Airfields but Harewood is the principal site. The club acquired long term lease from Environment Canterbury 40 years ago.

Mr Armstrong commented that the West Melton Aero Club had the only sealed runway outside of Harewood and can be used for the wider public any time for emergencies. The Aero Club has planned to extend the seal but other things have taken priority. There is no long term plan for significant development, however there are plans to increase flight training numbers at the facility. The preferred option makes it difficult for the club to progress with further development.

Mr Boyes set out issues regarding the recommended preferred option for Rural Topic – Airfields, Airstrips and Helicopter Landing Pads.

Mr Boyes questioned the report with respect to the assessment of the approach surfaces provisions. In Mr Boyes' view there is no overlap with Civil Aviation Authority (CAA) legislation and the provisions work. If approach surfaces provisions were removed, and a third party was to erect a structure the CAA has no bearing over this third party and they simply go to the airfield and shut it down.

The report considers that the West Melton Aerodrome is not strategic in accordance with the Canterbury Regional Policy Statement (CRPS or RPS). Mr Boyes advised he has a different view of this. The strategic infrastructure definition that applies to the Greater Christchurch area includes Rangiora Airfield as an example of strategic infrastructure and as such, it is equally applicable to West Melton aerodrome. Mr John Key and other politicians flew into West Melton following the earthquakes, showing the importance that the aerodrome be considered strategic infrastructure under Chapter 6

of the CRPS.

In Mr Boyes' view retaining the rural zoning is not protecting the aerodrome club.

Mr Boyes touched on the approaches in Ashburton and Rangiora and stated the Ashburton Aerodrome is scheduled and the Rangiora Airport is to be designated.

Mr Boyes does not agree with the preferred option where there be no special management approach for West Melton Aerodrome.

Mr Boyes believes resource consenting is a hurdle as resource consents come with inherent risk. Mr Boyes advised that the Aerodrome's strong preference is to provide specific tailored provisions in the District Plan for West Melton aerodrome and that the club would appreciate continued dialogue with Council.

Councillor Alexander commented the ideal situation would be zoning created for airfields to allow for greater protection under the resource consent process. It is still early days and to continue dialogue with the club.

Councillor Hasson commented the Christchurch-West Melton water zone committee have a lease for that particular site but it is also a recharge area for Christchurch City. Might be some issues to be considered wider than what deputations are bringing to us.

Mr Armstrong advised the aero club have the right to renew lease, every 21 years is the turn over period.

#### **4. Confirmation of Minutes**

Taken as read and accepted.

**Moved – Councillor Alexander / Seconded – Councillor Mugford**

*'That the Committee accepts the minutes of the 28 February 2018 as being true and correct'.*

**CARRIED**

#### **5. Outstanding Issues Register**

Nil.



## 9(a) Preferred Options Report – Airfields, Airstrips and Helicopter Landing Pads

Ms Barker spoke to her report starting with an overview of the issues and options report.

Ms Barker advised that there are two large Airfields in the Selwyn District, West Melton operated by the Canterbury Aero Club who we just heard from in Deputations by Appointment and Springfield Aerodrome operated by the Canterbury Gliding Club. The Hororata club is no longer operational. Springfield is primarily a recreational gliding club. West Melton is more of a commercial club with Pilot training but also has a recreational element. There are also a number of rural airstrips and helicopter landing pads in the district.

In terms of the current District Plan approach, certain aircraft movements are permitted activities as of right and do not need to comply with any other rules in the plan for example emergency flights & military aircraft flights.

Other aircraft movements are not permitted as of right and need to comply with certain rules – two key rules are specified noise limits and aircraft moment restrictions of 28 moments per week if movements are within 1km of a living zone. If these rules are not met discretionary activity resource consent is required. Scale of activity rules for the likes of buildings and hangars and approach surface rules and transport rules also apply.

Ms Barker gave a brief summary of the resource consent history for the District in relation to aircraft activities. For West Melton Airfield the most recent resource consent was granted in 2016 for a new hanger building, the only reason for consent was that it is located in a flood zone.

No resource consent was required for Springfield as it was established by certificate of compliance in 2009 and therefore was considered to be fully permitted. Only one consent on record for a rural airstrip in the district, this is likely because such activity is permitted under the current rules. Helicopter operation Wyndon Aviation was established in 2009 by way of certificate of compliance and there are two operators looking to establish in Prebbleton and West Melton. Prebbleton is currently subject to a resource consent application and the West Melton application has not been lodged yet.

Looking at the plan rules and trying to distil the issues, with 6 key issues being identified with the rules.

Firstly Definitions and Terminology: the definition of airport in the plan is very broad and the two aerodromes are not considered airports. Utility definition lists airports and utility buildings as being exempt from the scale of activity rule which sets a permitted building limit of 100m<sup>2</sup>. Therefore large hangar buildings have been permitted. The definitions and terminology is also overlapping and unclear.

Suitability of range of activities that are permitted: emergency, military and other specific flights are permitted under the plan. Need to consider further whether this list of permitted activities is still appropriate and what other flights such as flights associated with temporary events for example can be permitted.

Rules that apply to other aircraft movements are permissive and unclear: Noise rule does not look at noise in relation to sensitive activities like Hospitals and Schools. Rule does not differentiate between powered aircraft, helicopter activities and gliders and there is no reference to the New Zealand Standards that measure noise in association with powered aircraft and helicopter movements which are commonly referred to in other District Plans around the Country. The Baseline noise report completed by the Council's Acoustic Consultants recommended that this rule be reconsidered. Another example is the aircraft movement rule which restricts aircraft movement to 28 per week. This rule only applies to airstrips or helipads located within 1km of the nearest boundary of any Living Zone. The rule provides no ability to consider the impact of frequent flight movements on dwellings and other sensitive activities located in Rural Zones (the only control is the noise limit).

Approach surface rules: West Melton has touched on these. The Baseline Report raised question marks about whether these rules should sit in the District Plan. The Civil Aviation Authority (CAA) did not respond to requests to engage through this process. On balance, agree they be retained in the Plan and simplified so easily understood.

Regional Policy statement (RPS): Environment Canterbury (ECan) reviewed both the baseline report and the preferred options report and considered the assessment against the RPS is sound. West Melton is not considered to be part of the strategic transport network and it is questionable whether aircraft activity should be provided for under the transport policies in the plan as they are currently. Stand-alone aircraft policies would be clearer and more consistent with the CRPS. This ties into the transport topic.

Last issue is that West Melton consider the rules too onerous in relation to their site and are seeking a more permissive planning regime with special provisions tailored to their site which give greater flexibility – stark contrast to other issues identified.

Preferred option is option number 2 which is essentially continuing with the status quo but with amendment.

Approach will provide better management of effects than the current permissive approach and enable a consistent approach across the district. West Melton proposed to be treated the same as Springfield as no strong justification to treat West Melton any differently. The preferred option approach is supported by ECan and the New Zealand Transport Agency. Recommended approach surfaces provisions be retained in relation to West Melton, introduced in relation to Springfield (in consultation with the Canterbury Gliding Club) and removed in the Hororata Domain given it is no longer operational.

Ms Barker provided an overview of option 2 in terms of the impacts on the West Melton site. Ms Barker advised that the resource consent history for the club has not been an

issue to date, and there has only been one recent resource consent granted in recent times which was straightforward.

During engagement with the club when asked about their development plans, the club responded they want to replace the club house and allow for hangars to be constructed (leased for private use) which is not significant development. Therefore no strong justification for developing special provisions over the resource consent process. The club also indicated they would like a very permissive regime ideally not needing to comply with any noise control rules. No noise consideration is not considered appropriate and therefore there is a gap between what is considered appropriate and where the club is trying to head. The RPS does not recognise the club as part of the strategic transport network (unlike Rangiora Airport), but does acknowledge club has valuable emergency back-up value. However option 2 will still provide the club with ability to undertake developments in future and continue to be used in emergencies.

West Melton could take a strategic approach and apply for a resource consent for their proposed development and ask for a longer consent term than 5 years, or as an alternative West Melton could submit a package of provisions they want during the submission phase after the plan has been notified.

Response to Deputation:

In terms of surface approach provisions on balance Ms Barker recommends they be retained (as outlined in the preferred options report).

The RPS - covered that previously in terms of seeking ECan's input who agree with the assessment contained in both reports.

Approaches of neighbouring Councils – Ashburton is a scheduled site have own special provisions which are permissive. Rangiora is not designated as yet and relies on the rural zone and district-wide provisions at the moment.

*'Mr Matunga out 9.38am'*

Councillor Alexander questioned did Council consider approach of those specific activity zones for aerodromes like Council might for other activities so they are recognised and also protected?

Ms Barker responded that specific zoning was considered in the baseline report section 8.9 as well as a range of other options. Zoning not considered to be appropriate.

Councillor Watson raised his concern with what is happening in Prebbleton with helicopter base operating over there. He advised that realistically 24/7 monitoring of a helicopter facility is not feasible and is worried with the increase in helicopter activity. He advised that Council has to be sure that helicopter facilities are not permitted within our plan and have tighter noise control and aircraft movement rules.

Ms Barker responded that this has been considered under option 2, where she has recommended a permitted activity status subject to compliance with tighter noise and aircraft controls. Ms Barker advised that the option she has recommended is finding balance and that helicopter operations with frequent flight movements will likely trigger the need for consent.

The Mayor would like to see Council be a little stronger - if Council believe the aerodromes are important for the district, not only for airfield clubs but for anyone buying land that they clearly understand what limitations there are and if there are already existing use rights attached.

Councillor Hasson questioned agricultural use of planes and helicopters and if the independent ones are covered by the CAA?

Ms Baker responded that it is the intention as part of option 2 that helicopter operations will be specifically looked at. Council can draw from Christchurch plan and build on what they have. Next stage will involve further engagement with Christchurch City Council.

*'Mr Matunga in 9.42am'*

Councillor McEvedy stated he considers that West Melton is strategic to the district and he does not think it should be treated the same as Springfield. In his opinion it is for Council to decide what is important in the Selwyn district and would like Council to pursue other options other than option 2. This is a fast moving district. Councillor McEvedy does support the recommended helicopter provisions.

The Chair responded and suggested a middle ground that adopts the preferred option with exception of West Melton Airfield, which would be subject to a specific package to recognise and provide for its activities. The resolution is to be revised to reflect this position.

**Moved – Councillor McEvedy / Seconded – The Mayor**

*"That the Committee notes the report."*

*Resolution amended to:*

*"That the Committee endorses the Preferred Options for 'Airfields, Airstrips and Helicopter Landing Pads' for further development with the exception of the West Melton Airfield where further discussion with staff and Airfield representatives will occur to progress the development of specific provisions that will apply to the West Melton Airfield."*

*Councillor Watson voted against the recommended provisions relating to helicopter movements.*

**CARRIED**

**9(b) Communications and Engagement Summary Plan – Airfields, Airstrips and Helicopter Landing Pads**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Airfields, Airstrips and Helicopter Landing Pads topic.  
(Noted by Committee).

**Moved – Councillor Alexander / Seconded – Councillor Watson**

*“That the Committee notes the summary plan.”*

**CARRIED**

## 6. Overview of RMA Legislative and Statutory Planning Context

Ms Dawson spoke to her presentation to provide the Committee with an overview and update of the relevant Resource Management Act (RMA) legislative and statutory planning context, including how to apply the principles arising from the *King Salmon* case to the District Plan Review process.

Ms Dawson introduced herself as Planning Consultant and member of advisory panel for the District Plan Review advising District Plan project team on an on-demand basis.

Ms Dawson advised Committee that the District Plan Project team believed it was important to provide the Committee with an overall understanding of the RMA Legislation which will assist Committee in decisions for the District Plan Topics.

Ms Dawson advised that Council must be clear that there is a three tier management system within New Zealand's resource management system: national, regional and district, along with the hierarchy of planning documents:

- RMA (Part 2)
- National Policy Statements and Environmental Standards
- Regional Policy Statement
- District Plans and Regional Plans

Each document has the overarching purpose to achieve Part 2 - the purpose and principles of the Resource Management Act.

*'Councillor Lyall in 9.54am'*

Ms Dawson discussed that the key is the RMA sets out tests for the relationship between each of the levels of the hierarchy.

Ms Dawson discussed key tests to be met for each document and terminology for each document as per her presentation.

*'Councillor Reid out 9.56am'*

There is a focus on 'King Salmon decision' which is important as this has forced planners to change the way that we make some judgements about what may be included in lower level documents.

Ms Dawson discussed that the first thing she took from the 'King Salmon decision' was that it reinforces the hierarchy that national documents are important, they are nationally set and not to be undermined by lower level documents.

Higher level documents have already been prepared in accordance with Part 2. While preparing a district plan like Council are doing, Council need to "give effect" to those higher level documents without going back to reconsider them in terms of the competing interest that might be seen in Part 2.

*'Councillor Reid in 10.00am'*

The second thing Ms Dawson took from the 'King Salmon decision' are that words and direction in the higher level documents are quite specific and they need to be interpreted in that way. Council need to look carefully at what the high level documents say in order to work out how to give effect to it. The decision showed that it is alright for the high level documents to have bottom lines or very strong directives.

When looking at documents look at words, at what is directive and what is more general as it says specific words or directive words trump general words.

As per her presentation slideshow Ms Dawson provided some relevant points for District Plan Review drafting:

- Words are very important. You need to be precise.
- Strong and directive policies in high level documents will need to be "given effect to".
- Does not mean there is no flexibility but this needs to be clear where, when and what circumstances at high level.
- It is important to reconcile recommendations for things that overlap and work out how potential conflicts can be resolved, likely that you will need a person or group that will assist you for consistency.

Mr Matunga questioned whether the decision made any reference to the Maori provisions in Part 2 at all?

Ms Dawson responded she was not aware of reference to Maori provisions as they were very focused on the landscape provisions which is where the conflict arose. Ms Dawson added there is no national policy statement in Maori provisions but we do have this at a regional level which the Committee can take guidance from.

Councillor Skelton added that the 'King Salmon case' was in the context of the New Zealand Coastal Policy Statement and a very directive provision to outstanding landscapes. It did not consider Maori cultural issues that are identified in part 2.

Ms Dawson advised that there has been some case law since then such as the 'Turners and Growers case' that said where there is high level documents but not much direction it is still necessary to go back to part 2. Decision making is potentially flexible and requires an overall judgement but do not undermine strong directive in high level documents.

**Moved – Mr Matunga / Seconded – The Mayor**

"That the Committee notes the presentation."

**CARRIED**

## **7(a) Preferred Option Report – Outstanding Natural Features and Landscapes**

Mr Mactier introduced Stephanie Styles and James Bentley from Boffa Miskell. Boffa Miskell has been engaged by the Council for this topic and a number of other topics across the Natural Environment work stream.

Mr Mactier set the scene by explaining that Mr Bentley will start off by explaining the methodology, processes, criteria he has used to set out the Landscape Study which outlines why the outstanding natural landscapes (ONLs) are where they are, why they are important, what the values are and what are the threats to those landscape values.

Ms Styles will set out a brief summary the preferred option report, a bit about the statutory context, some of the issues with the current operational plan and recommended options to address those issues.

Mr Mactier discussed the current provisions relating to landscapes are fairly dated and have been around since about 2004. Plan Change 6 occurred around 2010 which amended the Port Hills ONLs and visual amenity landscapes (VALs) but only applied to that certain area. The rest of the district's provisions have not changed at all. A new Regional Policy Statement has come along since then and a fair body of case law has provided more guidance on how we should manage and protect our landscapes.

*'Councillor Bland out 10.20am'*

Mr Bentley discussed that he was the author of the Landscape Study for Selwyn. Selwyn landscape is pretty special and the most diverse in the country. Mr Bentley spoke to his presentation providing the Committee with a range of visual photographs of the vast landscapes around the Selwyn district.

Mr Bentley advised he was tasked to undertake a comprehensive landscape study of the entire Selwyn District which has not been done before. The landscape study takes a comprehensive look at all landscapes in the Selwyn district, based on values and characteristics. Landscape definition taken from the NZ Institute of Landscape Architects: *cumulative expression of natural and cultural features, patterns and processes in a geographical area, including perceptions and associations.*

Understanding outstanding landscapes in the area meant that Boffa Miskell undertook a landscape characterisation process. The process involves analysing the landscape and identifying areas that broadly have consistent elements, patterns and processes that can be understood. Put simply, landscape character is what makes an area unique.

*'Councillor Bland in 10.25am'*

Mr Bentley discussed the eight broad landscape character areas identified. Step 2 was to undertake evaluation of the district's different landscape values through attributes: Biophysical, Sensory and Associative and determining whether the landscape meets the threshold of being 'outstanding' or not.



ONLs were identified in relation to features or landscapes which scored at least high for biophysical, sensory and associative values and determined by a seven-point scale rated high to low. Boundaries identifying valued areas of landscape, do not necessarily coincide with landscape character areas. Boundaries were primarily based on broad geomorphical and geographical patterns.

Outstanding landscapes in Selwyn were considered landscapes rather than features due to their relative size in the district.

Mr Bentley discussed that it was important to look at existing landscape overlays in current plan (map provided in presentation) and also provided a map showing the landscape study recommended areas. Eight ONLs were identified and four VALs identified.

*‘Councillor McEvedy out 10.35am’*

Mr Bentley summarised that when compared against the current, broadly the mapped areas are similar, however, there is a greater proportion of the District now included. There are also less individual ONLs as many have been combined. Only two landscape classifications identified and mountainous areas are where the majority of the increases in mapped ONLs and VALs have come from.

*‘Councillor McEvedy in 10.37am’*

Ms Styles spoke to her presentation firstly advising that Mr Bentley is the technical specialist in regards to assessing why a landscape is outstanding or important and not outstanding and the reasons behind that. Ms Styles explained that next part of the puzzle is what we do with that in the context of s6 of the RMA pertaining to Matters of national importance.

Next level of the hierarchy which Ms Dawson mentioned in her presentation (very timely) is the Canterbury Regional Policy Statement (CRPS or RPS) and Ms Styles discussed the relevant objectives of RPS. The RPS at a policy and method level has some very clear direction, Ms Styles covered the direction.

Ms Styles advised that the current district plan provisions are older than the RPS and older than what everyone has moved towards in terms of clear identification, consistent application and stronger rules. In addition things are done differently to what Boffa Miskell have experienced in other districts.

From this basis the proposal is to clearly identify the outstanding landscapes and visual amenity landscapes on planning maps, do a review of objectives and policies, refining those, and being very clear and directive, saying what you mean (clear language). There is a high emphasis on protection of areas and stating why it is outstanding. Ms Styles recommended that rules be drafted that are based on existing provisions, but more effectively manage the adverse effects of activities on the identified values of ONL and VAL areas. (Option 2 as per report which is endorsed by Environment Canterbury at a staff level).

Ms Styles provided a brief summary of the concept provisions and why these are only concepts at this stage, with the key things areas Council should be focused on being:

- Earthworks, and quarrying / mining
- Pastoral intensification and agricultural conversion
- Vineyards and orchards
- Woodlots, shelterbelts, and plantation forestry
- Buildings
- Signs

Councillor McEvedy questioned how Ms Styles would define pastoral intensification? Ms Styles responded that the terminology used is from current case law wording. Definitions will be worked through to define what level of change is appropriate.

Mr Bentley presented a number of maps to the Committee to demonstrate existing landscape overlays with the proposed overlays around the district.

Councillor Hasson commented that the consultants talked about Lake Ellesmere and surrounds almost separately to the district's Alpine lakes; and questioned are you looking at a protection zone around those high country lakes in regards to inappropriate development? Councillor Hasson advised she is trying to gauge what protection is there for our lakes?

Mr Bentley responded in terms of the mapping of ONLs a lot of it is about context and Lake Ellesmere is within a context that has been highly modified, and the values attributed to the lake are particularly to do with the water and the margins. The values associated with Lake Coleridge and other lakes are underpinned by the context in the environment and level of modifications that have been applied to that lake. Therefore, those high country lakes are within a broader outstanding landscape therefore might be different. For example Lake Ellesmere has a high cultural understanding and more values based, whereas other lakes might not have that high cultural understanding but are valued for other parts.

Councillor Hasson questioned the potential for development near / on ONLs and Mr Bentley responded that any development would be tested against the values of ONL's.

Councillor McEvedy questioned the line around the lakes and how it relates to the cultural landscape value management area under Plan Change 1 to the Land & Water Regional Plan (LWRP)?

Mr Mactier responded the cultural layer is part of the LWRP administered by ECan so there is potential for some confusion. In terms of how they relate in terms of overlap or separation, he advised he will have to check but indicated that the cultural layer may be around 1 km from the margin compared to tens of metres for the ONL?

Councillor Skelton questioned whether Council are working with ECan in regards to identifying wetland areas in the Te Waihora context and are Council familiar with that work?

Mr Bentley answered yes that is something Council are looking at.

Councillor Lemon added that he is part of working group to help establish wetland areas. The difference between wet pasture and wetland meant that the definition is

quite important. Councillor Lemon shared a similar concern about differing boundaries and sending different messages to people. Councillor Lemon advised that Landowners are quite stressed about the definitions and to put another layer of stress on them by defining areas as ONLs or Outstanding Natural Features (ONFs) is not going to be particularly helpful.

Mr Mactier added as we go through the process one of the principles of the district plan review is that Council does not want to duplicate a regulation and are aware of these concerns.

Mr McEvedy raised his concern over existing landowners when the rules change, including not being able to build in VALs?

Mr Mactier responded that in general and overwhelmingly in in the Ports Hills area the VAL is increasing. In the current planning regime it is easier to build a house in a VAL compared to an ONL, however owners may still need a resource consent. VAL is encroaching into existing ONL where it is most difficult to build a house.

The Mayor commented continuing on how this may affect private land and also the cultivation of land? Where does this sit? Ms Styles responded that this concept will be explored in the next stage of the project.

The Chair queried whether it was envisaged that there will be a separate set of rules for each ONL? Ms Styles responded potentially yes because the values are distinctively different and also the effects of activities varied in each ONL.

The Chair questioned VALs as not being required in terms on the RPS. How important is it to have it in there to protect ONL above them? Mr Bentley responded VALs do afford some sort of buffer - example is VALs identified in the Malvern areas but only put provisions against two of those VALs.

The Chair questioned have they got VALs in Christchurch City and did they follow this approach? Mr Bentley answered yes they did so Council will be consistent across the board.

Mr Matunga stated that he noted in the report that there is a separate work stream that Mahaanui Kurataiao (MKT) are doing, how are the Council dealing with the intersection between the two? MKT are coming out with a report on cultural landscapes how are you reconciling the planning part of this process?

Ms Ashley responded we are awaiting that report ourselves, when report is available we will then integrate report with our other work streams, we understand it has been drafted and process awaiting Runanga feedback before sending to Council.

Mr Mactier added various work streams will be integrated.

Mr Matunga also questioned do you have a different set of rules for cultural landscapes?

Mr Mactier answered to a degree, noting that the National Planning Standards may assist, however this approach will need further work.

**Moved – Councillor Bland / Seconded – Councillor Hasson**

*“That the Committee notes the report.”*

*“That the Committee endorses the Preferred Option (Option 2) for Outstanding Natural Features and Landscapes for further development.”*

**CARRIED**

UNCONFIRMED

## **7(b) Communications and Engagement Summary Plan – Outstanding Natural Features and Landscapes**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Outstanding Natural Features and Landscapes topic. (Noted by Committee).

**Moved – Councillor Alexander / Seconded – Councillor Lemon**

*“That the Committee notes the summary plan.”*

**CARRIED**

The Chair commented due to time constraints we will shift items 8(a) Preferred Option Report –Intensive Farming and 8(b) Communications and Engagement – Intensive Farming to April's District Plan Committee meeting.

*‘The meeting adjourned for a 15 minute break 11.15am’.*

*‘Meeting reconvened at 11.30am without Councillors P McEvedy, C Watson and M Lemon’.*

## 11. Alternate Chair of District Plan Committee

Chair advised of the need to appoint an alternate chairperson for the District Plan Committee in the absence of the Environmental Services Manager and to update the District Plan Committee Terms of Reference accordingly.

The Chair asked for nominations.

Councillor Alexander questioned the definition of 'independent chair' as current chair is representing a non-political, independent person and there are very few around the table who are non-political. Councillor Alexander suggested someone like the Planning Manager. Otherwise Councillor Alexander's nomination would be the Mayor Sam Broughton.

The Chair responded in terms of the independence the chair, which was modelled on approach of the implementation committee for the 'Urban Development Strategy'. However, he considered that it is not necessary nor important for this committee. In many ways a political member may be beneficial and Chair is quite comfortable with a political person taking the chair.

Councillor Lyall agreed with nomination for the Mayor.

The Mayor questioned whether this change needs to go up in front of Council to be accepted? Mr Rhodes responded that the terms of reference for DPC allows for small change but will double check.

The chair added to remove the wording of independent chair from Terms of Reference and Councillor Reid asked to update the members 'Runanga representative' to plural in Terms of Reference.

### **Moved – Councillor Lyall Seconded – Councillor Mugford**

*"That the Committee notes the report."*

*"The District Plan Committee appoints Mayor Sam Broughton to be appointed as the alternate Chair for the District Plan Committee."*

*"The Terms of Reference be amended accordingly."*

**CARRIED**

## 10. Update on District Plan Review Financials

To provide the Committee with an update on the District Plan Review budget and financials to 31 January 2018.

*‘Councillor Watson in 11.36am’*

Mr Burgess took the report as read and accepted, and noted the following points from the report:

Council are expecting expenditure to drop in the 2018-2019 financial year as Council start to move from the baseline and preferred options phases into the drafting and section 32 analysis, trying to bring a lot of the work back in-house.

Timings of this report in terms of the financial months - there is a slight disconnect between this financial report and audit risk report due to the agenda closing time.

Section 5, Ms Hodgkin has included in the report a year to date versus expenditure chart. Council are tracking below in regards to percentage spent therefore we are on track. Council are monitoring this very closely, internally negotiating with consultants and looking at best price moving forward. The process is heavily scrutinised as Council do not want to see any blow outs.

Ms Hodgkin added that the risk section remains the same as last month and will continue to add to this month by month if anything arises.

Another financial update and report will be brought to the Committee in April.

**Moved – Councillor Alexander / Seconded – Councillor Bland**

*“That the Committee notes the report.”*

**CARRIED**

## 11. Confirmation of Public Excluded Minutes

No Discussion on the Public Excluded minutes therefore no need to move to Public Excluded.

**Moved – Councillor Watson / Seconded – Councillor Mugford**

*‘That the Committee accepts the public excluded minutes of the 28 February 2018 as being true and correct’.*

**CARRIED**

*Meeting Concluded at: 11.45am*

This day            of            2018

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CHAIR PERSON



**1. OUTSTANDING ISSUES REGISTER**

Nil

<b>Subject</b>	<b>Comments</b>	<b>Report Date / Action</b>	<b>Item Resolved or Outstanding</b>
-	-	-	-

## **Specific Reports**

### **6a. Preferred Option Report – Hazardous Substances and Contaminated Land**

Author:	Frances Lojkine & Paul Heveldt (Stantec) and Robert Love (Strategy & Policy Planner)
Contact:	347 1821 (Robert)

#### **Purpose**

To brief the Committee on the findings of the Hazardous Substances and Contaminated Land Baseline Report which sought to better understand the issues in relation to storage, use and manufacture of hazardous substances, and use of contaminated land, within Selwyn District. The effectiveness of the current Operative Selwyn District Plan provisions has also been assessed.

The purpose of the Preferred Option Report is to provide a summary of the Baseline Report, and to identify issues and options for addressing the management of hazardous substances and contaminated land within Selwyn District.

#### **Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option for Hazardous Substances and Contaminated Land for further development.”**

#### **Attachments**

‘Preferred Option Report for Hazardous Substances and Contaminated Land’

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# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

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**DATE:** 19 March 2018

**TOPIC NAME:** Hazardous Substances and Contaminated Land

**SCOPE DESCRIPTION:** Preferred Option Report for Hazardous Substances and Contaminated Land

**TOPIC LEAD:** Robert Love

**PREPARED BY:** Frances Lojkine (Stantec New Zealand)

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ol style="list-style-type: none"> <li>1. Objectives and policies that overlap with the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015 and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health</li> <li>2. Objectives, policies and rules located in multiple places in the Operative District Plan, potentially leading to confusion for resource users</li> <li>3. An ongoing need to manage cumulative effects and effects of hazardous substances and contaminated land on sensitive sites and areas</li> </ol>
<i>Preferred Option</i>	That hazardous substances and contaminated land are managed by amended definitions, policies and rules within the Proposed District Plan that remove duplication and overlaps with legislation and Environment Canterbury responsibilities, and that are located within zone provisions to provide an integrated approach
<i>Recommendation to DPC</i>	That the preferred option for Hazardous Substances and Contaminated Land is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).
<i>DPC Decision</i>	

## 1.0 Introduction

The Hazardous Substances and Contaminated Land Baseline Report sought to better understand the issues in relation to storage, use and manufacture of hazardous substances, and use of contaminated land, within Selwyn District. The effectiveness of the current Operative Selwyn District Plan (the Operative District Plan) provisions was also assessed. The key deliverable of the report was policy and rule options to manage the storage and use of hazardous substances and the use of contaminated land in Selwyn District. A copy of the Hazardous Substances and Contaminated Land Baseline Report is attached as **Appendix 1**.

The purpose of this Preferred Option Report is to provide a summary of the Baseline Report, and to identify issues and options for addressing the management of hazardous substances and contaminated land within Selwyn District.

A preferred option has been identified and is outlined. If endorsed by Council, this preferred option will form the basis of further engagement with targeted stakeholders as part of the District Plan Review project.

## 2.0 Summary of Issues

### 2.1 Hazardous substances

Historically, District Plans have included separate chapters on hazardous substances, with detailed controls on their storage and use. However, amendments to the Resource Management Act 1991 (RMA) in 2017 removed the specific requirement for councils to manage hazardous substances. The reason for this is that other pieces of legislation (principally the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015) already deal comprehensively with the issues relating to hazardous substances.

#### ***Sites using and storing hazardous substances in Selwyn District***

The majority of sites storing or using hazardous substances in Selwyn District are small, and generally do not use complex combinations of different types of hazardous substances. The Baseline Report used Environment Canterbury's Listed Land Use Register (the Register) to identify sites that may potentially be using or storing hazardous substances.

Many of the sites that appear on the Register do so because an activity that is occurring there may use a hazardous substance. For example, motor vehicle garages appear on the Register because the repair of vehicles inevitably involves the use (and storage) of petroleum hydrocarbons (e.g. engine oil), even though the quantity kept on site is likely to be very small. At the other end of the scale there are a number of clearly identified and well known sites in the District where significant quantities of hazardous substances are present, such as some sites within the Izone Business Park at Rolleston (e.g. Westland Dairy Company, Rolleston Pest Control Research Facility and the Lyttelton Port Company Inland Port) and the Synlait and Fonterra dairy

processing sites. These sites are well known and managed through resource consent conditions and requirements under the other legislation noted above.

### ***Effects on sensitive activities and/or sensitive natural environments***

Hazardous substances can pose a risk if stored or used close to sensitive activities (such as residential areas or schools) or sensitive areas such as waterbodies. There are however no significant concentrations of sites using or storing hazardous substances close to sensitive activities or areas in the District. Two locations contain a number of sites that may use or store hazardous substances - the Izone Business Park at Rolleston, and the area of Lincoln where research and university activities are located. However, the Izone is separated from the closest Living Zones by the railway line, the state highway and in some areas the Rolleston business district, and at Lincoln the quantities of hazardous substances being used or stored have not been sufficient to trigger consents under the Operative District Plan (and the plan limits are quite restrictive).

The only other location in the District where there is a significant number of sites potentially using or storing hazardous substances is Leeston, where a wide variety of small business zoned sites are located. However, the small size of the sites, and the fact that consents have not been required for hazardous substances other than for the CRT Store, suggest that the risks to nearby residential areas will be low.

### ***Risks from sites using or storing hazardous substances in natural hazard events***

The controls on hazardous substances required for compliance with HSNO (e.g. packaging, secondary containment, emergency management and more general hazard management) are designed to protect against the risk of discharge in natural hazard events. However, areas subject to major flood events may need additional controls to ensure that hazardous substances are protected against inundation by flood waters.

### ***Cumulative effects***

Sites that store or use hazardous substances that are situated close to each other may generate a cumulative risk of effects that is greater than the risk from each individual site, because of the adverse and of synergistic effects that can arise when hazardous substances are accidentally combined. The most likely area for this to occur currently would be the Izone Business Park at Rolleston, where a number of sites occur in relatively close proximity to each other.

## **2.2 Contaminated land**

Investigations of potentially contaminated land in Selwyn District since the earthquakes have shown that while there may be contaminant 'hot spots' in and around areas where concentrated farm chemicals and fuels have been stored or used, in general contamination of soils in the District is not a major issue. However, most subdivision in the District occurs on greenfield rural sites. These sites may have been subject to herbicide/pesticide use, had sheep dips located on them in the past, or have been the sites of other potentially contaminating agricultural activities.

There is therefore an element of risk associated with the development of any potentially contaminated land in the District.

## 3.0 Statement of Operative District Plan approach

### 3.1 Hazardous substances

Objectives, policies, rules and other methods relating to the management of hazardous substances are spread throughout the Operative District Plan, in both the Township Volume and the Rural Volume. The provisions are closely related to those for contaminated land, as spills, leaks and disposal of hazardous substances are seen as the main causes of contaminated land.

In the Township Volume, policies relating to the manufacture and storage of hazardous substances require:

- potential risks of adverse effects to be avoided or mitigated
- manufacture, use or storage of large quantities of hazardous substances in Living or Business 1 Zones to be avoided
- manufacture, use or storage of hazardous substances in Business 2, 2A, 2B and 3 Zones does not have to be avoided, but adverse effects must be mitigated

These policies are achieved through a series of rules that permit only those activities using or storing hazardous substances at volumes below those specified in Appendix 9 of the Operative District Plan. In general, the volumes specified in Appendix 9 are reasonably small in Living Zones and slightly higher in Business Zones.

Policies in the Township volume also cover the disposal of hazardous substances, and seek to:

- avoid disposal occurring into sewage systems or onto land in townships
- ensure that commercial manufacturing or storage has the means to dispose of hazardous substances without affecting the environment
- work toward obtaining access to appropriate disposal facilities for residents and ratepayers.

A largely identical approach to the management of hazardous substances is taken in the Rural Volume, although an additional focus for the policies is allowing appropriate quantities and classes of hazardous substances to be stored in the rural area to provide for rural activities. As a result the volumes of hazardous substances specified for permitted activities vary again from those identified for the Living and Business Zones.

### 3.2 Contaminated land

The policy approach in both the Township and Rural Volumes in relation to contaminated land is, first, to manage activities to avoid creating contaminated land in the first instance, and second to control activities on any contaminated land that does exist in order to avoid adverse effects on people's health and well-being.

The rule framework therefore permits a variety of activities on land that may have been contaminated, but requires consent for erection of a dwelling, educational facilities, outdoor recreation activities and growing commercial food crops or rearing animals.

The provisions are drafted slightly differently between the Township and Rural Volumes, particularly the rules.

### 3.3 Definitions

Definitions of 'agrichemical', 'contaminated land', 'fumigant', 'hazardous substance' and 'vertebrate toxic agent' are included within the Operative District Plan.

### 3.4 Effectiveness of existing provisions

Explanatory material within the Operative District Plan states that the plan complements HSNO by addressing the effects of hazardous substances on health and safety, and on the environment, including amenity values. However, rather than complementing, the Operative District Plan duplicates many of the requirements of HSNO without acknowledging that HSNO will also apply to resource users. In some cases the Operative District Plan adds more complicated layers of regulation on top of the HSNO requirements. There is therefore the potential for considerable confusion for hazardous substance users in terms of dual compliance with HSNO and District Plan requirements, and there is no clear justification provided in the Operative District Plan for an inconsistent approach having been adopted. There are also significant overlaps between the current plan provisions and Environment Canterbury's Regional Policy Statement and Regional Land and Water Plan, particularly with regard to disposal of hazardous substances.

Existing contaminated land rules overlap with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NESCS) and are the general policy and rule approach is often inconsistent with the approach of the NESCS.

For both the hazardous substances and contaminated land provisions, the inclusion of provisions across both the Township and Rural volumes of the District Plan has caused unnecessary complications. Policies and rules dealing with the same matters are worded differently between the two volumes, for no apparent reason, which is likely to cause confusion for plan users.

If the terms 'agrichemical', 'fumigant' and 'vertebrate toxic agent' are retained in the District Plan, their definitions are fit for purpose. Whether these definitions remain necessary will be addressed in the drafting stage of the District Plan, in conjunction with other topic areas.

Updated definitions of both 'hazardous substance' and 'contaminated land' should be included, in order to achieve consistency with HSNO and the NESCS.

## 4.0 Summary of relevant statutory and/or policy context and other background information

Five matters are particularly relevant to the statutory and policy context for the management of hazardous substances and contaminated land in Selwyn District:

- Hazardous Substances and New Organisms Act 1996
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- Resource Legislation Amendment Act 2017
- Canterbury Regional Policy Statement 2013
- Mahaanui Iwi Management Plan 2013

#### 4.1 Hazardous Substances and New Organisms Act 1996

HSNO provides a comprehensive and detailed regime for controlling the risks of using, storing, transporting and disposing of hazardous substances.

#### 4.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The NESCS provides a nationally consistent set of planning controls for contaminated land. It ensures that contaminated land is identified, assessed, and (if necessary) made safe for human activity, although it does not address environmental effects of contaminated land. The NESCS also does not contain objectives or policies to guide decisions made under its rules.

#### 4.3 Resource Legislation Amendment Act 2017

Council's responsibilities with respect to controlling the storage, use and environmental effects of hazardous substances have changed substantially with the amendments to sections 30 and 31 of the RMA. The intent of the amendments was to ensure that councils only place additional controls on hazardous substances if they are necessary to control effects under the RMA that are not dealt with by controls already imposed by HSNO and the Health and Safety at Work Act 2015, such as effects on sensitive sites and areas.

#### 4.4 Canterbury Regional Policy Statement 2013

Methods within the RPS currently require Selwyn District Council to set out objective and policies (and consider whether to include methods) to avoid the actual or potential effects of the use, storage, transport or disposal of hazardous substances on identified areas, and avoid, remedy or mitigate adverse effects in general. In relation to contaminated land, the RPS requires Selwyn District Council to set objectives, policies or methods to require site investigations, ensure that adverse effects are avoided, remedied or mitigated, and ensure that any remediation or mitigation works do not lead to further significant adverse effects. It is important to note that the Canterbury Regional Policy Statement 2013 (the RPS) was prepared before the Resource Legislation Amendment Act 2017 and at about the same time as the NESCS.

#### 4.5 Mahaanui Iwi Management Plan 2013

The Mahaanui Iwi Management Plan 2013 does not specifically mention or consider hazardous substances as an issue, although the provisions relating to weed control (which express a



preference for natural solutions as opposed to the use of hazardous substances) are likely to be relevant.

Ngāi Tahu involvement in decision making about contaminated land is identified as an issue, with a policy approach involving the recognition of cultural issues and full and open information sharing. A particular issue is also raised in relation to closed landfills in the Akaroa catchment and their potential impacts on coastal water quality, groundwater and wāhi tapu and wāhi taonga, with policies relating to investigation, monitoring and possible remediation.

## 5.0 Summary of alternative management responses – Other Districts

The operative Ashburton and Hurunui District Plans currently take a similar approach to the Operative Selwyn District Plan of specifying comprehensive lists of hazardous substances, with volumes defined for permitted activities and consents for activities using or storing greater volumes. The Ashburton and Hurunui Plans also seek to control many of the activities that use, store, manufacture and dispose of hazardous substances.

The Waimakariri District Plan takes a slightly different approach, by including a much more limited list of hazardous substances and applying controls only in residential areas.

The Proposed Hurunui District Plan, and the recently operative Christchurch District Plan, both reflect current practice to substantially remove hazardous substances provisions from district plans in order to avoid overlaps with other legislation, particularly HSNO. Both of these plans have very few policies, and rules that relate only to specifically identified issues in each district.

In relation to contaminated land, only two of the district plans of adjacent districts (Hurunui and Christchurch) have objectives and policies specifically relating to management of contaminated land. None of the adjacent district plans have rules relating to contaminated land.

## 6.0 Summary of Options to address Issues

### 6.1 MAINTAIN STATUS QUO

Under this option, the existing approach of detailed provisions for hazardous substances and contaminated land, and repetition of the approach in each zone, would be maintained.

#### ***Effectiveness in Addressing Issues:***

A rollover of the current provisions would continue the issues identified in Section 2 of this report, and is therefore considered ineffective.

#### ***Risks:***

There would be a significant lost opportunity to improve the efficiency and effectiveness of management of hazardous substances and contaminated land in the District if the existing provisions were rolled over.

***Budget or Time Implications:***

This would be the most cost and time efficient option in the short-term for the Council, but rolling over the existing provisions will result in costs for those resource users who have to maintain compliance with HSNO requirements and also seek resource consents from the Council, particularly if those consents then have different requirements to those contained in HSNO.

Where contaminated land rules cover matters that are not addressed by the NESCS there would be additional costs to resource users to obtain consents.

***Stakeholder and Community Interests:***

Existing hazardous substance consent holders, major and minor commercial and industrial sites, research institutes and universities.

***Recommendation:***

Do not maintain the status quo.

## 6.2 UPDATED STAND-ALONE HAZARDOUS SUBSTANCES AND CONTAMINATED LAND PROVISIONS

Under this option, objectives, policies and methods (including rules) addressing hazardous substances and contaminated land would be updated to remove overlaps with HSNO and the NESCS, but would be retained in a separate specific section(s) of the District Plan.

***Effectiveness in Addressing Issues:***

Updating the provisions to remove overlaps with HSNO and the NESCS would address the inefficiency of the current framework, while allowing the Council to develop targeted District Plan provisions to address the residual issues identified in Section 2 of this report.

Maintaining a set of separate provisions would however continue a relatively inefficient plan framework where users have to consult both zone provisions and hazardous substances/contaminated land provisions. The updated provisions are also likely to be relatively small in number, which may not justify a stand-alone section in the District Plan.

***Risks:***

The principal risk with this option is that it would result in a confusing District Plan with provisions in multiple places, and may not lead to efficient management of hazardous substances and contaminated land.

***Budget or Time Implications:***

This option will incur some time and cost to Council in preparation of an updated set of provisions and ensuring they are integrated with other plan provisions while remaining separate.

Costs and time for resource users will be reduced over Option 1, as updated provisions will remove overlaps that currently result in costs and delays.

***Stakeholder and Community Interests:***

Existing hazardous substance consent holders, major and minor commercial and industrial sites, research institutes and universities.

***Recommendation:***

Do not proceed with updated stand-alone provisions for hazardous substances and contaminated land, as inefficient plan provisions will result.

### 6.3 INTEGRATE HAZARDOUS SUBSTANCES AND CONTAMINATED LAND PROVISIONS INTO ZONE PROVISIONS

Under this option, objectives, policies and methods (including rules) addressing hazardous substances and contaminated land would be updated to remove overlaps with HSNO and the NESCS and to focus them on specific matters (such as proximity to sensitive areas and sites) that are of concern to the community. Updated provisions would be contained within the zone provisions however, to provide an integrated approach.

***Effectiveness in Addressing Issues:***

Updating the provisions to remove overlaps with HSNO and the NESCS would address the inefficiency of the current framework, while allowing the Council to develop targeted District Plan provisions to address the residual issues identified in Section 2 of this report.

Including updated provisions within the relevant zone provisions would provide a more integrated, efficient and effective set of plan provisions. It would also allow the cumulative effects of activities to be managed within an overall zone framework, which would allow more integrated management of those effects.

***Risks:***

The principal risk with this option is that provisions would not be integrated effectively, but this can be addressed by careful plan drafting.

***Budget or Time Implications:***

This option will incur some time and cost to Council in preparation of an updated set of provisions as part of the zone provisions, but less than preparing a stand-alone set of provisions.

This option is likely to result in the lowest costs for resource users, as updated provisions will remove overlaps that currently result in costs and delays, and integrated plan provisions will make the District Plan more efficient to use.

***Stakeholder and Community Interests:***

Existing hazardous substance consent holders, major and minor commercial and industrial sites, research institutes and universities.

**Recommendation:**

Proceed with the option of updating the plan provisions to remove overlaps and integrating them with zone provisions for ease of use.

## 7.0 Summary of stakeholder engagement

Discussions with Environment Canterbury about the requirements of the Canterbury Regional Policy Statement, which has been superseded by the Resource Legislation Amendment Act 2017 were undertaken on 19 February 2018. Staff from Environment Canterbury were supportive of removing duplication between the District Plan and legislation. As highlighted earlier in this report, Environment Canterbury staff noted that there is a potential role for the District Plan in addressing matters that are not covered by national legislation, such as the issue of reverse sensitivity and how to manage the storage and use of hazardous substances in close proximity to sensitive sites and areas.

Support is available from Environment Canterbury in respect of consent applications on potentially contaminated land, and enabling this process to continue was seen as a useful focus for the District Plan.

## 8.0 Preferred Option for further engagement

The Project Team recommends that:

- Management of the use of hazardous substances and contaminated land is dealt with primarily through the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015 and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, rather than using District Plan provisions.
- District plan provisions are retained to manage the storage and use of hazardous substances in close proximity to sensitive sites or areas, such as residential areas, schools, significant natural or ecological features and sites of importance to tangata whenua, but should be integrated with the zone provisions.
- Cumulative effects of the storage and of use of hazardous substances are managed through a combination of zoning and land use rules, for example by enabling industrial activities to occur within industrial land zoning, but not permitting it within residential zoning.

Further engagement is proposed to be undertaken with landowners of sites identified on the Listed Land Use Register as potentially contaminated, and with the landowners of sites where hazardous substances are used and/or stored.

## Appendix 1 – Hazardous Substances and Contaminated Land Baseline Report

### Link to Report:

[Hazardous Substances and Contaminated Land \[PDF, 1390 KB\]](#), December 2017

**6(b) Communications and Engagement Summary Plan – Hazardous Substances and Contaminated Land**

Author:	Robert Love (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Hazardous Substances and Contaminated Land topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Hazardous Substances and Contaminated Land – communications and engagement summary plan’

# DW212 Hazardous Substances and Contaminated Land – communications and engagement summary plan

## Key messages

(as of 6 April 2018)

### Background

- As part of the Selwyn District Plan Review provisions for storage, use and manufacture of hazardous substances, and use of contaminated land within Selwyn District, are also being reviewed.
- The majority of sites storing or using hazardous substances in Selwyn District are small, and generally do not use complex combinations of different types of hazardous substances.
- Most known sites with significant quantities of hazardous substances are within the Izone Business Park in Rolleston, and the Synlait and Fonterra dairy processing sites.
- Hazardous substances can pose a risk if stored or used close to sensitive activities (such as residential areas or schools) or sensitive areas (such as waterbodies). There are however no significant concentrations present in sites using or storing hazardous substances, which are close to sensitive activities or areas in the District.
- As for contaminated land, while there may be contaminant ‘hot spots’ in and around areas where concentrated farm chemicals and fuels have been stored or used, in general contamination of soils in the District is not a widespread issue.
- Environment Canterbury’s Listed Land Use Register identifies potentially contaminated sites in Canterbury region where hazardous activities and industries are known to have occurred or are currently occurring.

### Current status

- There is an overlap between the district plan and other pieces of legislation that deal with hazardous substances.
- As a result when applying for a resource consent businesses and landowners using and/or storing hazardous substances need to comply with different but overlapping sets of rules within the current planning framework.

### About preferred option

- It is proposed to remove district council provisions which overlap with other related legislation without compromising the management of any adverse effects.
- This option will reduce time and costs by simplifying the planning process for businesses and landowners using and/or storing hazardous substances.
- The preferred option focuses on more specific areas of concern to the community such as the storage and use of hazardous substances in close proximity to sensitive areas (eg waterbodies), and activities (eg residential areas and schools), and the cumulative effect from these types of activities.
- Following council’s approval of the preferred option, we will engage with landowners and key stakeholders to ensure they understand the proposed changes to the District Plan (fewer provisions controlling what they can do on their site) and have the opportunity to provide their feedback. This will then inform the Proposed Plan which is expected to be notified in 2020 for formal consultation.

## Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence (“Manage closely”)</i>	<i>High level of interest/ Low level of influence (“Keep informed”)</i>	<i>Low level of interest/ high level of influence (“Keep satisfied”)</i>	<i>Low level of interest/ Low level of influence (“Watch only”)</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan		Selwyn sites identified on the LLUR database	Selwyn ratepayers
	Mahaanui Kurataiao		Owners/ occupiers of sites where hazardous substances are used and/or stored as informed by SDC consent records	News media
				Wider public

<sup>1</sup> “...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds.” [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are “the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared.” (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders “...will advocate for or against decisions that will need to be made...” and “For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules.” (DPR Engagement Framework)

<sup>3</sup> Landowners are “the individuals and businesses that could be affected by the proposed changes in the District Plan.” (District Plan Review Community Engagement Implementation Plan; p.6)

Engagement during review phases

Review phases	Internal	ECan	Mahaanui Kurataiao and/or Runanga	Landowners/occupiers	General public
Baseline assessments					
Preferred option development					
Preferred option consultation					

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	March	April	May	June	July <sup>4</sup>
ECan	Reviewed preferred options		Share approved options report and gather any further feedback		
Mahaanui Kurataiao	Reviewed preferred options		Share approved options report and gather any further feedback		
Landowners/occupiers				Targeted consultation by letter	
General public			Preferred options report is published on Your Selwyn Engagement hub		
DPC		Preferred options report goes to DPC			

<sup>4</sup> This plan covers period until public pre-notification consultation on preferred options starts.



## **7a. Preferred Option Report – Lighting and Glare**

Author:	Frances Lojkine (Stantec) and Vicki Barker (Barker Planning)
Contact:	021 354366 (Vicki)

### **Purpose**

To brief the Committee on the findings of the Lighting and Glare Baseline Report which sought to better understand three key effects in relation to outdoor lighting in Selwyn District, and to assess the effectiveness of the current Operative Selwyn District Plan provisions. In conjunction with the Baseline Report, a technical report on the obtrusive effects of outdoor lighting was also prepared.

The purpose of the Preferred Option Report is to provide a summary of the Baseline Report, and to identify issues and options for addressing the management of lighting and glare effects within Selwyn District.

### **Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option (Option 2) for Lighting and Glare for further development.”**

### **Attachments**

‘Preferred Option Report for Lighting and Glare’, including appendices:

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# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

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**DATE:** [18 April DPC Meeting]

**TOPIC NAME:** Lighting and Glare

**SCOPE DESCRIPTION:** Preferred Option Report for Lighting and Glare

**TOPIC LEAD:** Vicki Barker

**PREPARED BY:** Frances Lojkine (Stantec New Zealand)

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ol style="list-style-type: none"><li><i>1. Need to clarify and appropriately address the difference between spill light and glare in the provisions and make minor revisions to better manage lighting and glare</i></li><li><i>2. Need to address inconsistencies between Council's Engineering Code of Practice and District Plan policies and rules for lighting and glare</i></li><li><i>3. Need to review any updated lighting standard for obtrusive effects of outdoor lighting if it becomes available, and update glare provisions to recognise an alternative way of managing glare other than by using standards</i></li><li><i>4. Whether the West Melton Observatory Lighting Area is appropriately sized, and whether the provisions are effective</i></li><li><i>5. Whether night glow provisions are necessary</i></li></ol>
<i>Preferred Option</i>	<i>That lighting and glare are managed by amended policies and rules within the Proposed District Plan to address current inconsistencies and provide a clearer framework.</i>
<i>Recommendation to DPC</i>	<i>That the Preferred Option for Lighting and Glare is endorsed for further development (Targeted Engagement, Section 32 and Drafting Phase).</i>

## 1.0 Introduction

The Lighting and Glare Baseline Report sought to better understand three key effects in relation to outdoor lighting in Selwyn District, and to assess the effectiveness of the current Operative Selwyn District Plan (District Plan) provisions. In conjunction with the Baseline Report, a technical report on the obtrusive effects of outdoor lighting was also prepared. The key deliverable of the reports was policy and rule options to manage the effects of lighting and glare in Selwyn District. Copies of the Lighting and Glare Baseline Report and the technical report Obtrusive Lighting Effects of Outdoor Lighting are attached as **Appendix 1** and **Appendix 2**.

With any outdoor lighting it will not always be possible to contain all light within the boundaries of the property on which the lighting is installed. Some light will inevitably spill outside the property boundaries, either directly or by reflection, which can potentially cause annoyance to people in adjoining areas. The three main types of obtrusive lighting effects that can cause nuisance to nearby residents or users of adjacent areas, and/or have effects on astronomical observation include:

- Spill light – light that falls beyond the property boundary of the area that is intended to be illuminated
- Glare – when a light source directs a large proportion of the total light output into the eyes of an observer
- Night glow – caused when stray light is scattered in the atmosphere either as a result of direct upward illumination or reflection of light from the ground or adjacent buildings

All three types of obtrusive lighting effects currently occur within Selwyn District.

The purpose of this Preferred Option Report is to provide a summary of the Baseline Report, and to identify issues and options for addressing the management of lighting and glare within Selwyn District.

A preferred option has been identified and is outlined. If endorsed by Council, this preferred option will form the basis of further engagement with targeted stakeholders as part of the District Plan Review project.

## 2.0 Statement of Operative District Plan Approach

Objectives, policies, rules and other methods relating to the management of lighting and glare are spread throughout the District Plan, in both the Township Volume and the Rural Volume. The two volumes treat lighting and glare slightly differently, and to some extent the different approaches are justified by the differences in urban and rural lighting.

In the Township Volume provisions fall into one of four subject areas – street lighting, spill light/glare/night glow, signage and the West Melton Observatory. Policies seek to avoid night lighting and (where practicable) glare from shining directly into adjoining sites, and to reduce the potential for night glow in the area around the West Melton Observatory. Rules permit fixed exterior lighting provided that it is directed away from adjacent properties and roads and that

spill light does not exceed 3 lux in Living Zones and 10 lux in Business Zones. In order to reduce the potential for night glow to affect the West Melton Observatory, subdivision rules include matters of discretion covering the consideration of lighting options to assist in mitigating effects on the observatory.

The Rural Volume contains fewer provisions relevant to lighting and glare. The provisions are divided into four subject areas – glare and spill light, West Melton Observatory, Porters Ski Area and two Dairy Processing Management Areas. While the policy approach to the West Melton Observatory is identical to the Township Volume, the policy relating to glare and spill light is focused specifically on glare as the primary issue to be addressed. General Rural Zone rules for lighting and glare set the same spill light standards as those in the Township Volume (i.e. 3 lux and 10 lux) and generally don't specifically address glare. A specific set of rules is included in the Rural Volume for lighting in the West Melton Observatory Lighting Area (an area of 5km radius centred on the R F Joyce Observatory at Bells Road, north of West Melton, that covers rural areas and the settlements of West Melton, Edendale, Yorktown and Halkett). These rules control the hours of lighting signs and the timing of activities that may result in spill light.

Appendix E25 provides a series of provisions for the Porters Ski and Recreation Area, including permitted activity standards for lighting the Village Base Sub-Zone and a restricted discretionary activity for night-lighting for recreational activities and village lighting that is not permitted. Appendix E26 provides a series of provisions for the Dairy Processing Management Areas, which are defined to include the Synlait plant at Dunsandel and the Fonterra Plant at Darfield. Fixed exterior lighting is permitted provided that there is no more than 3 lux light spill onto adjoining properties and that lighting is directed away from adjacent properties. At both sites the dryer towers were not permitted to be illuminated (subject to resource consent).

## 3.0 Summary of Issues

### 3.1 Clarification of spill light and glare provisions

#### ***References to spill light and glare throughout the District Plan***

As noted in section 1.0 of this report, spill light and glare are two different effects of outdoor lighting. However, the policies and rules in the District Plan do not make this distinction clear. For example, glare is identified as the principal effect that needs to be managed in policies in the Rural Volume, but the rules relate only to spill light. Policies in both the Township Volume and the Rural Volume seek to ensure that nuisance effects of signs, as a result of glare or reflectivity are avoided. Rule standards however only relate to spill light, and are omitted entirely from rules relating to signs in Living Zones.

Provisions relating to spill light and glare would benefit from a consistent and clearly articulated approach. Both spill light and glare should be addressed in policies and rules, and this should be clear from both the provisions and their titles. Specifically therefore:

- policies should be updated to clearly address both spill light and glare

- rule headings should be updated to make it clear that rule standards address both spill light and glare, and
- consideration should be given to including standards relating to glare in the permitted activities for Rural Zones.

The explanation to the rules relating to the Dairy Processing Management Areas could also be amended to more clearly identify the difference between spill light and glare.

#### ***Other minor corrections***

Other minor changes to the provisions managing spill light and glare have been identified, principally the correction of drafting errors in the District Plan. For example in the Business Zones lighting standards there are overlaps in some of the rules, and a drafting error concerning shielding of light sources that could cause unnecessary confusion. 'Notes' are also used to provide exemptions from rules, which may not have sufficient legal weight to be effective.

### **3.2 Inconsistency with Engineering Code of Practice**

The Council's Engineering Code of Practice (ECoP) includes references to spill light and glare in relation to the lighting of parks and reserves, and sets out requirements for spill light from road lighting. In both instances there are some inconsistencies between the ECoP and the District Plan. The ECoP contemplates that spill light will be controlled but the District Plan provides an allowance for it to occur. In relation to glare, the ECoP contemplates that glare will be controlled, and in this sense is more lenient than the District Plan, which aims to ensure that glare does not occur. These inconsistencies should be resolved.

### **3.3 Spill light and glare standards**

#### ***Review of updated standard for effects of outdoor lighting***

Many lighting engineers use an Australian Standard - AS4282 (1997) *Control of the Obtrusive Effects of Outdoor Lighting* – to ensure that the lighting effects from developments are acceptable. That standard has been compared to the spill light standards in the District Plan and the differences are not sufficiently great that adverse effects from spill light are likely in Selwyn District. AS4282 (1997) is however under review, and a joint Australian and New Zealand standard is expected to be released for public consultation before the notification of the Proposed District Plan. The joint standard should be reviewed to ensure that any spill light standards adopted in the Proposed District Plan will continue to not result in adverse effects beyond site boundaries.

#### ***Updating provisions to manage glare***

The District Plan does not currently contain measureable standards to control glare, but instead relies on permitted activity conditions in Living and Business Zones that require that fixed exterior lighting is directed away from adjacent properties and roads. Discussions with Council staff identified issues with the rule condition, particularly in situations where there is screening (such as a fence) between the light source and the adjacent property which significantly reduces the potential for glare.

While glare standards are available (for example, in AS4282), these are complex to calculate and are not suitable for inclusion as permitted activity conditions. The existing condition relating to the positioning of light sources is a simpler way of addressing the issue, and is largely effective, although it could be adjusted to recognise the effects of permanent obstructions (such as fences) between light sources and adjacent properties.

### 3.4 Effectiveness of West Melton Observatory provisions

The Observatory has operated from its Bells Road site since 1968 and the Lighting Area defined in the District Plan planning maps has been in place since approximately 2000. There are a number of relatively minor matters identified in the Lighting and Glare Baseline Report in relation to the provisions that could be corrected in the Proposed District Plan, in order to ensure that the existing objective and policy cascade, which is considered to be appropriate, flows through to the rules, particularly in West Melton itself.

In relation to the Lighting Area, the International Commission on Illumination (CIE) has published guidelines for managing night glow in the vicinity of observatories. The Lighting and Glare Baseline Report noted that a review of the latest version of those guidelines (*Guidelines for Minimizing Sky Glow* CIE 126-1997) could be undertaken to check that the extent of the Lighting Area defined on the planning maps (which is currently 5km in radius) remains appropriate. That review has now been completed.

CIE 126-1997 outlines a series of 'environmental zones' that describe the level of light likely to be experienced. The Observatory is considered to be located in an area that corresponds to environmental zone E2 (Areas of 'low district brightness': generally outer urban and rural residential areas (where roads are lit to residential road standard)). CIE 126-1997 also includes recommendations for minimum distances to zone borderlines from any given point. In the case of the Observatory, CIE 126-1997 recommends that, at a minimum, a distance of 1km separate it from areas of 'middle district brightness', generally urban residential areas (where roads are lit to traffic route standard), which it is considered is likely to be an adequate description for West Melton and the other settlements close by. In order to ensure favourable observational conditions, CIE 126-1997 recommends that the distance be doubled, to 2km. Areas of 'high district brightness', generally urban areas having mixed residential and commercial land use with high night-time activity, should be located 10-20km away from an observatory.

The Observatory is located approximately 1.5km away from the outskirts of West Melton, 8.5km from the Izone Business Park at Rolleston, and 11km from the outer edge of the Christchurch metropolitan area (at Islington). While the West Melton Observatory Lighting Area could be reduced to 2km in size for consistency with CIE 126-1997 this would mean that the current rules requiring measures to be taken to reduce illumination at night to reduce effects on the Observatory would only apply over the 500m of West Melton closest to the Observatory. The rest of the settlement would not have these requirements. This approach would not be an efficient way of managing the issue.

Further afield than West Melton, both Rolleston and Christchurch are closer than is ideal for astronomical observation purposes, but there is no jurisdiction to control lighting on the

outskirts of Christchurch, and the significant effect of Christchurch as a light source is likely to mean that applying any controls to Rolleston would be ineffective overall.

It is therefore recommended that the West Melton Observatory Lighting Area be maintained at its current size. The provisions included in the District Plan that relate to the Lighting Area have provided a useful prompt to consent applicants within the existing Lighting Area where developments have triggered the need for resource consents, although they are not generally the sole reason that a consent is required.

### 3.5 Whether night glow provisions are necessary

The Lighting and Glare Baseline Report noted that the Ashburton and Waimakariri District Plans included policies relating to the management of night glow in rural areas and suggested that a similar approach could be considered for the Proposed District Plan.

Further work has been done internally at Council and by Stantec in relation to this issue. While the Mahaanui Iwi Management Plan identifies celestial darkness as an important issue, night glow effects in many parts of Selwyn District will be dominated by the presence of the Christchurch metropolitan area to the east.

The Waimakariri District Plan is currently under review and it is not clear whether the current policies will be maintained. Like Selwyn District, a significant proportion of Waimakariri will be dominated by the night glow effects of the Christchurch metropolitan area. By contrast, Ashburton District's distance from Christchurch means that it is an inherently darker district than Selwyn and policies to maintain this are therefore considered appropriate in that District Plan.

As the issue is not seen as particularly significant for Selwyn District, but has been noted in the Mahaanui Iwi Management Plan, in order to gauge whether night glow is an issue for the Selwyn District community at large, it is recommended that it be noted as a potential issue in the Proposed District Plan, but without the inclusion of specific policies to address it. Policies can be included if sufficient submissions are received raising it as an issue.

### 3.6 Other matters

The Lighting and Glare Baseline Report included detailed analysis of the current spill light standards in the District Plan, and the effects of illuminated signage. The ease with which lighting effects could be monitored and measured was also reviewed. The Baseline Report concluded that there were no significant issues in relation to these matters, and a broad summary of this analysis is included in Appendix 3.

## 4.0 Summary of relevant statutory and/or policy context and other background information

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

The Mahaanui Iwi Management Plan 2013 includes some provisions relevant to lighting and glare, including Ngā Kaupapa/Policy R2.1: *To support the use of light suppression or limitation measures to protect celestial darkness values in some areas*. The explanation to the provisions identifies a particular issue with respect to potential lighting effects on the tuna harvest at Te Roto o Wairewa (Lake Forsyth).

There are New Zealand Standards relevant to the lighting requirements of particular activities, such as AS/NZS1158 (Lighting for Roads and Public Spaces) and AS/NZS1680 (Interior and Work Space Lighting) but these standards do not consider the effects of that lighting on other sites. As noted in section 3 of this report, AS4282 is the most relevant available standard, and it is anticipated that this will be updated and released as a joint AS/NZS standard shortly.

## 5.0 Summary of alternative management responses – Other Districts

Currently different approaches are taken across Selwyn District Council and the four adjoining district or city councils with respect to plan provisions for lighting and glare. Selwyn, Ashburton and Hurunui Districts take a consistent approach of including policies relating to lighting and glare within the rural and urban (including business where specific policies are included) sections of their plans. Waimakariri District and Christchurch City include policies where relevant in specific sections of the plans (for example in the Open Space chapter of the Christchurch District Plan) but have a separate lighting section where most of the policies are located.

Each of the adjacent district plans include spill light standards, although there are wide variations in the standards (which may in part reflect the age of the plans). Most of the plans include different standards for rural and living areas, with a much more complex approach adopted in Christchurch reflecting the more complex development patterns within the metropolitan area.

## 6.0 Summary of stakeholder engagement during drafting of Baseline Report

Stakeholder engagement was undertaken with Mahaanui Kurataio, Federated Farmers, NZ Transport Agency, Fonterra, Synlait, Porters Ski Area and the Canterbury Astronomical Society during the drafting of the Lighting and Glare Baseline Report.

Feedback was received from all parties except Porters Ski Area and the Canterbury Astronomical Society before the Lighting and Glare Baseline Report was finalised, and some minor adjustments were made to the report as a result of the feedback.

### 6.1 Night glow

Fonterra's feedback on the Baseline Report noted the safety requirements applying to lighting at its Darfield site, and expressed some concern that provisions relating to night glow could cause



health and safety issues. Synlait expressed similar reservations about any changes being made to provisions relating to night glow in rural areas.

Further work on this issue has been carried out, as outlined in section 3.5 above. It is recommended that the significance of the issue to the Selwyn District community overall be gauged through the notification of the Proposed District Plan, and that specific provisions only be included if there are substantial numbers of submissions that raise night glow as an issue. In relation to the comments made by Fonterra and Synlait, both companies operate within Dairy Processing Management Areas, which have a set of bespoke rules to provide for the activities on the sites, including the lighting necessary for their operations.

## 6.2 West Melton Observatory

The Canterbury Astronomical Society (the CAS) provided comments once the final Lighting and Glare Baseline Report had been sent to them. The CAS expressed support for the current approach to lighting around the Observatory and commended the cooperation it currently receives from the surrounding community. The CAS suggested that the Council consider the requirements for cut-offs for lighting close to the Observatory, where the shape of the cut-off incorporated in a light can significantly reduce upward waste light, glare and ground reflection, and that the light spectrum for any LED lighting also be considered. These technical matters can be taken into account during the drafting of plan provisions.

## 6.3 Summary

Overall the parties consulted with were comfortable with the conclusions of the report and all wish to remain involved in the process of drafting provisions for lighting and glare for the Proposed District Plan.

# 7.0 Summary of Options to address Issues

## 7.1 OPTION 1 – MAINTAIN STATUS QUO

Under this option, the existing provisions for the management of lighting and glare would be maintained.

### ***Effectiveness in Addressing Issue:***

While the lighting and glare provisions in the District Plan are largely effective, a rollover of the current provisions would maintain the clarity and consistency issues outlined in Section 3.0 and is therefore considered ineffective.

### ***Risks:***

There would be a lost opportunity to improve the efficiency and effectiveness of management of effects of lighting and glare in the District if the existing provisions were rolled over.

### ***Budget or Time Implications:***

This would be the most cost and time efficient option in the short-term for the Council, but rolling over the existing provisions could result in some costs for resource users in terms of confusion, and potentially to some effects on the West Melton Observatory due to the inconsistency in the township and rural provisions that apply in the immediate vicinity.

***Stakeholder and Community Interests:***

All District residents, major commercial and industrial sites, NZ Transport Agency, Canterbury Astronomical Society.

***Recommendation:***

Do not maintain the status quo.

## 7.2 OPTION 2 – UPDATE LIGHTING AND GLARE PROVISIONS TO IMPROVE CLARITY AND CONSISTENCY AND CORRECT ERRORS

Under this option, the general approach to the management of lighting and glare would be maintained, but the provisions would be updated to ensure they are consistent and clear, and a number of minor errors that have been identified would be corrected, as follows:

- The policies and rules relating to lighting and glare be updated to ensure that they are clear, consistent and do not overlap;
- Inconsistencies between the Council's Engineering Code of Practice and the District Plan in relation to management of spill light and glare be resolved;
- That if a joint Australian and New Zealand standard on obtrusive effects of outdoor lighting is released in the near future, the District Plan spill light standards be reviewed to ensure they will continue to not result in adverse effects beyond property boundaries;
- Rule standards relating to management of glare be amended to recognise the role of permanent obstructions in reducing glare effects;
- The West Melton Observatory provisions be retained in the Proposed District Plan, but that minor amendments be made to ensure that objectives and policies are reflected in rules and to correct minor errors;
- Night glow be described as a potential issue in the Proposed District Plan, but specific policies not be included unless submitters raise it as a significant issue.

***Effectiveness in Addressing Issue:***

Updating the provisions would address the issues identified in section 3.0 of this report, while maintaining the current relatively effective approach.

***Risks:***

The principal risk with this option is that the required consistency and clarity cannot be obtained, but this can be addressed by careful plan drafting.

***Budget or Time Implications:***

This option will incur some time and cost to Council in preparation of an updated set of provisions, but will reduce the cost of any confusion to resource users caused by the current provisions.

Clarifying some matters relating to management of glare in residential areas may reduce costs to Council of compliance responses to complaints, by providing a clearer approach to the issue.

Correcting the errors in the lighting provisions applied to manage effects on the West Melton Observatory may have some cost implications for new residential uses in West Melton (where the provisions do not currently apply), but these costs can be factored in to any new development and will not apply to existing land uses.

***Stakeholder and Community Interests:***

All District residents, major commercial and industrial sites, NZ Transport Agency, Canterbury Astronomical Society.

***Recommendation:***

Proceed with the option of updating the lighting and glare provisions to improve clarity and consistency and correct errors.

## 8.0 Summary of stakeholder engagement during drafting of the Preferred Option Report

A draft of the Preferred Option Report was sent to each of the stakeholders who had provided feedback on the Baseline Report. Feedback was received from Mahaanui Kurataiao Ltd, Fonterra, Synlait and the Canterbury Astronomical Society. The NZ Transport Agency responded that it had no comment on the report.

Mahaanui Kurataiao Ltd noted that the Mahaanui Iwi Management Plan contained two policies relevant to considering lighting and glare issues in Selwyn District, and that updating the lighting and glare provisions to improve clarity and correct errors would be more consistent with the Mahaanui Iwi Management Plan. Mahaanui Kurataiao Ltd also noted that Ngā rūnanga may wish to identify particular areas where celestial darkness should be protected.

By contrast Fonterra and Synlait's feedback continued to express concern about any change to the District Plan's current approach to the management of night glow. Fonterra recognised that the community would have a chance to express an opinion when the Proposed District Plan was released. Synlait stated that it did not consider night glow to be a significant issue that requires intervention and management in the Rural Zone and that it would be opposed to any new policy on night glow. Both Fonterra and Synlait supported the preferred option expressed in section 7 of this report.

The Project Team recommends that the approach to night glow is discussed further with Ngā rūnanga to determine whether there are areas other than Te Roto o Wairewa that are important for celestial darkness. It is also important that the community's views on night glow are taken

into account (for example when draft plan provisions are consulted on) before making a final determination about any policy approach, as acknowledged by Fonterra.

The Canterbury Astronomical Society provided feedback commending Selwyn District Council on the controlled lighting zone around the observatory at Bells Road and providing further technical information in relation to street light cutoffs and the colour temperature of any LEDs installed in the district. These technical matters will be considered by the Project Team during the drafting stage.

## 9.0 Preferred Option for further engagement

The Project Team recommends that Option 2 as outlined in section 7.0 above is endorsed by Council for further development.

## Appendix 1 – Lighting and Glare Baseline Report

Link to Report:

[Lighting and Glare Provisions and Best Practice \[PDF, 589 KB\]](#), September 2017

## Appendix 2 – Lighting and Glare Technical Report

Link to Report:

[Obtrusive Lighting Effects of Outdoor Lighting \[PDF, 846 KB\]](#), 17 August 2017

## Appendix 3 – Other Matters from Lighting and Glare Baseline Report

This Appendix provides a broad summary of analysis contained in the Lighting and Glare Baseline Report in relation to relevant matters that did not present significant issues – the current spill light standards, effects of illuminated signage and monitoring and measurement of lighting effects.

### Spill light standards

Spill light standards of between 3 and 10 lux are contained in permitted activity conditions in the District Plan, depending on the zoning of the site that is emitting light, and the zoning of the site receiving the spill light. There are currently no New Zealand standards that are directly relevant to the effects of lighting on sites other than the site that is being lit. There is an Australian Standard - AS4282 (1997) *Control of the Obtrusive Effects of Outdoor Lighting* – which is the reference that many lighting engineers in New Zealand also use. The Lighting and Glare Baseline Report compares the standards contained in the District Plan with AS4282 and concludes that the minor differences between the two documents are not significant in terms of effects. AS4282 is currently under review. One aim of the review is to release a joint Australian and New Zealand standard in the near future. If this standard is released before the Proposed District Plan is ready for notification, the standard should be reviewed in order to evaluate its applicability within Selwyn District.

The District Plan provisions were discussed with the Council's consents and compliance staff. Complaints about adverse effects from lighting are relatively rare (occurring at a rate of one every couple of years). Complaints are nearly always from residential areas, but tend to be difficult to resolve because they arise from residents who expect that living in a more rural district will mean that they will experience lower ambient light levels, even within the District's settlements. Non-compliance with the District Plan spill light standards has generally not occurred, even when complaints have been received. By and large no issues were identified with measuring spill light in response to complaints, but questions were raised by Council staff about whether all spill light is a problem, or whether spill light that does not reach a residence is still an issue.

The District Plan's light standards are not substantially out of alignment with those of adjacent territorial authorities, significant adverse effects are not occurring and large numbers of consents are not being required for non-compliance with permitted activity standards. On this basis, no changes to the existing light spill standards are recommended, unless any new joint Australian and New Zealand standard sets substantially different requirements.

### Signage

Provisions in the Township Volume of the District Plan permit outdoor signs, provided that they do not have flashing or revolving lights. Illuminated signs in Business and Rural Zones are required to comply with the spill light standards in the lighting and glare rules. Discussions with the consultant for the signage workstream have highlighted that spill light effects from illuminated signage are no different

from spill light from any other light source, and that spill light from illuminated signs are likely to be able to comply with the existing spill light standards (as the purpose of illumination is to light the sign).

## Measurement and monitoring

Direct measurement of spill light is undertaken using a lux meter. Measurement is standardised and simple to perform. The reference in the existing rule standards to horizontal and vertical effects of spill light is best practice and easy to achieve with a lux meter. The Council's consents and compliance staff report no issues with measuring spill light in response to complaints in residential areas.



**7(b) Communications and Engagement Summary Plan – Lighting and Glare**

Author:	Vicki Barker (Barker Planning) and Katrin Johnston (Communications Consultant)
Contact:	021 354366 (Vicki)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Lighting and Glare topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Lighting and Glare – communications and engagement summary plan’

# DW207/Lighting and Glare – communications and engagement summary plan

## Key messages

(as of 6 April 2018)

### Background

- As part of the Council's review of the current District Plan, the provisions relating to effects of outdoor lighting and glare are being reviewed.
- There are three main types of obtrusive outdoor lighting effects that can cause nuisance to nearby residents or users of adjacent areas:
  - Spill light – light that falls beyond the boundary of the property that it's supposed to illuminate
  - Glare – when the light source directs a larger proportion of the total light into the eyes of an observer
  - Night glow – when stray light is scattered into the atmosphere.
- West Melton Observatory has operated from the Bells Road site since 1968. It's located 1.5km away from the outskirts of West Melton, 8.5km from the Izone Busines Park in Rolleston and 11km from the outer edge of Christchurch city. Its lighting area is 5km in radius and has been in place in the current District Plan since approx. 2000.

### Current status

- Current provisions don't clearly differentiate between and address spill light and glare.
- There is inconsistency between the lighting provisions in the District Plan and the Council's Engineering Code of Practice.
- There are no measurable standards to control glare and permitted activity conditions are relied on which need to be revised.
- The Lighting Area and associated provisions for the West Melton Observatory seek to reduce the potential for night glow that could affect the Observatory. For example, subdivision rules include the consideration of lighting options and a specific set of rules in the Rural Volume control the hours of lighting signs and the timing of activities that may result in spill light.
- Currently no provisions for night glow exist.

### About preferred option

- General approach to management of lighting and glare stays the same but provisions are amended to ensure they are up to date, consistent, and clear and don't overlap with the Engineering Code of Practice.
- The size of the West Melton Observatory lighting area remains the same (5km radius), but minor amendments are made to ensure the rules reflect the objectives and policies.
- Continue to not have any specific policies or rules for night glow in the Proposed Plan; however, note this as a potential issue in the Proposed Plan which the Council could consider further if raised by submitters.

## Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	Federated Farmers	Canterbury Astronomical Society	Selwyn ratepayers
	Mahaanui Kurataiao	NZTA	Synlait	News media
			Porters Ski Area Fonterra	Wider public

## Engagement during review phases

Review phases	Internal	ECan	Mahaanui Kurataiao and/or Runanga	Key stakeholders	Landowners /occupiers	General public
Baseline assessments						
Preferred option development						
Preferred option consultation						

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	March	April	May	June	July <sup>4</sup>
ECan	Circulated preferred options report for feedback		Share approved options report and gather any further feedback		
Mahaanui Kurataiao	Circulated preferred options report for feedback		Share approved options report and gather any further feedback		
Key stakeholders	Circulated preferred options report for feedback		Share approved options report and gather any further feedback		
Landowners/occupiers	Circulated preferred options report for feedback		Share approved options report and gather any further feedback		
General public			Approved preferred option report is published on Your Say Selwyn engagement hub		Public consultation as part of Rural Zone
DPC		18 April preferred option report presented			

<sup>4</sup> This plan covers period until public pre-notification consultation on preferred options starts.

**8a. Preferred Option Report – Wild Fire Risk**

Author:	Robert Love (Strategy & Policy Planner)
Contact:	347 1821

**Purpose**

To brief the Committee on the findings of the Wild Fire Risk Baseline Report which sought to better understand the issues in relation to wild fire risk given that the Operative Selwyn District Plan does not contain any provisions to ensure that the risk to life or property from wild fires is appropriately managed.

The purpose of the Preferred Option Report is to provide a summary of the Baseline Report, and to identify issues and options for addressing the management of wild fire risk within Selwyn District.

**Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Options 2A, 2B, 2F and 2H for Wild Fire Risk for further development.”**

**Attachments**

‘Preferred Option Report for Wild Fire Risk’

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

<b>DATE:</b>	<b>18 April 2018</b>
<b>TOPIC NAME:</b>	<b>Natural Hazards</b>
<b>SCOPE DESCRIPTION:</b>	<b>NH004 Wild Fire Risk</b>
<b>TOPIC LEAD:</b>	<b>Robert Love</b>
<b>PREPARED BY:</b>	<b>Robert Love</b>

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p><i>The key issues for this topic are:</i></p> <ul style="list-style-type: none"> <li>- <i>That there are no provisions within the Operative District Plan addressing wild fire risk, and no ability to consider it as a matter of control or discretion when assessing a resource consent.</i></li> <li>- <i>Resource consents have increased the fire risk on properties through inappropriate conditions, which have arisen as a result of the above point.</i></li> <li>- <i>Conflict when balancing the need to allow for defensible space to be created, and the need to mitigate adverse amenity effects through vegetation screening.</i></li> <li>- <i>Selwyn is an area with a significant fire risk with wild fires occurring most years.</i></li> </ul>
<i>Preferred Option</i>	<p><i>Option 2A: All new principal buildings should be setback from existing vegetation stands.</i></p> <p><i>Option 2B: New or replanted plantation forestry should be setback from existing principal buildings and non-rural zones.</i></p> <p><i>Option 2F: Restrict the placement of vegetation near neighbouring principal buildings.</i></p> <p><i>Option 2H: Include in the matters of control and discretion the ability for the Consent Planner to assess the wild fire risk of amenity and landscape plantings.</i></p>
<i>DPC Decision</i>	

## 1.0 Introduction

The Operative Selwyn District Plan does not contain any provisions to ensure that the risk to life or property from wild fires is appropriately managed. This is particularly topical following the Port Hills Fires of 2017. The operative District Plan does not contain any provisions detailing how this risk is to be managed, and in some circumstances could be a proponent in raising the risk to people and property through inappropriate vegetation screening requirements.

While the Port Hills, Malvern Hills and the high country have high levels of fuel loadings and topography that assists in the spread of fire, the sparseness of population means there is a lack of triggers. The high fire risk area of the Selwyn District is within the rural plains area and particularly around 'lifestyle blocks'. These areas tend to have high fuel loadings either due to poor maintenance, or naivety to fire risk, a high value in property and people, and a large amount of triggers. The high risk of this area has been highlighted by the regular occurrence in recent history of wild fires. Given the presence of this natural hazard risk, the District Plan needs to enable the reduction of this risk through appropriate land management.

An additional matter that gives this scope importance and acts as a driver for mitigation, is the effect that climate change is having on fire risk. FENZ data shows that fire risk within the Selwyn, and particularly in the inner plains area, has an increasing trend. The District Plan review process is an ideal time to review the current provisions and situation, and produce mitigation to reduce either risk of fire, or the consequence of one.

Some questions have been raised by the community regarding the potential for conflict between providing a defensible space free of vegetation around dwellings, and District Plan provisions requiring the mitigation of visual effects, often through landscape planting. It is an action of the Selwyn District Council Port Hills Fire Recovery Plan 2017 to consider a package of provisions that specifically address wild fire hazard in high risk areas through the District Plan Review.

The scope of this work is to identify methods available for reducing fire risk to people and property, and consider the appropriateness of including any of these in the proposed District Plan. Consideration will be given to whether the methods would conflict with the amenity mitigation methods in the proposed District Plan and how this conflict can be managed.

Under section 30(1)(b)(i) of the Resource Management Act 1991 (RMA; Act) territorial authorities have the requirement to control the actual or potential effects of the use and development of land including for the purposes of avoidance or mitigation of natural hazards. The Territorial Authority can achieve this through creating rules controlling land use and development within the District Plan. In the proposed District Plan context, this scope of works seeks to achieve this RMA requirement, through identifying defensible space requirements.

Defensible space is considered to be an area around a structure that has been landscaped and maintained in a way to reduce fire danger to the structure. This space improves the chances of people and property surviving a wildfire. This space is also key to the protection of firefighters defending the structure.

This scope of works does not include the specific provision of access for emergency vehicles, water storage, water storage couplings, or the supply of water for firefighting purpose, as this has been covered within the Emergency Services scope of works.

Additionally, this report should be read with the Baseline report prepared for this scope.

## 2.0 Summary of Issues

In summary the issues that arose through this scope investigation are:

- That there are no provisions within the Operative District Plan addressing wild fire risk, and no ability to consider it as a matter of control or discretion when assessing a resource consent.
- Resource consents have increased the fire risk on properties through inappropriate conditions, which have arisen as a result of the above point.
- Conflict when balancing the need to allow for defensible space to be created, and the need to mitigate adverse amenity effects through vegetation screening.
- Selwyn is an area with a significant fire risk with wild fires occurring most years.

## 3.0 Statement of Operative District Plan approach

As previously stated there are no provisions within the Operative District Plan expressly dealing with the creation of defensible spaces around properties. However, below are the provisions most relevant to this Scope.

Rule 2.1.1 allows for certain types of shelter belts and amenity plantings, however none of the permitted standards restrict the location of the vegetation in relation to its proximity to other properties, other than to avoid tree shading. If an activity fails to meet the permitted standards it may be classified as a restricted discretionary activity, which does have a matter of discretion detailing the approval of a fire management plan (2.1.3.6).

Guidance contained within the Operative District Plan states that to mitigate against the risk and spread of wild fires within plantations, fire management plans are required for large plantations. However, the permitted rule for plantations (Rule 2.2.1) has no requirement for a fire management plan to be prepared. Only if an activity breaches a permitted standard is a fire management plan a matter of discretion (2.2.3.9). Additionally, there is no definition of what a 'large' plantation is.

Therefore, given the above two situations there is currently a reliance on an activity breaching a permitted standard before fire risk is considered.

Unfortunately the Plan does not provide any guidance on what a fire management plan should contain.

It is also relevant to note that on sites containing listed protected trees, there is no permissible method of reducing fire hazard other than removing branches less than 50mm in diameter on the lower third of the tree. This may still leave significant fuel for a fire, and any remaining vegetation may act as a ladder for the fire to spread.

Regarding the erection of dwellings and principal buildings, there are no provisions requiring that they be built a certain setback from plantations, or other wild fire risk factors. There is no requirement under the Operative Plan to have a defensible space around the dwelling.

If a building is erected with consent within an Outstanding Natural Landscape (ONL) or Visual Amenity Landscape (VAL) area, then a matter of control or discretion is the landscape planting that will assist in mitigating any adverse visual effects. This matter has been reserved to provide screening or other visual mitigation of built structures within areas of particular landscape significance. Part of the screening may require vegetation within the defensible space area, meaning that consent requirements could be increasing the fire risk to the dwelling.

The District Plan does have indigenous vegetation clearance rules which state that some limited amount of clearance subject to particular conditions is permitted (Rule 9.21.1). On review of the permitted standards, the amount of clearance necessary in order to create a defensible space should not breach the standard, although any clearance within 20 metres of a waterbody needs to be less than 100m<sup>2</sup>/ha.

As already highlighted, consent conditions requiring the screening of built structures with vegetation have the potential to increase the wild fire risk to that property. Consent conditions requiring this vegetation, may prevent the land owner from creating a defensible space. Given this, a review of the relevant resource consents within the Port Hills area was conducted to identify if this situation has occurred.

The review found ten properties within the Port Hills area being subject to consent conditions that cause a significant increase in fire risk to the structure, and an additional ten properties with consents that cause a moderate increase in fire risk. A high risk classification was considered for properties that have their defensible space severely compromised by conditioned landscaping, and moderate risk being properties with some uncertainties on the effectiveness of their defensible space due to potential inappropriate landscaping conditions. This would indicate that historically, when consent applications have been assessed, no fire risk assessment has been made. In the district plan review context, it is important to ensure any proposed screening rules provide an appropriate balance between avoiding any increase the fire risk while still achieving sufficient visual mitigation.

On discussions with SDC Consents staff it was determined that additional matters of discretion to allow for the assessment of fire risk could be included in the proposed plan, rather than a change towards actively requiring specific defensible spaces through new district plan rules.

## 4.0 Summary of relevant statutory and/or policy context and other background information

### 4.1 Canterbury Regional Policy Statement (RPS)

The most relevant provisions of the RPS have been included as an Appendix to the Baseline Report. However, in summary they deal with:

- a) Appropriate land use and development
- b) Protecting ecosystems and indigenous biodiversity



- c) Natural hazard identification and management
- d) Protection of outstanding natural features and other significant landscapes.

The natural hazards chapter (nine) provides the key policy direction when addressing hazard identification and management. The provisions within this chapter seek to avoid inappropriate development that would increase the risk of a natural hazard, or be particularly exposed to a hazard. For instance in reference to this Scope of Works, this stance in the RPS would support the District Council limiting the ability for dwellings to establish near plantation forestry and other wild fire risk factors.

The RPS does provide guidance (Policy 11.3.5) on how the District Council should base its approach when managing natural hazards, with this being achieved through general risk management. Matters to be considered are the likelihood of an event, the potential consequence from an event occurring, and where there is uncertainty a precautionary approach should be adopted. In the context of the District Plan Review, it is therefore considered that for those areas that have a reasonable likelihood of an event occurring and where there is a consequence to either life or property, then at risk activities should be avoided, or where they cannot be avoided mitigated against.

In a wild fire risk management situation, avoidance would be to prohibit the construction of properties in areas where wild fires occur. However, in recent history wild fires have occurred throughout the District not just in traditional high risk areas such as vegetated sloped land. Therefore, it would be unreasonable to attempt to avoid development on hill slopes whilst still allowing development in other areas with comparable risk. The next step is to mitigate against the hazard, and this is primarily achieved through vegetation clearance around structures. However, as the District contains various high value landscapes including outstanding natural landscapes which contain significant portions of biodiversity and high amenity values, vegetation clearance for the purpose of hazard management could come into conflict with RPS policies seeking to protect these landscapes and ecosystems.

Therefore, it becomes a balancing act between ensuring enough of the wild fire risk has been mitigated through appropriate land use and development, and not carrying this out in a way that removes significant indigenous vegetation, affecting the ecosystem, or causes adverse visual amenity and landscape values effects.

## **4.2 Canterbury Land and Water Regional Plan (LWRP)**

Much of the sloped land located within the Selwyn District is likely subject to high erosion risks and as such trigger Rules 5.170-171 of the LWRP. This rule places restrictions on what form of vegetation clearance can occur as a permitted activity. On review of the Rule, any vegetation clearance as required to create a defensible space would be permitted as long as the relevant standards are met. If this Rule cannot not be met, vegetation clearance becomes a restricted discretionary activity under Rule 5.171. The creation of fire breaks either by hand or machinery is considered to be a permitted activity.

## **4.3 Fire and Emergency New Zealand Guidance**

In 2017 the Government merged the urban and rural fire authorities through the Fire and Emergency New Zealand Act 2017, creating Fire and Emergency New Zealand (FENZ).

This Act has seen any responsibility held by the Territorial Authority under the now repealed Forest and Rural Fire Act 1977 removed. This responsibility extended to promoting and carrying out fire control

measures, making by-laws for the purpose of fire control, and keeping and maintaining a fire plan for the district.

FENZ are required to prepare local fire plans under section 22 of this Act. Unfortunately the local fire plan for the Selwyn region is still in a draft phase and was unable to be incorporated into this report. FENZ have stated that the report is due for circulation at the end of April 2018.

It is also relevant to note that FENZ are currently reviewing the Standards addressing water supply for firefighting and access provisions, which when published will need to be incorporated into the Proposed District Plan.

In 2009 the fire service released a revised manual to assist home owners in trying to reduce the risk to their homes from interface fire. The two main subject areas of this manual is guidance on defensible spaces, and on house building materials.

*'Interface fires (where industrial, or residential property is located next to vegetation) can do tremendous damage, result in economic losses, and have significant social impact. Even the best-case scenario involved fire-fighting costs, the loss of adjacent vegetation cover, and some level of inconvenience. The worst case scenario may involve community evacuation, as well as the loss of property and life.'*

*'To reduce the potential of interface fire loss, we must all be more aware of the potential consequences of interface fire and share the responsibility for putting in place practical solutions. Home owners and residents are responsible for providing defensible spaces around their properties.'*

#### Defensible Space guidance

The manual states that the first ten metres around the building is the priority one zone and the most critical area to consider. This area should be a fuel free space to the greatest degree possible which will give firefighters a good chance to save the building. This area should consist of lawns, paths, and drives. Any shrubs, trees, dead braches etc. should be removed. Additionally, this area should also be regularly mown and irrigated.



Figure 1: Fire Smart Home Manual 2009

Past the priority one zone, out to at least 30 metres, the area should not support high amounts of fuel for fires, through thinning and pruning vegetation. Any dead or dying vegetation should be removed as well as any understory litter. The vegetation within these zones should be spaced out by at least three to six metres for at least 30 metres from the structure. Any vegetation within this area should be of a low flammable type.

Past the 30 metre setback in the priority three zone large trees should be well pruned, and all braches less than two metres from the ground should be removed. Litter and potential fire ladders should be removed.

In all areas any vegetation overhanging or within three metres of powerlines should be removed. Any dead or dying tree within a tree length of a power line should be removed. Ideally powerlines should be subterranean.

Defensible space is more important on the downslope from any structure, and greater clearances should be provided for.

The manual also provides guidance on buildings within high hazard areas:

- a) Roof materials should not be wood, but steel or tiles.
- b) External materials should be brick, tin, or hardiplank.
- c) Vents, eaves, and window sills should be enclosed to prevent embers entering openings into the house.
- d) Windows should be over a smaller pane, and either be double glazed, or tempered.
- e) Plastic skylights should be avoided.
- f) Structures should ideally be located on flat slopes.

Whilst this report primarily deals with the creation of defensible spaces through the separation of the structure from fuel sources, embers can ignite a structure from around one mile from the actual fire front. This would indicate that 'hardening' the building is just as important as providing defensible spaces.

Guidance is also given on general garden structures and maintenance:

- a) Non-flammable materials should be considered for decks, trellises, balconies etc.
- b) Firewood should be stored at least 10 metres from the house and not downslope.
- c) Roof litter should be regularly removed to prevent ignition from airborne embers.

Regarding emergency response, the manual states:

- a) Access from the road for large vehicles should be provided, that is clear of overhanging branches. The access should be wide enough for fire engines, and clear four metres either side of the access way.
- b) RAPID numbers should be clearly displayed.
- c) Properties should have water storage/ ponds/ pools with appropriate couplings, good access, and clear signposting.
- d) If possible provide an alternative emergency access point to the property.

Based on the fire risk scoring chart contained within the manual, there is generally not one thing in particular that will result in a high risk situation, but a combination of factors. Some of the higher risk factors were wooden roofing, dense vegetation near the structure, drought conditions, and unirrigated gardens.

#### 4.4 National Environmental Standard – Plantation Forestry

In 2018 Central Government released a NES for plantation forestry activities. On review of this Standard, there are no provisions addressing the wild fire risk of a plantation forestry. However, there are provisions within the Standard addressing other matters which could influence the degree of risk wild fire represents. These being a minimum 10 metre setback to boundaries, and 40 metres to dwellings located on the same site as the plantation.

## 5.0 Summary of alternative management responses – Other Districts

### 5.1 Christchurch City Council (CCC)

The CCC District Plan includes rules requiring property access suitable for firefighting purposes unless it is physically unable to (Rule 8.8.2). The Plan also requires that dwellings provide water to the required firefighting standards, regardless of whether the property is linked with the urban reticulated system, or is on rural supply.

In regard to providing defensible spaces the Plan does have provisions that attempt to provide a defensible space around properties through restricting the location of plantations by requiring them (Rule 17.4.2.8) to be at least 30 metres from existing residential units, building areas, or boundaries with residential zones. The Plan also includes setbacks for new dwellings and sensitive activities from plantation sites, with the required setback distance being 30 metres. These rules are limited to separation from plantations and do not require separation from other plantings.

The Christchurch District Plan does not address vegetation clearance as necessary to provide wild fire mitigation.

The Rural Zone rules include a requirement that dwellings be erected on 'identified building areas' however the assessment matters for this do not require consideration of fire risk.

### 5.2 Ashburton District Council (ADC)

The ADC has not dealt with managing wild fire risk through the creation of mandatory setbacks between buildings and forestry. The only provisions that deal directly with fire, are provisions requiring adequate water supplies in compliance with New Zealand Standards. Indirectly, some of the site standards for the rural section will aid in mitigating wild fire risk. For instance residential buildings are required to be at least 20 metres from boundaries, this increases to 25 metres for commercial, accommodation, and retail buildings. However, tree planting provisions do not provide any mitigation, with the standards only requiring a separation of 2.5 metres to any internal boundary.

Furthermore, no specific vegetation clearance rules in relation to managing fire risk exist in the plan, only standard rules managing clearance in high value areas.

### 5.3 Hurunui District Council (HDC)

The proposed Hurunui District Plan does not have any direct rules addressing wild fire risk, but the HDC have included provisions requiring setbacks for new forests. New forestry and wood lots are required to be setback at least 50 metres from a dwelling or principal building on a separate lot, and new dwellings are required to be located at least 50 metres from forestry plantations on a separate lot. Forestry is also required to be setback from any boundary by at least 10 metres.

Under the vegetation clearance rules, there is a permitted standard for vegetation clearance for the purpose of creating a firebreak, and when trees endanger human life, structures or utilities. Although the latter is most likely in regard to immediate risk from falling trees rather than from a potential fire risk aspect.

### 5.4 Marlborough District Council – Proposed Marlborough Environmental Plan (MDC)

Commercial forestry is permitted subject to certain standards being met such as planting not occurring within 100 metres of any land zoned urban residential, rural living, or coast living, within 100 metres of a habitable structure or accessory building on any adjacent land under different ownership

Habitable structures or associated buildings within the Rural Zone are required to have a fire safety setback of 100 metres from any existing commercial forestry, woodlot, conservation planting, or carbon sequestration forestry on any adjacent land under different ownership (Rule 3.2.1.7). Furthermore, the standard specifies that any planting should be 30 metres from a formed and sealed public road (Rules 3.3.6 (3.3.6.2) & 3.3.8 (3.3.8.2), & 3.3.10 (3.3.10.1)).

Authority	Forest setback from existing dwelling	Dwelling setback from existing forest	Setback from roads	Forest Setback from boundaries
CCC	30 metres	30 metres	Nil	Nil
ADC	Nil	20 metres (to boundary rather than forest)	Nil	2.5 metres
HDC	50 metres	50 metres		
MDC	100 metres	100 metres	30 metres	N/A
NES-PF	40 metres (on same property)	N/A	N/A	10 metres

Table 1: Setback summary table

## 6.0 Summary of stakeholder engagement

Mahaanui Kurataiao Ltd (MKT), Environment Canterbury and Fire and Emergency New Zealand were all approached for comment.

MKT and Environment Canterbury's comments have been included and/or incorporated into the Baseline Report. Both parties had no issues with the proposed preferred options, other than MKT wishing to have some involvement in the resource consent process where this involves vegetation clearance and replacement. This was requested to be in the form of engagement or notification.

A Fire and Emergency New Zealand representative, Tim Mitchell (National Manager Advisor Rural Operations) provided comment on this scope of work, which have been incorporated into this preferred options report. Overall FENZ are supportive of the recommended preferred options. In summary some of the matters raised were:

- The need to control plantations, shelter belts, natural stands and scrub vegetation.
- The potential for a high fire risk overlay to be inserted into the District Plan as guidance to residents.
- The importance of addressing fire risk when risk is constantly increasing due climate change.
- The need to consider fire risk as part of the typical environmental effects assessments for resource consent applications for certain activities.
- Where possible not allow for poor access outcomes which inhibit FENZ's ability to fight the fire.

## 7.0 Summary of Options to address Issues

### 7.1 OPTION 1 – Status Quo

This option would see the very limited existing provisions dealing with wild fire risk remain. This would include the current consent assessment regime that has no ability to consider fire risk, and has resulted in instances where consent conditions have increased the fire risk of properties due to screening requirements. Furthermore, there are no restrictions on the location of plantation forests in relation to sensitive sites. For these reasons this option is not recommended.

### 7.2 OPTION 2 – New and Amended Provisions

This option includes a suite of potential amendments that can be altered (e.g. setback distances) and adopted separately from one another.

In addition to the recommended options, it is recommended that all of the current relevant provisions within the Operative District Plan be revised and amended to improve clarity and coverage. For instance clearly defining when a fire management plan is required, and what a 'large' plantation is. On this point FENZ has recommended that all plantations over 20 hectares should be classified within this category.

On the topic of fire management plans it is recommended that these be required for all non-rural businesses located within the rural zone, including rural based industrial activities and 'other' industrial activities, or at the very least for fire risk to be considered as a matter of discretion. An example of a rural based industrial activity having a fire risk that needs to be considered is composting, where under particular circumstances can ignite.

A point of clarification which needs to be made for the below options is what type of building should these options apply to. Should it only be certain types of buildings such as dwellings, commercial buildings, sensitive activities, or should all buildings be included. It is recommended that only buildings used for sensitive activities, commercial buildings, and dwellings should be incorporated into the setback provisions, with accessory buildings excluded.

Clarification of the extent to which the rules addressing vegetation separation and/or clearance for fire risk mitigation purposes is also required. A broadbrush rule would likely include too much vegetation and

would be unworkable. It is therefore recommended, with the support of FENZ, that when considering separation distances involving vegetation that only plantation forestry, shelter belts, natural stands, and scrub land containing species such as gorse and broom be included. Whilst this method will not cover all areas of vegetation with an inherent fire risk, it should address the majority. An additional issue is about term usage and clarity, as these terms can be subjective. This issue would need to be addressed through the provision of clear guidance and definitions, which will be developed through the drafting stage.

#### **Option 2a: Setbacks from new principal buildings to existing vegetation**

This option has two components, the first being the setback to existing plantation forestry, and the second being the setback to existing significant vegetation.

##### **Setbacks to existing plantation forestry**

A rule such as this would provide for a defensible space between the principal building and an existing plantation forestry. The size of this setback is open to debate, but 30 metres may be an appropriate distance given the FENZ guidance and the distance used by the Christchurch City Council. In regard to the last point, consistency across territorial boundaries is important as operators will be working within both Districts.

The setback distance should be measured from either the stump line or the dripline of the trees, whichever is nearer.

This distance will allow for the creation of a defensible space which is adequate to help prevent the spread of fire from forestry to neighbouring structures.

##### **Setbacks to existing significant vegetation**

Whilst a buffer between new buildings and significant stands of existing vegetation would be beneficial in managing the potential wild fire risk, there is a complication as to what constitutes a significant stand of vegetation. This aspect is subjective and open to interpretation. Regardless of this, this aspect should still be further investigated as a rule controlling this matter in some form is recommended.

#### ***Effectiveness in Addressing Issue:***

These rules would be effective in allowing for the creation of a defensible space by requiring buildings to be setback from significant areas of vegetation. However, it does rely on the landowner maintaining that 30 metre buffer in an appropriate manner to reduce wild fire spread.

As stated above, there is a difficulty in determining what a significant area of vegetation is, to broad of an interpretation could see all vegetation included, and to specific of an interpretation could see a minimal amount of vegetation considered.

#### ***Risks:***

These rules would only allow for a defensible space to occur, it does not require that a defensible space be created, as it will be up to the individual landowner to manage the 30 metre space. If the space is inappropriately managed then wild fire can spread over this buffer.

***Budget or Time Implications:***

This option will require the drafting, consultation, and testing of provisions, and further investigation as to what vegetation should be included in the second part of this option.

***Stakeholder and Community Interests:***

These options will see the restriction on the location of buildings on landowner's properties, this directly affects the landowner's ability to develop their land.

***Recommendation:***

This option is recommended for further investigation and development.

**Option 2b: Setbacks of new or replanted forestry to principal buildings and non-rural zones**

As per the above option, a rule within the district plan would assist in keeping a suitable distance between plantation forests and existing buildings (excluding accessory buildings) and non-rural zones. The distance of this setback should be consistent with the value adopted in Option 2a.

***Effectiveness in Addressing Issue:***

As per the previous option this would allow for a defensible space to occur between plantation forestry and principal buildings. This option would seek to avoid the establishment of a plantation forestry activity near a building, which would subsequently increase fire risk on that party.

***Risks:***

This option does not require that a defensible space is created, but only allows for the opportunity for one to be created. It is up to the landowner to maintain the buffer area in an appropriate manner.

***Budget or Time Implications:***

This option will require the drafting, consultation, and testing of provisions.

***Stakeholder and Community Interests:***

This option has a particular effect on owners and operators of plantation forestry activities, as this will restrict the amount of land available to them to plant trees.

***Recommendation:***

This option is recommended for further investigation and development.

**Option 2c: Setback between principal buildings and internal boundaries**

This option goes further than the previous two options in that a rule would require a 30 metre setback for any principal building from any internal boundary rather than just from a forestry planation.

***Effectiveness in Addressing Issue:***

This option would be effective in allowing for the opportunity for a defensible space to be created.



**Risks:**

This option does not require that a defensible space is created, it only allows for it to occur.

**Budget or Time Implications:**

This option will require the drafting, consultation, and testing of provisions.

**Stakeholder and Community Interests:**

This option would restrict the ability of the land owner to place a building on their site.

**Recommendation:**

This option is not recommended as it may unnecessarily restrict land development when no heightened fire risk exists (neighbouring land may be bare). It is favourable to use setbacks described in Option 2a & b, where a tangible risk actually exists.

**Option 2d: Setback between new or replanted forestry to boundaries**

A setback of 10 metres from boundaries would be consistent with the NES-PF which already requires the same setback. Given this, any provisions requiring the same would be duplication and possibly create confusion with other recommended setback options.

**Effectiveness in Addressing Issue:**

This option would not be effective as guidance states that at least a 30 metre setback is required for a defensible space to be created. Furthermore, a provision such as this would create confusion and inconsistency in the plan.

**Risks:**

As per the above statement.

**Budget or Time Implications:**

This option will require the drafting, consultation, and testing of provisions.

**Stakeholder and Community Interests:**

Provisions would be a duplication with NES-PF guidance, and could cause confusion to forestry operators.

**Recommendation:**

This option is not recommended.

**Option 2e: Setback between new dwellings (buildings) and any road boundary**

It is common within the Selwyn District to have shelter belts/ amenity plantings located along the road frontage. Unfortunately these plantings usually consist of highly flammable plant species, and quite often are ignited through various reasons. This option considers if it is appropriate to also place a setback from

the building to road boundaries, and should this rule only apply where boundaries have shelter belts/ amenity plantings.

***Effectiveness in Addressing Issue:***

This option would only be as effective as those preceding it in that it only allows for defensible space to be created, not requires it.

***Risks:***

As above.

***Budget or Time Implications:***

This option will require the drafting, consultation, and testing of provisions.

***Stakeholder and Community Interests:***

This option would restrict the ability of the landowner to develop their land.

***Recommendation:***

This option is not recommended as these shelter belts/ amenity plants tend to be located on the same property as the dwelling/building in question, and given this any adverse effect arising from an increase in wild fire risk would be the property owner and should be disregarded. If the amenity planting/ shelter belt is located on the road reserve then the development would trigger option 2a.

**Option 2f: Provisions restricting the placement of amenity plantings and shelter belts within 30 metres of existing buildings (dwellings)**

This option addresses the potential for a reciprocal setback to that suggested in Option 2e. This setback would apply to any new shelter belt or amenity plantings. Any setback distance considered under a provision such as this should be consistent with the other setbacks distances. This option does have another part, in that it would restrict the placement of vegetation near another person's building so as to not increase the wild fire risk on them.

***Effectiveness in Addressing Issue:***

This allows for defensible space to occur, but does not require it. This option will see the restriction on the ability for landowners to plant near neighbouring buildings which would then increase the fire risk.

***Risks:***

As per above, this option does not require defensible space. Additionally there is an element of uncertainty as to what type of vegetation should be included in the provisions.

***Budget or Time Implications:***

This option will require the drafting, consultation, and testing of provisions. This option would also require further investigation as to what type of vegetation should be included in the provision as per Option 2a.

***Stakeholder and Community Interests:***

This options restricts the ability of a landowner to plant on their property.

***Recommendation:***

This option is partially recommended. The part that is not recommended is the restriction on the placement of vegetation on a person's own property in relation to their own buildings, and the part that is recommended is the restriction of the placement of vegetation in relation to neighbouring dwellings/buildings. However, a rule dealing with this issue would be difficult to enforce. Further guidance as to what would be covered under such a rule would need to be developed.

**Option 2g: Restricting the placement of buildings**

This option would see the introduction of provisions that would restrict or prohibit the construction of buildings within areas deemed to be at significant risk to fire either due to geographical or vegetation reasons.

***Effectiveness in Addressing Issue:***

This option would not be effective as the whole Selwyn District has a fire risk, and particularly around 'lifestyle blocks' located on the Plains. Development cannot reasonably be restricted across the whole District.

***Risks:***

There is risk of backlash from the public if the Council were to declare a particular area as having a lower fire risk, then for a fire to occur within that area causing damage and/or loss of life.

***Budget or Time Implications:***

This option will require significant cost and time to map and identify areas.

***Stakeholder and Community Interests:***

The mapping of particular areas as high fire risk zones would have an effect on property values and future development potential.

***Recommendation:***

This option is not recommended as it would require an overlay to be created, which comes with its own difficulties in identifying appropriate sites, and then justifying why the subject land could not be built on or that certain restrictions pertaining to managing wild fire risk apply. Such an overlay would be time consuming, expensive, and contentious. Furthermore, guidance from FENZ has stated that the entire Plains area is an area of particular fire risk, and an overlay covering the entire district would not achieve the intended outcome.

**Option 2h: Additional matters of control and discretion for activities requiring consent.**

This option would see the inclusion of additional matters of control and discretion for land use consents relating to the consideration of wild fire risk. In essence this would allow a Consents Planner when assessing a land use consent for a building to assess the fire risk by examining the layout of the landscaping

and the plants used. Presently, there is no ability to make this assessment. However, this option would only capture activities which have triggered consent requirement

***Effectiveness in Addressing Issue:***

Previously resource consent conditions have resulted in situations where the restrictions placed on the development has increase the fire risk to the property. This option would enable a Planner to consider wild fire risk as part of their assessment which will allow them to either avoid increasing the risk through inappropriate conditions, or by seeking amendments to the development to lower the risk.

***Risks:***

A risk that exists is that once a wild fire risk assessment has been made, a determination will need to be made as to what degree of detail and restriction should be included in consent conditions.

Essentially, does the Council just want to be able to make sure landscape plantings are positioned in an appropriate location, and uses plants with low flammability, or to require a land owner to adhere to the FENZ guidance on defensible spaces.

This option could see another layer of complexity added when assessing a resource consent application which may have time and cost implications for the applicant.

***Budget or Time Implications:***

This option will require the drafting, consultation, and testing of provisions.

***Stakeholder and Community Interests:***

This option would see the Council take a more active role in managing wild fire risk at the resource consent stage which could see more information being required in the application, or potential amendments.

***Recommendation:***

It is recommended that the matters of control and discretion are extended to include the ability to consider wild fire risk, so the proposed location and type of landscape plantings can be assessed. It is not recommended to extend powers to require a land owner to create a defensible space around their property. This option will give Consent Planners more ability to make appropriate assessments in regard to managing wild fire risk.

**Option 2i: Provisions controlling the use of certain plants**

This option would see the inclusion of provisions within the district plan restricting the use of certain plants in particular locations around a property, and would only allow fire resistant species to be used.

***Effectiveness in Addressing Issue:***

This option would be effective in addressing the fire risk for new development and from new vegetation, however it would be too unwieldy to enforce this across the district.

***Risks:***

Fire risk would still exist from existing situations, and from the inability to monitor district wide new development.

***Budget or Time Implications:***

This option will require the drafting, consultation, and testing of provisions.

***Stakeholder and Community Interests:***

This option would affect all land owners seeking to plant new vegetation.

***Recommendation:***

This option is not recommended as it could be seen as too draconian and impinging on the rights of the land owner. The amount of resources required to ensure compliance would be unreasonable. Furthermore, this aspect is more appropriately dealt with as a matter of control and discretion rather than as a rule provision on its own.

**Option 2j: High Fire Risk Overlay (for information purposes only)**

This option would see the inclusion of a high fire risk overlay within the District Plan and would serve as a information guide for landowners only. This overlay will be based on the data provided by FENZ.

***Effectiveness in Addressing Issue:***

This option would not be effective in directing development, as no rules or policy would directly relate and give it power. The overlay would primarily be for the sake of providing information, and therefore the District Plan may not be the most appropriate place for it.

***Risks:***

As per Option 2g, fire risk exists across the district, and an overlay may result in a false sense of security for some landowners falling outside of the 'high risk' area. This may adversely influence the behaviour of some landowners who may not then take the appropriate defensible space actions.

***Budget or Time Implications:***

Whilst this overlay is being prepared by FENZ some cost may be involved in refining it for the District Plan. This option will require the drafting, consultation, and testing of provisions.

***Stakeholder and Community Interests:***

This option would affect all land owners within the District, with some taking an exception to being located within a 'high risk' area and the effect that it may have on their land value.

***Recommendation:***

This option is not recommended as an overlay would only be for information purposes and would not directly manage wild fire risk.

## 8.0 Conclusion

The scope of this work is to identify methods available for reducing wild fire risk to people and property, and consider the appropriateness of including these in the Proposed District Plan. Consideration of whether the methods are likely to conflict with the amenity and/or landscape mitigation methods in the Proposed District Plan and how this conflict can be managed is also required.

When considering what constitutes an appropriate control, an assessment that balances between providing adequate measures while not being unduly onerous needs to be made. For instance, the requirement to create 30 metre defensible spaces around all dwellings may adequately address the wild fire risk, but could be seen as over regulation by the Council. A more measured approach may be appropriate where the Council controls the location and types of landscape amenity plantings that are required as part of the consent, while giving the land owner the freedom to clear the rest of the land for a defensible space rather than require it.

## 9.0 Preferred Option for further engagement

In summary the recommended options for further development are:

- Option 2A: All new principal buildings should be setback from existing vegetation stands.
- Option 2B: New or replanted plantation forestry should be setback from existing principal buildings and non-rural zones.
- Option 2F: Restrict the placement of vegetation near neighbouring principal buildings.
- Option 2H: Include in the matters of control and discretion the ability for the Consent Planner to assess the wild fire risk of amenity and landscape plantings.

This option also includes:

- Revision of the policies and existing rules for the sake of clarification and coverage.
- Further investigation as to what types of vegetation should be included

Furthermore, the preferred options which include building separations, 'buildings' shall only include dwellings, commercial buildings, and sensitive activities. Accessory or utility structures should be excluded.

## Appendix A: NH004 Wild Fire Risk Baseline Report

Link to report:

[Wild Fire Risk \[PDF, 1672 KB\]](#), March 2018

**8(b) Communications and Engagement Summary Plan – Wild Fire**

Author:	Robert Love (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Wild Fire Risk topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Wild Fire Risk – communications and engagement summary plan’



## NH004 Wild Fire Risk – communications and engagement summary plan

### Key messages

(as of 6 April 2018)

#### Background

- A major review of the Selwyn District Plan is now under way. This includes a review of provisions, or lack thereof, for the management of wild fire risk in the Rural Zone to determine whether they are relevant or sufficient.
- While the Port Hills, Malvern Hills and the high country are potentially at higher wild fire risk due to their topography and vegetation densities, the sparseness of population means fire is less likely to be triggered.
- On the other hand, the rural plains within the District and particularly 'lifestyle blocks' are also at high fire risk due to vegetation densities caused by poor maintenance and/or not understanding the fire risk, but the higher population density increases the likelihood of a fire being triggered.
- The high risk has been highlighted recently by the regular occurrence of wild fires. Wild fire being a fire occurring in an area of combustible vegetation within a rural area. For reference a man-made fire would be one which is deliberately lit for a purpose such as stubble burn off, or green waste disposal.

#### Current status

- The Operative District Plan does not contain any specific provisions for how wild fire risk in Rural Zone should be managed to ensure the fire risk to people and property is appropriately mitigated.
- For example, under the current plan there's no requirement to have a defensible space around a structure that has been landscaped and maintained in a way to reduce fire danger to the structure. This space improves the chances of people and property surviving a wildfire and is also key to the protection of firefighters defending the structure.
- A development requiring a consent, for example in a ONL/VAL area, has resulted in situations where consent conditions have increased the wild fire risk on that development.
- It is an action of the Selwyn District Council Port Hills Fire Recovery Plan 2017 to consider a package of provisions that specifically address wild fire hazard in high risk areas through the District Plan Review.

#### About preferred option

- The preferred option balances between managing the wild fire risk while also protecting amenity/landscape values.
- All new buildings should be set back 30 metres from existing vegetation stands including forestry. This setback is consistent with the Christchurch District Plan and FENZ guidance.
- New or replanted forestry should be set back 30 metres from existing buildings and non-rural zones.
- Restrict the placement of vegetation near existing neighbouring buildings to 30 metres from the building. There is no restriction to the placement of vegetation on a person's own property.
- When assessing a land use consent for a building, the Council will be able to assess the fire risk by examining the layout of the landscaping and the plants used. In this way the Council can mitigate any fire risk while giving the landowner the freedom to clear the rest of the land for a defensible space rather than require it.
- Following Council's approval of the preferred option, we will engage with key stakeholders, and forestry operators and owners to ensure they understand the proposed changes to the District Plan and have the opportunity to provide their feedback. This will then inform the proposed Plan which is expected to be notified in 2020 for formal consultation.

### Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	Fire and Emergency New Zealand (FENZ)	Owners of properties within the rural zone (SDC and ECan are major landowners)	Selwyn ratepayers
	Mahaanui Kurataiao		Forestry owners and operators	News media
				Wider public

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

## Engagement during review phases

Review phases	Internal	ECan	Mahaanui Kurataiao and/or Runanga	Key stakeholders	Landowners/occupiers	General public
Baseline assessments						
Preferred option development						
Preferred option consultation						

## 2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-April	April	May	June	July <sup>4</sup>
ECan	Consulted with as part of the preferred option development		Share approved options report and gather further feedback		
Mahaanui Kurataiao	Consulted with as part of the preferred option development		Share approved options report and gather further feedback		
Key stakeholders	Attempted to consult with, no response	Some consultation occurred during the finalising of the preferred options report	Share approved options report and gather further feedback		
Landowners/occupiers			Share approved options report and gather feedback from forestry operators and owners		
General public			Approved preferred options report published on Your Selwyn Engagement website		General consultation as part of Rural Zone chapter. Note: this consultation is included here given the amount of residents that live within the Rural Zone.
DPC		Preferred option to be put to DPC and published as part of agenda			

<sup>4</sup> This plan covers period until public pre-notification consultation on preferred options starts.

**9a. Preferred Option Report – Scheduled Sites**

Author:	James Tapper (Planz Consultants) & Robert Love (Strategy & Policy Planner)
Contact:	027 338 4826 (James)

**Purpose**

To brief the Committee on the findings of the Scheduled Sites Baseline/Preferred Option Report which is to firstly identify whether the provisions relating to the four scheduled sites listed in the Operative District Plan remain relevant and necessary, and to then recommend a preferred option for the future control of each of the sites within the Proposed District Plan.

**Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option (Option 1) for Scheduled Sites for further development.”**

**Attachments**

‘Preferred Option Report for Scheduled Sites’

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

**DATE:** 13 March 2018

**TOPIC NAME:** Scheduled Sites

**SCOPE DESCRIPTION:** Preferred Option Report for Scheduled Sites (RU011)

**TOPIC LEAD:** Robert Love

**PREPARED BY:** James Tapper

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>The existing provisions in the Operative District Plan relating to scheduled sites require updating to ensure they remain accurate and necessary.</i>
<i>Preferred Option</i>	<i>Option 1 – That the scheduling of the Brink’s Chicken and Feedco Feedmill sites continues with appropriate amendments, while the provisions relating to Alex McDonald Merchants and Redfern Subdivision are removed from the District Plan.</i>
<i>Recommendation to DPC</i>	<i>That the preferred option for Scheduled Sites is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).</i>
<i>DPC Decision</i>	



## 1.0 Introduction

The Operative Selwyn District Plan ('Operative Plan') contains specific provisions relating to four scheduled sites within Selwyn District. The overall purpose of this report is to firstly identify whether the provisions relating to the four scheduled sites listed in the Operative Plan remain relevant and necessary, and to then recommend a preferred option for the future control of each of the sites within the Proposed Selwyn District Plan ('Proposed Plan').

The details of the four scheduled sites, as referenced in the Operative Plan, are as follows:<sup>1</sup>

Name of Site	Address in Plan	Legal Description in Plan	Zoning
Alex McDonald Merchants Ltd	26 McLaughlins Road, Darfield	Lot 2 DP 79972	Living 1
Redfern Subdivision	East of Clintons Road, Darfield	N/A	Living 2
Brink's South Island Poultry Processing Plant	1310–1312 Main South Road, Weedons	Lot 1 & Lot 2 DP 20292, Lot 4 DP	Inner Plains
Feedco Canterbury Feedmill	162 Selwyn Road, Broadfield	Lot 2 DP 61860	Inner Plains

**Table 1 – Scheduled sites in the Operative District Plan**

This report firstly provides the details of the four sites listed above, including the nature of the activities now occurring on each of the sites, the reasons as to why the sites were scheduled in the Operative Plan and the details of any resource consents relating to the sites. The report then outlines the relevant Operative Plan provisions relating to the scheduled sites before providing a summary of the feedback obtained from stakeholders. Lastly the report provides three separate options for the management of the scheduled sites listed in Table 1 above, being:

- Option 1 – Continue to use scheduling for some or all of the sites;
- Option 2 – Apply existing use rights;
- Option 3 – Rely on the resource consent process.

A preferred option for further engagement is provided at the conclusion of the report.

## 2.0 Summary of Issues

There has been a change in ownership at the scheduled site known as Alex McDonald Merchants Ltd (26 McLaughlins Road) and the activities associated with that site in the Plan are no longer occurring. Similarly, the scheduled site known as Redfern Subdivision has now been subdivided and all titles have been issued. As such, the rule in the Plan relating to the subdivision of the Redfern site is now obsolete.

<sup>1</sup> Note: the details of a number of these sites has subsequently changed, as outlined later in this report.

The Brink's Poultry Processing Plant (known as 'Brink's Chicken') and the Feedco Canterbury Feedmill ('Feedco') continue to operate on the same sites as referred to in the Plan. However, some of the references in the Plan are no longer accurate and need to be updated.

## 3.0 Background Information for Scheduled Sites

### 3.1 Site Details

A description of each of the sites, including an outline of any resource consents applying to the sites, is provided below:

#### ***Brink's Chicken***

The site details for Brink's Chicken as contained in the District Plan are displayed in Table 1 of this report. However, following the acquisition of land by the New Zealand Transport (NZTA) for the development of a motorway along State Highway 1, some of the property details pertaining to the Brink's site have been altered and the Plan references are now inaccurate. The updated property details are shown in the table below:

Address in Plan	Current Address	Legal Description in Plan	Actual Legal Description
1310–1312 Main South Road, Weedons	175–177 Manion Road, Weedons	Lot 1 DP 20292	Sec 33 SO 482782
		Lot 2 DP 20292	Sec 34 SO 482782
		Lot 4 DP 22430	Sec 32 SO 482782
		Lot 2 DP 83245	Sec 11 SO 482933

**Table 2 – Brink's Chicken site details**

Brink's Chicken currently operate a poultry processing plant at their site on Manion Road in Weedons. The subject site is made up of three adjoining lots. The processing plant and associated onsite staff parking is contained on a 1.79ha lot known as Sec 34 SO 482782. The other two lots exist predominantly as vacant farmland and also contain a dwelling and two farm accessory buildings. Two adjoining lots on the opposite side of Main South Road (legally described as Lots 1 and 2 DP 23954) are also owned by Brink's Poultry and currently exist as rural lifestyle blocks.

It is noted that Lot 2 DP 83245 (now known as Sec 11 SO 482933) is referred to in the District Plan as containing on-site irrigation waste disposal associated with Brink's. However, that site is not owned by Brink's and is no longer utilised as part of Brink's operations. A series of resource consents were issued by Environment Canterbury in December 2015 which replaced previous consents held by Brink's Chicken and allowed them to discharge treated wastewater onto their vacant land to the west of the factory (Sec 32 SO 482782, and Sec 33 SO 482782) as well as onto the vacant land owned by Brink's on the opposite side of Main South Road (Lots 1 and 2 DP

23954).<sup>2</sup> Communication with the landowner has confirmed that the wastewater treatment plant is located on the main site, known as Sec 34 SO 482782.

A series of Selwyn District Council resource consents apply to the Brink's processing plant, the most historic of which dates back to 1999 (R303660). That consent allowed for extensions to the existing poultry processing plant including the establishment of a boning room, chiller and dispatch area. Further extensions were made in 2002 by way of R305488. A series of consents allowing for expansions at the site under the existing rules have been obtained in recent years, with the most recent being for the installation of the abovementioned wastewater treatment plant in April 2016 (RC165160).

The Selwyn District Council Compliance and Monitoring Team have confirmed that only one complaint has been received in relation to the Brink's site, which related to the presence of rodents on the site. No complaints in terms of the environmental effects of the site have been received by Council.

### ***Feedco Feedmill***

The Feedco Feedmill exists as part of a wider poultry farm on the subject site at 162 Selwyn Road, Broadfield. The overall subject site is made up of two adjoining lots. Lot 1 DP 72127 is 4.53ha while Lot 2 DP 61860 is 6.55ha and contains the feedmill. Silos associated with the feedmill front Selwyn Road, while a series of consented poultry barns exist on the subject site to the north of the feedmill. Two dwellings are located on the site to the east and west of the feedmill.

The earliest consent obtained in relation to the site dates back to 1995 and allowed the erection of additional chicken rearing sheds (R301608). Since then, a series of resource consents have been obtained to allow for expansions to both the poultry farm and the feedmill. However, it is noted that no resource consents relating to the feedmill have been obtained under the Operative Plan rules.

Council's Compliance and Monitoring Team have confirmed that no complaints have been received in relation to the Feedco site since it began operating.

### ***Alex McDonald Merchants Ltd***

Alex McDonald Merchants Ltd ('Alex McDonald') formerly operated a potato grading and processing factory on the 1.17ha site at 26 McLaughlins Road, Darfield. However, Alex McDonald have now shifted to a new site at 171 Waterholes Road, Springston. The subject site was subsequently purchased by Cressy Properties Ltd, who have confirmed that the site is due to be developed as part of a residential subdivision which is currently being established over the landowners' wider landholding in the area. The ongoing subdivision activity was consented by way of RC135643 in November 2013. That consent allowed for a 27 lot subdivision across Cressy Properties' wider landholding and included the subject site.

<sup>2</sup> ECan resource consent reference numbers are as follows: CRC154118, CRC162233, CRC162236.

The existing sheds on the site are due to be demolished and the land-owner has confirmed that no activities associated with the grading or processing of potatoes are expected to occur on site in the future.

### **Redfern Subdivision**

The site referred to in the District Plan as 'Redfern Subdivision' has now been subdivided and all titles have been issued. For the purpose of brevity, it is not considered necessary to provide a detailed description of this site.

## 4.0 Reasons for Scheduling

As general background, it is noted that sites are usually scheduled in District Plans so as to allow for existing uses within a particular zone to continue to occur, despite the activity potentially being inconsistent with the objectives and policies and associated rules for that zone. Although in many instances, existing use rights could be applied to the existing activity under s10 of the RMA, any subsequent expansion or change to the activity would likely require a multitude of resource consents, adding time and cost to the landowner's existing operation. On that basis, councils may choose to schedule certain existing uses in the district where the activity does not result in significant adverse effects and is a well-established part of the environment, but is not entirely anticipated in the zone within which it is located.

The reasons for scheduling the Brink's Chicken and Feedco Feedmill sites were not dissimilar to the general reasons for scheduling outlined above. Both sites were in operation when a decision on Variation No. 28 to the Proposed Selwyn District Plan (now the Operative Plan) was released in December 2007. That decision resulted in 'rural based industrial activities' in Rural Zones being listed as non-complying in the District Plan. As such, any proposed increase or addition to the existing operations at the Brink's or Feedco sites required resource consent as a non-complying activity.

However, Brink's Chicken and Feedco Canterbury, along with the Poultry Industry Association New Zealand (PIANZ) and Tegel Foods Limited, collectively appealed the variation to the Environment Court in February 2008 seeking that the activity status of rural based industrial activities be revised so as to be discretionary rather than non-complying. In the appeal, the appellants reasoned that:

*"Rural based industrial activities are a legitimate business use throughout the Rural Zone... and the effects of the activity can be avoided, remedied or mitigated pursuant to a discretionary activity process."*

Through subsequent mediation, an agreement was reached between the appellants and the Council which allowed for the Brink's and Feedco sites to be scheduled and a discretionary activity status to apply to those particular sites. Consent Order ENV-2008-CHC-029 was then issued by the Court in July 2008, which gave effect to the agreement reached.

It is not considered necessary to review the reasons as to why the Alex McDonald Merchants and Redfern sites were scheduled, given that the scheduled activities are no longer occurring.



## 5.0 Statement of Operative District Plan Approach

The four scheduled sites in the District Plan are listed in Section 1, Table 1 of this report. All of the relevant provisions of the Plan that apply to those sites are displayed in the table below:

Scheduled Site	Provision	Other Notes
<b>Township Volume</b>		
Alex McDonald Merchants Ltd	<p><b>Rule 10.12 Scheduled Activity: Alex McDonald Merchants Ltd, Darfield</b></p> <p>10.12.1 – The use of land and buildings zoned Living 1 on Lot 2 DP 79972 (26 McLaughlins Road, with an area of 1.1696 ha) for the purpose of grading, processing, storing, loading and unloading of seed potatoes shall be a permitted activity subject to compliance with all applicable rules of the Business 2 zone as if the site were part of that zone.</p> <p>10.12.2 – Any activity specified in Rule 10.12.1 which does not comply with the requirements of Rule 10.12.1 shall be a non-complying activity.</p>	<p><b>Note:</b> Lot 2 DP 79972 is, notwithstanding the above provisions, otherwise subject to the rules applicable to activities in the Living 1 zone.</p> <p><b>Reasons for rules:</b></p> <p>Rule 10.12 has been incorporated in the plan to provide for a scheduled activity on Lot 2 DP 79972. This site is occupied by a long established business which is now surrounded by residential development. Existing use rights would not in this case provide sufficient certainty and security for the business. Scheduling the site provides only for the current activity (and any which could pass the existing use rights test) but excludes the broader range of industrial activities which could otherwise occur if a "spot" business zoning were applied.</p>
Redfern Subdivision	<p><b>Rule 12.1 Subdivision – General</b></p> <p>12.1.1 – A subdivision of land, which is not a subdivision under Rules 12.2 or 12.3, shall be a restricted discretionary activity if it complies with the standards and terms set out in Rule 12.1.3.</p> <p>12.1.3 – Standard and Terms:</p> <p>12.1.3.11 – The subdivision of land shown in Appendix 27 (east of Clintons Road) is in accordance with the plan shown in that Appendix.</p>	Appendix 27 contains an Outline Development Plan (ODP) for the Redfern Subdivision.
<b>Rural Volume</b>		
Brink's South Island Poultry Processing Plant and Feedco Canterbury Feedmill	<p><b>Rule 9.5 Rural Based Industrial Activities</b></p> <p>9.5.1 – Any rural based industrial activity shall be a permitted activity if the following conditions are met:</p> <p>9.5.1.1 – The maximum area of any site covered by any building(s), loading, storage and waste areas used for any rural based industrial activity on the site shall be 100m<sup>2</sup>.</p> <p>9.5.1.2 – No more than two full-time equivalent persons are employed in undertaking the activity on the site.</p> <p>9.5.2 – Any activity which does not comply with Rule 9.5.1 shall be a discretionary activity if one of the following standards and terms are met:</p>	N/A

	<p>9.5.2.2 – Any building and/or operations expansion or addition associated with the poultry processing plant of Brinks South Island, 1310–1312 Main South Road, Weedons that occurs within land parcels Lot 1 and/or Lot 2 DP 20292; or</p> <p>9.5.2.3 – Any upgrading of the existing on-site irrigation waste disposal associated with the poultry processing plant of Brinks South Island, Main South Road, Weedons that occurs within land parcels Lot 4 DP 22430 and/or Lot 2 DP 83245; or</p> <p>9.5.2.4 – Any building and/or operations expansion or addition associated with the feedmill of Feedco Canterbury, 162 Selwyn Road, Broadfield that occurs within land parcel Lot 2 DP 61860.</p> <p>9.5.3 – Any activity which does not comply with Rule 9.5.2 shall be a non-complying activity.</p>	
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**Table 3 – Relevant Operative District Plan provisions relating to the four scheduled sites.**

In summary, the Operative Plan provisions provide for the following:

- The use of land and buildings at Alex McDonald Merchants (26 McLaughlins Road, zoned Living 1) for the purpose of packaging/processing seed potatoes as a permitted activity, subject to being able to meet the Business 2 Zone rules;
- The subdivision of land at the site known as Redfern Subdivision as a restricted discretionary activity, provided it occurs in accordance with the ODP in Appendix 27;
- Any expansion or addition to buildings or operations at the Brink's Poultry Processing Plant (Main South Road) or the Feedco Feedmill (Selwyn Road) within the identified land parcels as a discretionary activity (as opposed to potentially being a non-complying activity).

It is noted that the Brink's Chicken and Feedco Feedmill sites would not be able to operate as permitted activities in the underlying 'Rural Inner Plains' Zone given that both sites host 'rural industrial' activities at a scale greater than that permitted by the Plan. Similarly, any expansion to the existing operations on either of the sites would require resource consent under the District Plan rules.

## 6.0 Summary of Stakeholder Engagement

The following landowners (or nominated representative) of scheduled sites have been contacted for comment in relation to the ongoing controls applying to their site:

Landowner	Address	Contact
Brink's Chicken	175 Manion Road	Alan Martin, Site Manager
Feedco Feedmill	162 Selwyn Road	David Burnett, Landowner
Cressy Properties Ltd	26 McLaughlins Road	Evan Frew, Director

(formerly owned by Alex McDonald Merchants Ltd)		
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**Table 4 – Relevant Operative District Plan provisions relating to the four scheduled sites.**

Contact was made with Mr Alan Martin of Brink’s Chicken via email and phone. Mr Martin stated that the ultimate preference for the Brink’s Chicken site would be for it to be rezoned to allow for industrial activity. While this is an option worth considering, it should be noted that it would carry significant cost and complexity for Council, without necessarily obtaining a substantially better outcome. In terms of the scheduling of the site, Mr Martin noted that Brink’s *“would like the current rules to be carried over to the new District Plan.”*

Mr David Burnett, owner of Feedco Feedmill was contacted via email and phone. Mr Burnett confirmed in a phone call that the feedmill was still in operation and his preference would be for the Operative rule relating to his site to be carried over into the Proposed Plan.

A phone call was held with Mr Evan Frew, the nominated contact for Cressy Properties Ltd and a follow up email summarizing the main points of the phone call was sent. The aim of the phone call was to ascertain whether any activities relating to potato grading or processing were still being undertaken on the site following the sale of land by Alex McDonald Merchants. Mr Frew confirmed that there was not, and that the existing buildings on the subject site were due to be demolished as part of a subdivision development. On that basis, Mr Frew confirmed that he had no issue with Rule 10.12 of the Operative Plan (Township Volume) being removed from the Plan.

No consultation was undertaken in relation to the Redfern Subdivision site given that all allotments have now been created and titles issued.

## 7.0 Summary of Options to Address Issues

### Option 1 – Scheduling

This option involves carrying over the existing rules relating to scheduled sites with appropriate amendments. In undertaking this option, it is recommended that the following amendments be made:

- (a) Remove Rule 10.12 (Township Volume) relating to Alex McDonald Merchants Ltd;
- (b) Remove Rule 12.1.3.11 (Township Volume) and associated Appendix 27 relating to Redfern Subdivision;
- (c) Amend Rule 9.5.2.2 (Rural Volume) relating to Brink’s Chicken to read as follows (amendments underlined):

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

- (d) Remove Rule 9.5.2.3 (Rural Volume) relating to irrigation waste disposal at the Brink’s Chicken site.

***Effectiveness in Addressing Issue:***

Option 1 would ensure any change or expansion to the long-established activities at the Brink's Chicken and Feedco Feedmill sites remains subject to control from Council as a discretionary activity, as opposed to a non-complying activity. The discretionary status allows Council to consider all environmental effects of a proposal from Brink's or Feedco. However, it does not require the proposal to be able to pass the section 104D 'gateway tests'. As such, the discretionary status provides a slightly easier consenting pathway for the two sites, effectively adding weight to their existing use rights. It should be noted that the discretionary status only applies to the processing plant on the Brink's site and to the feedmill on the Feedco site and does not apply to any associated poultry farming activities. Any subsequent expansion or additions to poultry farming activities on those sites would be subject to the relevant district and regional rules, as well as the conditions of any applicable resource consents.

It is also recommended that Rule 9.5.2.3 relating to irrigation waste disposal at the Brink's Chicken site be removed. The matter of wastewater disposal at the site is controlled by the Regional Council and has been subsequently dealt with through a series of regional consents which permit the discharge of treated wastewater to land. On that basis, the control of irrigation waste disposal at the Brink's site is not considered to be a District Plan matter and Rule 9.5.2.3 can therefore be removed. In terms of the existing onsite wastewater treatment plant, it is noted that any upgrade or extension could be dealt with through a change of conditions to the existing land use consent under section 127, or else as a discretionary activity under Rule 9.5.2.2.

Option 1 is considered to be appropriate mitigation for the two sites, given that they had already been long-established prior to Council applying a non-complying activity status for rural based industrial activities in the Inner Plains part of the Rural Zone (by way of Variation No. 28).

The removal of the rules relating to the Alex McDonald Merchants and Redfern sites is considered to be a necessary action given that the activities referred to in the rules are no longer operational on those sites.

***Risks:***

There are not considered to be any risks associated with the proposed removal of the rules relating to Redfern Subdivision and Alex McDonald Merchants. As noted Redfern Subdivision has been developed, while the landowner of the former Alex McDonald site has been contacted and has confirmed that there is no practical need for the related rule to remain in the Plan.

In terms of the continued scheduling of the Brink's and Feedco sites, there is a potential risk that it may set a precedent whereby other sites of a similar nature seek to be scheduled in the Proposed District Plan. Notwithstanding, this is able to be suitably addressed via the submission process and any landowner seeking scheduling would need to be able to provide good reason as to why scheduling should occur.

***Budget or Time Implications:***

There are very few budget or time implications for this option. The recommended amendments to the existing rules would not require any significant time or cost.

**Recommendation:**

Option 1 is the preferred option and it is recommended that it be adopted.

## Option 2 – Existing Use Rights and the Resource Consent Process

This option would result in landowners of scheduled sites in the Operative Plan relying on existing use rights at their sites, with all scheduled rules being removed from the District Plan. As noted below, any subsequent expansion or change of use of the sites would be subject to a resource consent process.

**Effectiveness in Addressing Issue:**

While existing use rights could be applied to the current operations on the Brink's and Feedco sites, should there be any proposal to expand the operations at one of the sites resource consent would be required as a non-complying activity. As outlined in s10(1) of the RMA, existing use rights can only be applied if the "effects of the use are the same or similar in character, intensity, and scale to those which existing before the rule became operative." On that basis, any expansion or addition at the Feedco or Brink's sites would likely result in a change in the level of effects and existing use rights could not be applied. Instead, the proposed expansion would be subject to a resource consent process as a non-complying activity, with no mitigation provided for the fact that the activities established prior to the non-complying status being implemented.

This option would be effective in having the rules relating to Redfern Subdivision and Alex McDonald Merchants removed from the District Plan.

**Risks:**

This option may result in undue time, cost and risk for the landowners of the Brink's and Feedco sites given that they would be required to obtain resource consents for any expansion to their operation as a non-complying activity.

Given that the business activities at the Feedco and Brink's sites had long-established prior to the non-complying activity status being introduced, this is considered to be an unfair outcome. The two activities are now an established part of the respective receiving environments and the effects of the activities are well known. As such, it is considered more appropriate to assess any subsequent increase in scale or intensity as a discretionary activity. The reliance on existing use rights would not achieve this objective.

**Budget or Time Implications:**

There would not be any budget or time implications for Council.

**Recommendation:**

Option 2 is not the preferred option for the reasons outlined above. It is not recommended that this option be adopted.

## 8.0 Preferred Option for Further Engagement

The Project Team recommends that:

Option 1 – being the continued scheduling of the Brink’s Chicken and Feedco Feedmill sites with appropriate amendments – be adopted for further engagement.

**9(b) Communications and Engagement Summary Plan – Scheduled Sites**

Author:	Robert Love (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Scheduled Sites topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Scheduled Sites – communications and engagement summary plan’

# RU011 Scheduled Sites – communications and engagement summary plan

## Key messages

(as of 6 April 2018)

### Background

- **A major review of the Selwyn District Plan is now under way. This includes a review of provisions relating to four existing scheduled sites in the Plan to determine whether the provisions remain relevant and necessary.**
- There are currently four scheduled sites:
  - Potato grading and processing factory Alex McDonald Merchants Ltd at 26 McLaughlins Road;
  - Redfern Subdivision;
  - Brink's Chicken poultry processing plant on Manion Road;
  - The Feedco Feedmill site, which exists as part of a wider poultry farm, on Selwyn Road.
- **Scheduled sites are** sites generally listed in District Plans and have special status within a particular zone and can therefore continue with activities which are potentially inconsistent with the rules for that particular zone.
- For example, changes to the District Plan in 2007 would make rural based industrial activities on Brink's Chicken and Feedco Feedmill site in Rural Zone a non-complying activity. Being a scheduled site allows Feedco Feedmill's activities to be discretionary.
- For a site to be scheduled, it usually has to meet the following criteria: the activity doesn't result in significant adverse effects, it's a well-established part of the existing environment but may not be typically found in the zone within which it is located.
- Although in many instances, existing use rights could be applied to the scheduled site's existing activity, any subsequent expansion or change to the activity would likely require resource consent, adding time and cost to the landowner's existing operation.

### Current status

- **There has been a change in ownership of Alex McDonald Merchants Ltd and the site is now due to be subdivided for residential development.**
- **Redfern Subdivision has been subdivided and all titles have been issued.**
- **Following the acquisition of land by NZ Transport Agency for the development of a motorway along State Highway 1, the title references for Brink's Chicken site have been altered and the Plan references are now inaccurate.**

### About preferred option

- Remove Alex McDonald Merchants Ltd and Redfern Subdivision from the District Plan as scheduled sites.
- The Brink's Chicken and the Feedco Feedmill sites should continue to be scheduled and remain subject to control from Council as a discretionary activity, as opposed to a non-complying activity. The discretionary status still allows Council to consider all environmental effects while at the same time making it easier for the businesses to make any changes to their operation.
- Following Council's approval of the preferred option, we will engage with landowners and key stakeholders to ensure they understand the proposed changes to the District Plan and have the opportunity to provide their feedback. This will then inform the Proposed Plan which is expected to be notified in 2020 for formal public consultation.

## Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	Poultry Industry Association New Zealand (PIANZ)	Owners of existing scheduled sites (with the exception of Redfern Subdivision site which has now been subdivided with titles issued)	Selwyn ratepayers
	Mahaanui Kurataiao	Tegel Foods Limited		News media
				Wider public

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)



Engagement during review phases

Review phases	Internal	ECan	Mahaanui Kurataiao and/or Runanga	Key stakeholders	Landowners/occupiers	General public
Preferred option development <sup>4</sup>						
Preferred option consultation						

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	January – February	March	April	May	June	July <sup>5</sup>
ECan		Consulted with as part of the preferred option development		Share approved options report and gather further feedback		
Mahaanui Kurataiao		Consulted with as part of the preferred option development		Share approved options report and gather further feedback		
Key stakeholders				Share approved options report and gather further feedback		
Landowners/occupiers	Consulted with as part of the preferred option development			Share approved options report and gather further feedback		
General public				Approved preferred options report published on Your Selwyn Engagement website		
DPC			Preferred option to be put to DPC and published as part of agenda			

<sup>4</sup> No baseline assessments were done for this topic. Given the specific nature of the project scope, it was considered more efficient to progress to the preferred option phase.

<sup>5</sup> This plan covers period until public consultation on preferred options starts.

**10a. Preferred Option Report – Keeping and Boarding of Animals & Vet Clinics**

Author:	James Tapper (Planz Consultants) & Robert Love (Strategy & Policy Planner)
Contact:	027 338 4826 (James)

**Purpose**

To brief the Committee on the findings of the Keeping and Boarding of Animals & Vet Clinics Baseline/Preferred Option Report which is to establish a range of policy/rule options, including a preferred option, for the continued control of the keeping, boarding and treatment of animals and bees in the Selwyn District.

**Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option (Option 2) for Keeping and Boarding of Animals & Vet Clinics for further development.”**

**Attachments**

‘Preferred Option Report for Keeping and Boarding of Animals & Vet Clinics’

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

**DATE:** 14 February 2018

**TOPIC NAME:** Rural, Residential and Business

**SCOPE DESCRIPTION:** Preferred Option Report for the Keeping and Boarding of Animals, and Vet Clinics (DW021)

**TOPIC LEAD:** Robert Love

**PREPARED BY:** James Tapper

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>This report reviews the operative provisions of the District Plan relating to the keeping and boarding of animals in order to ensure the existing rules package remains relevant and appropriate. Additional consideration is given to the control of vet clinics in the district, including whether or not vet clinics can be suitably controlled under the existing rules pertaining to the keeping/boarding of animals. Furthermore, the keeping of bees is discussed in this report along with a series of options for the control of beekeeping in the district.</i>
<i>Preferred Option</i>	<i>Option 2, being to carry over a revised version of the existing provisions. In addition, it is recommended that a bylaw be implemented for the the keeping of bees.</i>
<i>Recommendation to DPC</i>	<i>That the preferred option for the 'Keeping and Boarding of Animals and Vet Clinics' is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).</i>
<i>DPC Decision</i>	



## 1.0 Introduction

The overall aim of this report is to establish a range of policy/rule options, including a preferred option, for the continued control of the keeping, boarding and treatment of animals in the Selwyn District as part of the Selwyn District Plan Review.

The Operative Selwyn District Plan ('Operative Plan') currently contains a series of provisions that seek to control the keeping and boarding of animals as well as the establishment and operation of vet clinics/hospitals. This report will evaluate the effectiveness of the current rules package in the Operative Plan and will provide a range of options to improve the control of such activities under the Proposed Selwyn District Plan ('Proposed Plan').

In order to inform the policy/rules options, this report will identify the potential adverse environmental effects that may arise as a result of the boarding of animals and veterinary activities. The report will identify the relevant Operative Plan provisions and any associated issues. The report will then discuss the control of the keeping of bees in the district and the potential environmental effects of such an activity. An evaluation of the provisions used by surrounding district councils for the control of vet clinics and the boarding of animals is also provided. Finally, the report provides a discussion on whether a bylaw could adequately control beekeeping in the district, before providing the following four options for the control of the keeping, boarding and treatment of animals under the proposed Selwyn District Plan:

- Option 1 – Carry over the existing provisions;
- Option 2 – Carry over a revised version of the existing provisions;
- Option 3 – Establish a new set of provisions;
- Option 4 – Remove provisions and replace with a bylaw.

## 2.0 Summary of Issues

There are three main subjects discussed in this report. The first subject relates to whether veterinary activities can be suitably controlled under the same set of provisions as the boarding of animals. As such, a comparison of the two activities has been provided and consideration has been given to how the current District Plan rules are applied to vet clinics. The second matter discussed is whether the current provisions for the keeping and boarding of animals remain appropriate and reasonable. Thirdly, consideration is given to the most appropriate method of control for the keeping of bees in the district and the associated environmental effects.

## 3.0 Comparison of the Boarding of Animals and Veterinary Activities

In order to identify an appropriate range of options, it is necessary to distinguish any commonalities between the boarding of animals and the operation of vet hospitals/clinics so as to determine whether the two activities can be adequately controlled under the same provisions.

Furthermore, the comparison will assist with the construction of an appropriate definition for each of the activities.

In general, the boarding of animals and veterinary activities are comparable in nature given that both activities involve the containment of animals, potentially resulting in noise, odour and animal containment effects. In addition, both activities provide a service to the public, resulting in a higher than normal number of vehicle movements to and from the subject site.

Notwithstanding, both veterinary activities and animal boarding facilities can differ significantly depending on the number and type of animals being treated/contained on a subject site. As identified in Table 3.1 below, a variety of animal boarding facilities and vet clinics/hospitals exist, including but not limited to:

- Boarding kennels;
- Catteries;
- Bird boarding facilities;
- Small mammal boarding facilities;
- Pet grooming facilities;
- Equine vet clinics;
- Small animal vet clinics; and
- Rural animal vet clinics.

The following table provides a general overview of the nature and scale of animal boarding facilities and veterinary activities currently existing within Selwyn District, so as to allow for a comparison between the activities. The list is purely a sample of existing activities and is not intended to be a complete list for the district.

Name	Type of Activity	General Operating Hours	Approx. Animals Overnight	District Plan Zone
Bunny Lodge Animal Holiday Resort	Boarding kennel, cattery, bird facility, small mammal facility	Sunday – Friday 8.00am – 10.30am & 3.30pm – 6.00pm, Saturday 9.00am – 12.00pm	Unknown	Rural Inner Plains
Canterbury Equine Clinic	Equine clinic	Monday – Friday 8.00am – 5.00pm	Unknown	Rural Inner Plains
Country Paws	Boarding kennel and cattery	7 days, 8.30am – 10.30am & 4.30pm – 6.30pm	Unknown	Rural Inner Plains
Dunsandel Veterinary Clinic	Vet clinic	Monday – Friday 8.00am – 5.00pm	None	Business 1
Katz 'n K9z	Boarding kennel and cattery	Monday – Saturday 8.30am – 11.00am & 4.00pm – 5.30pm, Sunday 4.00pm – 6.00pm	64 cats Dogs unknown	Rural Outer Plains
Kimbers Kats on Burnham	Cattery	Sunday – Friday 6.00pm – 7.00pm, Saturday 9.00am – 10.00am	20 cats	Rural Outer Plains
Luxe Doggy Day Spa	Dog grooming	Monday – Friday, hours unknown	None	Living 1

Rolleston Veterinary Services	Vet clinic	Monday – Friday 8.00am – 7.00pm, Saturday 9.00am – 1.00pm	None	Living 1
Selwyn Veterinary Centre	Vet clinic	Monday – Friday 8.00am – 6.00pm, Saturday 9.00am – 1.00pm	None	Business 2
Selwyn-Rakaia Vet Services Ltd	Vet clinic specialising in rural animals	Monday – Friday 8.00am – 5.00pm	None	Business 1
Top Notch Boarding Kennels	Boarding kennel	7 days, 9.00am – 5.00pm	30 dogs	Rural Inner Plains

**Table 3.1 – A sample of existing animal boarding and care facilities in Selwyn District.**

It is noted from the table above, that the majority of animal boarding facilities are located within Rural Zones, reflecting the need for such an activity to be located on a sizeable site (particularly boarding kennels). Furthermore, the nature of animal boarding facilities necessitates that they are typically established as home occupations whereby the owner/operator of the facility lives on site to care for the animals overnight. Generally, this is more practical on larger, rural sites. In contrast, vet clinics in the district are commonly located within Business Zones, reflecting the fact that most clinics operate in a similar manner to standard commercial activities. Most vet clinics have formed onsite carparks and operate standard business hours. Furthermore, vehicle turnover on the site is more akin to other appointment-based commercial activities.

Given that many boarding facilities are home occupations, the operating hours are commonly at the start and end of a working day, with a long closure period through the middle of the day. As noted above, vet clinics tend to operate normal business hours, as well as Saturdays. The majority of existing vet clinics in the district provide an afterhours service via an on-call vet who undertakes site visits. It is noted that some larger vet clinics in the district (e.g. Rolleston Veterinary Services) provide an overnight care service for recovering animals. In this regard, between 1 to 5 animals may be kept on site, with a staff member visiting the site overnight to check on them. On that basis, an overnight care service may give rise to noise and amenity effects as a result of animal noises and staff members moving to and from the site.

While animal boarding facilities, such as boarding kennels and catteries, contain animals on a 24/7 basis, they do not result in an increased level of activity on the site outside of standard daytime hours. Owners generally drop off/pick up their pet during daylight hours, ensuring vehicle movements to and from the site do not occur during hours of darkness. In this regard, despite animal boarding facilities technically being in operation 24/7, the bulk of human activity occurs during the day. There is however, significant potential for noise to occur at nighttime from animals kept on site, particularly from dogs kept in boarding kennels.

Some vet hospitals may operate 24/7 or during night time hours in order to deal with animal emergencies and can result in vehicle movements and potential noise effects throughout night time hours. It is noted that no 24/7 vet hospitals currently exist in the Selwyn District. However, should an emergency vet hospital choose to establish, it would generally be unsuitable in sensitive areas.

## 4.0 Potential Effects Arising from the Boarding of Animals and Veterinary Activities

The following section provides a description of the potential environmental effects that may arise from the boarding of animals and veterinary activities in both rural and urban environments. All types of animal boarding facilities, including boarding kennels, catteries, and horse stables are considered, as well as different forms of veterinary facilities including day clinics and overnight hospitals.

The potential environmental effects of the abovementioned activities broadly relate to:

- Noise;
- Odour;
- Vibration;
- Traffic;
- Animal containment;
- Health and Safety;
- Reverse sensitivity.

Each of these matters are discussed separately, below:

### 4.1 Noise

Animal boarding facilities and veterinary activities alike have the potential to result in adverse noise effects for adjoining properties. A multitude of noise producing animals in a concentrated area can impact significantly on the amenity of the receiving environment and can be very difficult to control.

The boarding of animals (including overnight containment of animals at vet clinics), particularly dogs, can result in noise being consistently produced over a 24 hour period. Clearly, the extent of noise is dependent on the number and type of animals contained on site and the effectiveness of on-site management techniques. Similarly, emergency 24 hour vet hospitals can give rise to noise being produced at night time, particularly from animals in distress. Vet clinics with restricted operating hours tend to have a lesser effect in terms of noise given that noise producing animals are generally only present on site during daytime hours and are mostly attended to indoors. However, some animal noise should be anticipated to occur at vet clinics during the day as a result of animals moving from vehicles to the clinic and vice-versa.

In addition to noisy animals on site, boarding facilities and veterinary activities can give rise to noise effects from increased human activity, including an increased number of vehicle movements on site. Vet clinics generally have onsite carparks and as such, vehicles move to and from the subject site on a regular basis. Outdoor carparks can also become an area for people to congregate as they move to and from their vehicles, potentially resulting in conversations that are audible beyond the property boundary. Similar effects may occur in relation to animal boarding facilities, although it is noted that vehicle movements are likely to be less frequent given that animals are contained on site for longer periods (multiple days) when compared to vet clinics.

Excessive animal noise is likely to have a greater impact in more sensitive environments, particularly in those which are residential in nature. As such, the large-scale boarding of animals is considered to be somewhat inappropriate within Living Zones. Day time vet clinics could suitably locate within a Living Zone, provided the scale of the activity was capped to ensure noise did not become excessive. Similarly, Business Zones containing commercial activities can be sensitive and not conducive to noise from a concentration of animals, especially where animals are contained outdoors. However, Business Zones absent of sensitive activities are likely to be less affected by animal noise and potentially able to absorb noise effects from animals contained on a site, particularly at night time when human activity is generally limited. Notwithstanding, consideration would need to be given to the proximity of any nearby Living Zone.

Rural Zones generally have a greater capacity to absorb any noise effects arising from the boarding or treatment of animals on a site. To some extent, animal noises are an anticipated aspect of the rural environment. Additionally, the size of rural sites allows for a greater separation distance between animal boarding/treatment activities and neighbouring dwellings, which can help to mitigate against any noise effects. Notwithstanding, noise is generally able to carry further across large open spaces within rural areas and, if uncontrolled, the concentration of noisy animals on a site has the potential to create adverse effects for adjoining neighbours.

A number of mitigation measures can be implemented in order to reduce noise produced from the boarding of animals and veterinary activities. As mentioned above, a significant separation distance from sensitive activities can help to reduce adverse noise effects. This is particularly pertinent for animal boarding facilities and after hours vet hospitals or clinics given that noise may be produced at night time. Other potential mitigation measures include a restriction on the number and/or type of animals contained on site, the use of noise attenuation features, restrictions on the hours during which animals can be contained outdoors and a restriction on visitor hours to prevent high levels of activity at night time.

## 4.2 Odour/Vermin

The concentration of a number of animals in a small area can lead to odour being produced, which in turn can adversely affect surrounding properties. Similarly, such an activity can result in an increased presence of vermin which can spread to neighbouring sites.

Undesirable odours and vermin can arise as a result of unsanitary living environments or unkempt animals on sites containing animal facilities. Boarding facilities in particular, have the potential to result in an odour or the presence of vermin if animal containment units are not kept clean and fecal waste is not properly disposed of.

Veterinary activities are less likely to give rise to such effects given that animals are generally only contained on site for short periods of time. However, issues with odour and vermin may arise if animal corpses are not adequately disposed of following euthanasia procedures.

## 4.3 Traffic

The operation of animal boarding facilities and veterinary clinics both have the potential to result in adverse traffic effects from an increased number of vehicle movements to and from the subject



site. Both activities are commercial in nature and involve the coming and going of members of the public. As such, the activities have the potential to create unanticipated pressure on the existing road network and to result in an overflow of parking onto surrounding streets if not adequately controlled. Traffic safety issues may also arise if parking spaces and accessways are not sufficiently designed. Further traffic safety effects may be caused by uncontained animals wandering on the road reserve, as addressed in Section 4.4, below.

For the most part, vehicle movements to and from animal boarding facilities are not substantial given that the 'turnover' of animals contained on site is generally low. However, a lack of onsite parking availability and poor access design can give rise to adverse traffic safety and amenity effects as members of the public move on and off site. Veterinary activities are more likely to result in a high turnover of vehicles on the site as people regularly come and go for appointments throughout the day. In that regard, there is the potential that the adjoining road network may not have the capacity to field an increased number of vehicle movements from a newly established veterinary activity. In addition, a shortfall of carparks on the site could result in an overflow of vehicles parking on the street. Again, poor quality onsite carparking and access design can create amenity and safety issues for pedestrians and vehicle users, particularly during peak periods when vehicles may be moving to and from the site simultaneously.

#### 4.4 Animal Containment

As with any activity involving the holding of animals on a site, there exists potential for animals to escape to neighbouring sites if appropriate measures are not implemented to ensure animals are adequately contained.

Clearly animal boarding facilities involve risk in this regard, given that animals are contained on an unfamiliar site for multiple days at a time, including long periods where they are unsupervised. The risk is somewhat reduced in relation to veterinary activities given that animals are generally only on site for a short period and are under the watch of both their owner and a vet for the duration. Should animals escape from a property, there is potential for them to cause disruption to activities on neighbouring sites, including the harming of livestock and produce or damage to property. In some instances, particularly in relation to the boarding of dangerous animals (such as at a pound facility), there is also the potential for humans to be put in danger. Furthermore, as noted above, animals wandering on road reserves can cause significant traffic safety impacts.

Adverse effects arising from the insufficient containment of animals can be suitably avoided by ensuring that containment facilities are adequate and onsite animal management is stringent.

#### 4.5 Reverse Sensitivity

The boarding or treatment of animals can be a sensitive activity to a degree, in that the health and safety of animals may be compromised as a result of being located near noisy, odorous or hazardous activities. Similarly, as the boarding or treatment of animals generally involves members of the public visiting the subject site, there could be a risk to human health if the site was inappropriately located.

On that basis, it is noted that locating a boarding facility or a vet clinic within close proximity of a heavy industrial activity would likely be the most common cause of reverse sensitivity effects. Heavy industrial activities often have a need to produce significant noise and/or odour, and in many cases, they have a need to discharge hazardous particulates. The establishment of an animal boarding or treatment facility (such as a boarding kennel or a vet clinic) adjacent to an existing industrial site of that nature would likely give rise to reverse sensitivity issues due to the resultant adverse effects on the health and safety of both animals and humans.

Notwithstanding, locating an animal facility next to any existing activity that has a need to produce a significant amount of noise is likely to give rise to reverse sensitivity issues. Intrinsically noisy activities such as airfields, industrial processes, quarries, large public gathering facilities and some rural activities would likely disturb animals being kept on a site and could potentially impact on their health. Similarly, animals with an acute sense of smell may react negatively towards nearby odorous activities.

Conversely, it is relevant to note that existing vet clinics and animal boarding facilities may be subject to reverse sensitivity effects as a result of an increase in residential activity near the subject site. The presence of new residential neighbours nearby to an existing animal containment facility could give rise to complaints from the residents about the effects of the existing facility.

In order to mitigate reverse sensitivity effects, consideration should be had as to whether animal boarding facilities and veterinary activities can appropriately locate within a particular zone or within close proximity to a certain activity.

## 5.0 Statement of Operative District Plan Approach

This section provides an overview of the existing provisions in the Operative Plan relating to the keeping and boarding of animals and the operation of vet clinics.

Under the operative provisions the level of control applied to the keeping, boarding or treatment of animals is dependent on the zone in which the activity is proposed to occur. All of the operative provisions considered relevant to this scope of work are listed in full in **Appendix 1**. Notwithstanding, the relevant definitions and a summary of the provisions for the Rural, Business and Living Zones is provided below.

### 5.1 Definitions

The Operative District Plan contains the following definitions considered relevant to this scope of work:

Term	Definition
<b>Boarding of animals</b>	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.
<b>Commercial rearing*</b>	in relation to livestock means the breeding and/or rearing and sale of animals and birds for financial gain.

<b>Domestic pets*</b>	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.
<b>Intensive livestock production</b>	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.

**Table 5.1 – Relevant definitions from the Operative District Plan.**

\*Definition listed in Township Volume only.

Most notably, the definition of the ‘boarding of animals’ specifically includes veterinary hospitals and clinics that provide overnight accommodation for animals, ensuring that veterinary activities of that kind are required to be controlled through the same set of rules that apply to activities such as catteries and boarding kennels for dogs.

The Plan does not contain a definition for the ‘keeping of animals’. However, given that ‘boarding of animals’, ‘commercial rearing’ and ‘intensive livestock production’ are all defined separately, it is considered that the keeping of animals applies in all other circumstances where animals are kept on a site (e.g. the keeping of domestic pets, birds, pigs, horses, or the rearing of livestock for domestic purposes).

## 5.2 Rural Zones

While Rule 9.8 of the District Plan (Rural Volume) lists the keeping of animals as a permitted activity in Rural Zones, it is noted that the rule specifically excludes the ‘boarding of animals’ from being captured under the same provision.

Instead, the boarding of animals, which includes catteries and kennels, is listed as a restricted discretionary activity under Rule 9.9, provided that a building or compound used for the boarding of animals can be setback from any property boundary by at least 50m; any road boundary by at least 30m; and any Living Zone or Existing Development Area by at least 200m. Where the required setback distances are not able to be met, the activity becomes fully discretionary. It is noted that in the instance the boarding of animals is considered to be a restricted discretionary activity, the Council’s discretion is limited to the consideration of nuisance effects on surrounding properties from noise, traffic, odour or inadequate animal containment, as well as any mitigation measures or positive effects.

While the Plan recognises that the boarding of animals is “appropriate in the Rural Zone”<sup>1</sup>, the outcome of the existing provisions is that any activity involving the boarding of animals requires resource consent, allowing Council to control any potential effects in terms of noise, traffic, odour and animal containment.

Notably, the Rural Volume of the Operative Plan does not contain any separate provisions relating to the establishment and operation of vet clinics/hospitals. On that basis, Rule 9.9 pertaining to the boarding of animals exists as the only control for veterinary activities in the rural areas of the District and relates only to vet clinics/hospitals providing overnight accommodation. Vet clinics

<sup>1</sup> See Selwyn District Plan (Rural Volume), Chapter 9 – Activities, ‘Reasons for Rules’.

operating during the daytime only are not specifically controlled. Similarly, there are no specific provisions relating to the keeping of bees, an activity which is also controlled solely by Rule 9.9 (as discussed in further detail later in this report).

### 5.3 Business Zones

Rule 22.2 of the Township Volume contains a series of provisions that control the keeping/boarding of animals in Business Zones. The keeping of domestic animals is permitted in all Business Zones, while the keeping of any other animals, or the boarding of animals, are discretionary or non-complying activities dependent on the type of Business Zone. However, exemptions are made for such activities in the Business 3 Zone in Lincoln for education and research purposes.

The 'Reasons for Rules' section in Chapter 22 of the Plan outlines that "some control over animals (except 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)." The Plan also acknowledges that the Business 1 and 1A Zones are generally retail or commercial in nature and are therefore more sensitive, hence the non-complying activity status for the keeping/boarding of animals in those areas.

As with the provisions for Rural Zones, there are no specific rules relating to veterinary activities or bee-keeping. As such, those activities are controlled through the provisions of Rule 22.2.

### 5.4 Living Zones

The relevant Living Zone provisions, contained under Rule 10.3 of the Plan, are not dissimilar to the Business Zone rules in that they too allow for the keeping of domestic pets as a permitted activity while controlling the keeping/boarding of all other animals. Specifically, the keeping of non-domestic animals is listed as a discretionary activity, while the boarding of animals is listed as a non-complying activity.<sup>2</sup>

As an aside, it is noted that Rule 1.1.2.2(h) specifically provides for veterinary hospitals and other facilities that provide 24 hour veterinary care as discretionary activities in Living Zones. However, this provision is irrelevant for veterinary activities providing overnight accommodation given that they fall under the Plan definition of 'the boarding of animals' and are therefore required to be assessed as non-complying within Living Zones (as per Rule 10.3).

The 'Reasons for Rules' section for Chapter 10 outlines that the keeping of non-domestic pets requires control in Living Zones given the sensitivity of such areas, but resource consent may be granted if the adverse effects of such an activity can be mitigated. In terms of the boarding of animals, the Plan notes that the non-complying activity status reflects the fact that such an activity is "generally regarded as having effects inappropriate to Living zones and the rural areas of the District are considered more suitable locations."

<sup>2</sup> Exceptions are made for the keeping of animals in Living 3 Zone Countryside Areas and the Living 3 Zone Lower Density Area.

## 6.0 Potential Issues Arising from Operative Selwyn District Plan Provisions

The aim of this section is to identify the potential issues arising from the Operative Plan rules in relation to animal containment activities, so as to inform any need for additions/alterations to the equivalent provisions in the Proposed Plan. The discussion below has been informed by communication with the Selwyn District Council Resource Consents, Compliance and Animal Control Teams.

### 6.1 Boarding of Animals for Training Purposes

The Resource Consents Team has identified that under the operative District Plan provisions, animal training facilities (such as horse and greyhound training facilities) where non-resident animals are kept on site overnight are required to be assessed under the rules for the 'boarding of animals'. On those terms, an animal training facility supplying overnight accommodation for the animals being trained is a restricted discretionary activity provided it can meet the setback distances specified in the Plan. Where the setback distances are not met, the activity becomes fully discretionary.

This level of control is considered to be appropriate for dog training facilities given the potential for noise effects to arise from dogs barking. However, it is considered to be overly stringent for horse training facilities in Rural Zones.

Horses and horse training facilities are an anticipated part of the rural environment and do not regularly generate significant adverse environmental effects. In many respects, the containment of horses within a paddock or a stable on a site is not indifferent to the containment of other forms of livestock such as sheep or cattle. Moreover, the 'boarding' of horses on a site for training purposes differentiates from a standard animal boarding facility (such as a boarding kennel or cattery) in that it is not intrinsically commercial. The number of public visits to a horse training facility and the level of associated on-site activity from members of the public is generally very low and not unanticipated in a rural environment.

On that basis, it is considered that the current rules result in an unnecessary level of control over horse training facilities in rural areas where horses are kept on-site overnight. Arguably a more tenable option may be to define horse training facilities separately and then provide for them as a permitted activity, provided certain activity specific standards can be met.

### 6.2 Veterinary Clinics

It is noted that the current definition of 'boarding of animals' includes veterinary hospitals or clinics which provide overnight accommodation. However, the definition does not include standard veterinary activities where there is no overnight accommodation provided. On that basis, vet clinics operating during daytime hours are not subject to any specific standards in the District Plan. Instead, the nature and scale of such an activity is controlled by way of the bulk and location, noise

and transport standards in the Plan, as well as the ‘scale of activities’ rules pertaining to the Rural and Living Zones (namely, Rule 9.4 for Rural Zones and Rule 10.8 for Living Zones).

This method relies on the abovementioned rules being stringent enough to ensure the adverse effects of vet clinics are controlled. However, as discussed in Section 3 of this report, vet clinics are a somewhat unique activity in that they are akin to commercial activities in many ways, but with additional implications due to the presence and containment of animals. Adverse effects arising from such activities can include effects relating to character, traffic, noise, odour and animal containment. Unlike animal boarding facilities, there is a need in many cases for vet clinics to establish in or near populated areas, so as to be accessible to the public. As such, future consideration could be given to the use of an activity-based rule for the control of vet clinics to ensure all potential adverse effects are accounted for, especially in urban environments.

### 6.3 Duplication with Regional Rules

Communication with Environment Canterbury has highlighted the need to ensure that duplication with existing regional rules does not occur at a district level. It is noted that Rules 7.3 to 7.6 of the Canterbury Air Regional Plan (CARP) contains a series of provisions aimed at controlling odours which are offensive or objectionable beyond the property boundary of origin. Should an animal containment facility omit an offensive or objectionable odour, it would then be subject to the relevant CARP rules. A significant matter of discretion associated with the abovementioned rules is the need to take into account any odour management plans submitted. While the existing District Plan rules do not directly overlap with any regional rules, it is necessary to be aware of the fact that odour is managed by the Regional Council and therefore, specific odour controls in the District Plan may not be necessary.

## 7.0 The Keeping of Bees in Selwyn – Current Controls and Potential Effects

The purpose of this section is to firstly outline how the keeping of bees is currently controlled within the Selwyn District and secondly, to identify the potential effects that could arise as a result of beekeeping activities under the current provisions of the District Plan.

At the outset, it should be noted that any member of the public seeking to keep bees on a site has a legal obligation under the Biosecurity Act 1993 to initially register as a beekeeper and to then register their apiaries with AsureQuality.<sup>3</sup> Once registered, AsureQuality work with the beekeeper to establish various disease management tools including a sampling and inspection program. On that basis, apiaries in the district are subject to a kind of auditing process via the registration system, which acts as an additional layer of control in combination with the various planning mechanisms available to district councils.

<sup>3</sup> AsureQuality is a State-Owned Enterprise acting on behalf of the Ministry of Primary Industries to manage the keeping of bees in New Zealand.

Notwithstanding, the Operative Plan does not provide any specific controls for the keeping of bees and there is currently no relevant bylaw in place. Instead, the activity is controlled by the more general provisions of the District Plan relating to the keeping of animals. The keeping of non-domestic animals (including bees) is permitted in Rural Zones, while being listed as a discretionary activity in the majority of Living and Business Zones.

While Rule 10.3 relating to the keeping of animals in Living Zones could reasonably be applied to the keeping of bees, Council's Resource Consents Team have noted that they do not generally apply the rule to beekeeping activities. Instead, the Consenting Team take the approach of permitting the keeping of bees and allowing section 17 of the RMA to deal with any adverse effects. Section 17 allows for an enforcement order or abatement notice to be issued requiring a person to cease an activity that:

*... in the opinion of the Environment Court is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.*

This approach carries risk in that it does not afford Council any level of control and instead relies on the opinion of the Environment Court. As such, the process to obtain control over a dangerous or objectionable hive is legalistic, complex and potentially costly.

Comments provided by the Selwyn District Council Compliance Team further highlight the issue. The Compliance Team note that beekeeping is becoming very popular in residential areas (particularly in Rolleston) and there have been multiple complaints from adjoining residents about bees swarming nearby. Although in instances where hives are causing a significant danger abatement notices can be issued by the Environment Court under section 17 of the RMA, the process is legalistic and it can be difficult to obtain the level of proof required to enforce this mechanism.

In terms of assessing the potential environmental effects arising from the keeping of bees, it is noted that the effects can be far more complex than those arising from the keeping/boarding of most other animals. Bees cannot easily be contained on a single site as they generally need the ability to forage in a radius of up to 5km from the hive. Moreover, high concentrations of bees have the potential to present a danger to human health, particularly if their flight paths are not managed so as to be directed above human height or if they are swarming in populated areas. However, in many instances the threat to human health is a *perceived* danger whereas in reality, swarming bees do not generally present a significant threat and do not usually swarm in a single locality for a sustained period. Reverse sensitivity effects also need to be considered and can occur if beehives are not appropriately located. It is also relevant to note the significant positive ecological effects that can arise from the keeping of bees given that bees are key pollinators of plants and crops and an integral part of the ecosystem.

There are a series of mitigating factors associated with beekeeping activities that can assist in minimising the abovementioned environmental effects. While high concentrations of bees can present a potential nuisance or a risk to public health and safety, the implementation of suitable management techniques can significantly reduce any impact. It is known that bees fly upwards



from the hive until they can fly horizontally unobstructed. They then maintain that elevation as they fly away from the hive to forage. On that basis, the establishment of a barrier such as a fence or hedge at a minimum height of 2m around a beehive is a common tool used to direct the bees' flight path above human height and reduce any impact on surrounding members of the public.

Furthermore, by ensuring bees have an adequate food source nearby to the hive and subsequently positioning the hive appropriately to allow access to the food source, the likelihood of bees flying over populated areas and causing nuisance can be significantly reduced. Apiaries are generally installed by commercial beekeepers with expert knowledge on the appropriate location of a hive and the nearest source of food for the bees to ensure their flight paths are directed away from sensitive activities as they fly towards a food source.

Other mitigation techniques that can help to reduce any nuisance effects or risks to public safety include ensuring that sites are not overpopulated with hives and suitable setback distances are provided between apiaries and nearby sensitive activities. In most cases, given the high level of investment required to establish an apiary, commercial beekeepers are very cautious of overpopulation so as to ensure the bees remain healthy and have an adequate food supply.

In summary, it is considered that the operative rules of the District Plan do not adequately address the effects of beekeeping activities. On balance, taking into account the potential environmental effects (including positive effects) discussed above, as well as the potential mitigation measures outlined, it is considered that the keeping of bees should be an activity specifically provided for by the Council planning framework but with certain controls to ensure effects are managed.

## 8.0 Summary of Alternative Management Responses – Other Districts

This section contains an assessment of the provisions considered relevant to the keeping, boarding or treatment of animals from the district plans pertaining to each of the four surrounding districts (Ashburton, Waimakariri, Christchurch and Hurunui). The cross boundary assessment will be utilised to inform a variety of policy/rule options for the Proposed Plan.

### 8.1 Christchurch District Plan

The Christchurch District Plan aims to specifically control the boarding of domestic animals in Rural Zones, while using more broad provisions to control the keeping and boarding of animals in all other zones. Veterinary facilities are generally provided for as permitted activities in both residential and rural areas, although they remain subject to stringent permitted activity standards.

An overview of the way in which animal containment activities are controlled in the Christchurch District is provided below. The following three activity types and associated definitions from the Christchurch District Plan are considered relevant:



Activity Type	Definition
<b>Veterinary care facilities</b>	Land and/or buildings used for the provision of specialist care and/or surgery for animals, under the supervision of a qualified veterinarian.
<b>Boarding of domestic animals</b>	The use of land and/or buildings for the boarding of domestic animals for a tariff.
<b>Commercial services</b>	Means a business providing personal, property, financial, household, private or business services to the general public. It includes: 16. animal welfare and/or grooming services.

**Table 8.1 – Relevant Christchurch District Plan definitions.**

The Plan provides activity status tables for each zone, categorising specific activities. In chapters of the Plan where veterinary care facilities, the boarding of domestic animals or commercial services are not specifically listed, a ‘catch-all’ rule applies that determines the status of activities not otherwise provided for by the Plan. Proceeding on that basis, the following table shows the activity status for each of the abovementioned activities in all of the relevant zones, as well as showing the catch-all activity status for each of the zones.

District Plan Zone	Activity Type	Activity Status
<b>All Residential Zones<sup>4</sup></b>	Veterinary care facilities	Permitted (subject to meeting a series of stringent activity standards)
	Boarding of domestic animals	Not listed – catch all rule applies
	Commercial services	Not listed – catch all rule applies
	Catch-all rule	Discretionary
<b>All Commercial Zones</b>	Veterinary care facilities	Not listed – catch all rule applies
	Boarding of domestic animals	Not listed – catch all rule applies
	Commercial services	Permitted
	Catch-all rule	Discretionary
<b>All Rural Zones</b>	Veterinary care facilities	Permitted (provided GFA is <100m <sup>2</sup> )
	Boarding of domestic animals	Restricted Discretionary (public notification is precluded)
	Commercial services	Not listed – catch all rule applies
	Catch-all rule	Non-Complying
<b>Industrial General Zone</b>	Veterinary care facilities	Not listed – catch all rule applies
	Boarding of domestic animals	Not listed – catch all rule applies
	Commercial services	Restricted Discretionary
	Catch-all rule	Discretionary
<b>Industrial Heavy Zone</b>	Veterinary care facilities	Not listed – catch all rule applies

<sup>4</sup> Note: Veterinary facilities must be <40m<sup>2</sup> GFA in the Residential Central City Zone.

	Boarding of domestic animals	Not listed – catch all rule applies
	Commercial services	Discretionary
	Catch-all rule	Non-Complying

**Table 8.2 – Activity statuses for the relevant activity types, as listed in the Christchurch District Plan.**

Taking into account the above table, it is noted that the Plan seeks to allow for veterinary facilities in all residential, commercial and rural zones, but maintains a level of control over the nature and scale of the activity through a series of permitted activity standards. Veterinary facilities are not provided for in industrial zones and are therefore subject to a greater level of control.

In terms of animal boarding facilities, domestic animal boarding facilities are restricted discretionary activities in rural areas and as such, are subject to discretionary matters broadly relating to: scale and design of the activity; on-site management; character and amenity values; hours of operation; and any mitigating factors. Given that the rule only applies to the boarding of *domestic* animals, the boarding of any other type of animal is controlled by the catch-all rule. Similarly, the boarding of any kind of animal in residential, commercial or industrial zones is governed by the respective catch-all rules for those zones.

It is also relevant to note that the keeping of bees is not specifically controlled in the Christchurch District Plan and is therefore subject to the catch-all rules for each zone. There are currently no relevant bylaws in place that relate to this scope of work.

In summary, the Christchurch District Plan generally maintains a high level of control over animal containment activities, particularly in highly populated areas where the effects may be more noticeable. Veterinary facilities are permitted in a number of zones, but must meet a series of stringent standards to be able to establish as of right. The Plan generally seeks to ensure animal-related facilities are not established in industrial areas.

## 8.2 Ashburton District Plan

The Ashburton District Plan provides for the boarding of animals under the definition for ‘intensive livestock management (intensive farming)’. As such, the rules applying to intensive farming are also applicable to animal boarding facilities. Veterinary facilities are not specifically provided for and are subject to the ‘catch-all’ rule for each zone, although it could be argued that such a facility can be categorised as a ‘commercial activity’. In addition, it is noted that the Ashburton District Council have in place a bylaw which controls the keeping of animals, bees and poultry. The bylaw will also be discussed in this section.

Intensive farming (including the boarding of animals) is permitted in rural zones, provided the activity can meet all of the site specific standards, including a setback of 400m from existing residential dwellings. Veterinary activities are subject to the discretionary catch-all rule for rural zones.

The boarding of animals is specifically listed as a discretionary activity in the ‘Residential D’ Zone (where a low density is anticipated), while the catch-all rule also has a discretionary status and applies to veterinary activities and the boarding of animals in any other residential zone.

Both intensive livestock management and the catch-all rule are non-complying in business zones throughout the district, signaling an intent to ensure large concentrations of animals are not present in those zones.

As noted, the Ashburton District Council also have in place a bylaw for the 'Keeping of Animals, Bees and Poultry' which came into effect in September 2016. The 4-page bylaw is responsible for the provision of the following matters:

- The prohibition of the keeping of pigs in urban areas;
- The prohibition of the keeping of stock in urban areas without the prior written consent of and licence issued by Council and subject to any conditions imposed;
- The prohibition of poultry houses/runs in urban areas within 10m of any occupied building and within 2m of any shared internal boundary;
- The prohibition of the keeping of noisy animals, birds or poultry where nuisance effects arise;
- Ensuring that where a person is keeping bees on a site, no nuisance is caused to other persons and requiring removal where a hive is considered dangerous or offensive;
- Ensuring that the number of animals kept/harboured on a site does not cause a nuisance to others.

In effect, the bylaw gives the Council some very minor additional powers, including a licensing function for the keeping of stock in urban areas and the ability to require removal of bee hives which are causing a nuisance. The bylaw does not state the penalty for failing to act in accordance with the legislation.

On the basis of the above discussion, it is noted that animal containment and veterinary activities generally require resource consent to establish in the Ashburton District, with the Council's consideration not being limited to any particular matters. While a bylaw is in place to control the keeping of animals and bees, it is broad and does not seek to control specific effects.

### 8.3 Hurunui District Plan

Hurunui District Council are in the process of reviewing their District Plan. The Proposed District Plan was notified in October 2016 and some matters remain subject to unresolved appeals. It is noted that the Proposed Plan includes vet clinics (where no overnight accommodation is provided) under the definition of 'healthcare facility', and the boarding of animals for commercial benefit under the definition of 'residential business'.

On that basis, it is noted that residential businesses are permitted in residential zones, provided they meet a series of permitted activity standards. Those standards relate to screening of the activity and also limit the number of persons employed and residing off site to two. In addition, the keeping of animals as part of a farming activities are permitted in residential zones provided buildings or yards for the animals are not located within 45m of a dwelling on an adjoining site. Healthcare facilities are also permitted in residential zones, subject to being able to meet the bulk and location standards for the zone, as well as the vehicle movements standard which limits the number of movements for any site to 20 per day. Any non-compliances with the permitted activity standards generally result in a discretionary activity status.

Similarly, healthcare facilities are provided for as permitted activities within business zones in the district. The keeping or boarding of animals is not provided for in business zones and would therefore be assessed as a discretionary activity. All activities relating to animal containment would be assessed as non-complying in industrial zones.

In terms of the Rural Zone, it is noted that all activities which can meet the zone standards and are not specifically listed, are permitted activities. On that basis, all animal containment facilities would be permitted and would generally be subject to a series of required setback distances and screening requirements. In addition, such activities would be limited to a maximum of 20 vehicles movements per day. Any non-compliance with the permitted zone standards would result in a discretionary activity status.

Hurunui District Council also have in place the 'Keeping of Animals in Settlement Areas Bylaw 2017'. The bylaw prohibits the keeping of animals that are a nuisance or threat to public health and safety within settlement areas. It also prevents the keeping of animals *in conditions* that are a nuisance or threat to the public in settlement areas. The Council has the power to set conditions via a written notice to anyone who breaches the bylaw, while the maximum penalty available upon conviction is \$20,000.

#### 8.4 Waimakariri District Plan

The Waimakariri District Plan is also effects-based and does not provide any specific controls for the boarding or keeping of animals. Veterinary facilities are included within the definition of 'medical centre' and are therefore subject to any related standards. Notwithstanding, all activities concerning the containment or treatment of animals are controlled through the various effects-based rules, particularly the bulk and location standards.

Waimakariri District Council do not currently have in place any applicable bylaws.

#### 8.5 Cross Boundary Assessment Summary

Having reviewed the relevant provisions from each of the four surrounding District Plans, it is noted that the level of control applied to the boarding of animals and veterinary activities somewhat differs. Christchurch City Council use the District Plan as the sole mechanism for controlling animal containment activities, seeking to provide for vet clinics in residential and rural zones while maintaining control over animal boarding facilities. Ashburton and Hurunui District Councils use bylaws to control animal-related activities in urban areas but rely predominantly on the bulk and location standards to ensure they are appropriately managed in all other areas.

## 9.0 Summary of Options to Address Issues

This section firstly discusses the option of implementing a bylaw to control the keeping of bees, before providing four separate options for the on-going management of the keeping, boarding and treatment of animals in the Selwyn District. The effectiveness, opportunities and limitations of each option has been assessed at a high level below.

## 9.1 OPTION OF A BYLAW FOR THE KEEPING OF BEES

As discussed in Section 7 above, the keeping of bees is a unique activity that can potentially result in adverse environmental effects relating to nuisance and public health and safety if not managed appropriately. On that basis, it is considered pertinent to discuss whether a suitable management technique may be the introduction of a bylaw that controls the keeping of bees. This option could be implemented in combination with any of the four options relating to the keeping/boarding of animals discussed later in this section.

Under section 145 of the Local Government Act 2002 (LGA), Council have the ability to make bylaws in order to protect the public from nuisance or to protect, promote and maintain public health and safety. Furthermore, section 146 of the Act specifically allows for a bylaw to be established to control the keeping of bees. On that basis, a bylaw for the keeping of bees would likely include provisions that prohibit or restrict such activities where public nuisance or health and safety effects may arise.

It is considered that the most appropriate format for such a bylaw would likely be to permit the keeping of bees, provided a series of standards can be met when apiaries are established in or near urban areas. The standards could relate to any or all of the following matters:

- Limits on the number of hives on a single site in urban areas;
- Setback distances from sensitive activities;
- Barriers around hives in urban areas to direct flight paths;
- A registration system with Council.

The majority of standards would only need to apply to apiaries in urban areas given the sensitive nature of more densely populated environments. However, despite the ability of the rural context to absorb many of the effects associated with beekeeping, it would remain appropriate to require setback distances from sensitive activities in rural areas and for beekeepers to register their activity with Council.

In addition, as with the Ashburton District Council bylaw, specific causes would most likely be included which allow Council to require the removal of any hives found to be causing nuisance to surrounding properties or creating a risk to public health and safety.

### ***Effectiveness in Addressing Issue:***

A bylaw for the keeping of bees which is of a similar nature to that outlined above would permit beekeeping activities, whilst controlling the associated adverse effects to ensure members of the public are not affected. Permitted standards would act as controls to ensure any apiaries established in the district are appropriately located and managed so as to avoid adverse effects, while not be overly restrictive or costly for beekeepers. Furthermore, nuisance and public health and safety clauses in the bylaw would afford Council the discretion to remove hives found to be causing a problem, without the need to go through the Environment Court.

A bylaw is considered to be a more effective method for addressing the issue of beekeeping, as opposed to inserting specific rules in the Proposed District Plan. A well-structured bylaw for the

keeping of bees would provide a clear and concise management tool for Council and, potentially in contrast to District Plan rules, would ensure existing and potential beekeepers could easily find and interpret the relevant regulations. Additionally, a bylaw would be clear-cut in terms of what could be undertaken as of right, and would provide Council with an element of discretion to control any hives causing nuisance.

***Risks:***

Council's Compliance Team have noted that a bylaw can be difficult to enforce when compared to the enforcement options available in relation to District Plan standards. The team note that where District Plan rules are in place, they can issue abatement or infringement notices. However, for enforcement to occur in relation to a bylaw Council need to obtain a summary conviction through a court process before they can take action.

Notwithstanding, while this would be the case if Council wanted to prescribe a penalty for infringing the bylaw, Council would not be required to obtain a summary conviction in order to be able to remove a hive causing nuisance. As per section 163 of the LGA, Council could remove a hive if it were found to be in breach of the bylaw and subsequently recover the costs from the person who committed the breach.

***Budget or Time Implications:***

This option would require time and cost in order to construct an appropriate bylaw. Notwithstanding, it is not anticipated that the bylaw would need to be overly detailed or complex.

***Recommendation:***

It is recommended that Council implement a bylaw for the keeping of bees. The bylaw should permit the keeping of bees in the district, subject to meeting a series of permitted standards. The standards should contain specific controls in relation to apiaries established within or near urban areas or sensitive activities. The bylaw should also contain certain clauses which allow Council to remove beehives which are causing nuisance to the public or risking health and safety.

## 9.2 OPTION 1 – STATUS QUO

Option 1 is the 'do-nothing' option and would result in the operative provisions being carried over into the proposed District Plan with no additions or amendments. As such, the status-quo would remain.

***Effectiveness in Addressing Issue:***

It is considered that the current rules package relating to the boarding of animals is effective in controlling the associated impacts of the activity (including noise, odour and vehicle movements) and presents as an appropriate trigger for resource consent in each of the zones. Option 1 would allow for the rules on the boarding of animals to be carried over, resulting in the activity being restricted discretionary in Rural Zones, discretionary in Business Zones and non-complying in Living Zones. These activity statuses allow the Council to obtain a level of control that corresponds with the potential for adverse effects in each area.

It is noted that Council's Animal Control Team support this option, stating that *"as long as the resource consents are met in regards to any new kennels [they] wouldn't expect issues."* On that basis, the team noted that *"the current provisions are working well."*

**Risks:**

The current provisions contain several limitations, some of which have been identified in Section 6 of this report. Namely, the current provisions do not permit the overnight accommodation of horses at racing stables. As discussed in Section 6, being able to accommodate horses on site for training purposes is an integral part of a racing stable operation and generally has very few adverse effects. However, the current provisions require resource consent for such an activity under the 'boarding of animals' rules. Furthermore, the existing provisions do not specifically provide for veterinary activities, despite them having unique effects that may require specific controls.

**Budget or Time Implications:**

There are no significant budget or time implications associated with this option.

**Recommendation:**

It is recommended that Council do not adopt this option given that some relatively small changes to the status quo would improve the existing rules package.

### 9.3 OPTION 2 – REVISED VERSION OF EXISTING PROVISIONS

This option would allow for some minor adjustments and/or additions to be made to the existing provisions in order to address any identified issues, but in the main, would result in the majority of rules being retained.

**Effectiveness in Addressing Issue:**

There are several benefits of implementing Option 2. Notably, the existing provisions have now been in place for 10 years and the strengths and weaknesses of the provisions are well established.

As discussed in Section 6 of this report, the existing provisions could be improved in order to address the boarding of horses for training purposes in rural areas. It is considered that accommodating horses on a rural site results in very few adverse effects as horses do not generally produce significant levels of noise or odour. Furthermore, horses are an anticipated part of the rural environment and the containment of them on a site is not indifferent to containing sheep or cattle.

It is noted that the boarding of horses for training purposes differs somewhat from other animal containment activities such as boarding kennels and catteries. Keeping horses on a site for multiple days in order to train them does not appear as a commercial activity as it does not generally lead to increased vehicle movements on the site or any noticeable increase in activity. In contrast, other boarding activities such as dog kennels and catteries can result in vehicles regularly moving to and from the site as customers drop off/pick up their pet. Notwithstanding, under the existing rules package horse training facilities are required to obtain resource consent to board horses.



On that basis, it is considered more effective to separately define the boarding of horses for training purposes and provide for it as a permitted activity, subject to a permitted activity standard which controls the number of horses allowed to be boarded on a site.

It is also noted that the Operative Plan rules do not provide any specific provisions relating to veterinary activities. As such, the current provisions do not provide a clear direction in terms of how vet clinics should be managed in the district. Based on the matters outlined in Sections 3 and 4 of this report, it is considered appropriate to follow the example of Christchurch City Council in this regard and list veterinary clinics as a permitted activity, subject to a series of permitted activity standards. While vet clinics do have the potential to result in adverse effects, the effects are not entirely comparable with animal boarding facilities. Furthermore, vet clinics often have a need to locate in Living and Business Zones so as to be in close proximity to populated areas. As such, provided the scale of the activity is appropriately controlled, vet clinics can be established in urban areas without resulting in significant adverse effects. Permitted activity standards could relate to operational hours, number of staff, number of vehicle movements, gross floor area of buildings, signage and number of animals kept on site.

Furthermore, a definition for the 'keeping of animals' could be inserted to provide greater clarity on the kinds of activities that could reasonably be defined as such. It is also noted that the operative District Plan does not contain any policy direction in relation to the containment and treatment of animals. It is considered best practice to provide a policy direction on this matter in order to justify the need to control such activities.

***Risks:***

There are no significant risks associated with this option.

***Budget or Time Implications:***

There would be time and cost associated with the drafting of additional provisions and the need to ensure the existing provisions match the structure of the Proposed Plan.

***Recommendation:***

It is recommended that this option be adopted for further investigation and development.

## 9.4 OPTION 3 – ESTABLISH NEW PROVISIONS

This option would require the drafting of an entirely new set of provisions to control the effects of the keeping, boarding and treatment of animals. In this regard, there are numerous options for the way in which the provisions could be drafted.

***Effectiveness in Addressing Issue:***

The option would allow for the issues with the current rules (as identified in Section 6) to be addressed as part of a complete overhaul of the provisions relating to the keeping and boarding of animals. While this may be effective in addressing the identified issues, it would come at a significant cost and would carry substantial risk.



***Risks:***

The existing provisions have been generally effective in controlling the adverse effects of the keeping and boarding of animals over the past few years. Following communication with the Selwyn District Council Resource Consents, Compliance and Monitoring, and Animal Control Teams, no significant issues were identified with the existing provisions. On that basis, there does not appear to be a pressing need to substantially change the way in which the keeping, boarding and treatment of animals is controlled in the district.

Creating a new set of provisions could potentially result in gaps in the rules and could give rise to unexpected adverse effects.

***Budget or Time Implications:***

There would be significant budget and time implications given that a whole new set of provisions would need to be drafted.

***Recommendation:***

Given the significant limitations, this option is not recommended.

## 9.5 OPTION 4 – BYLAW FOR KEEPING/BOARDING OF ANIMALS

The final option is for Council to implement a bylaw in relation to the keeping and/or boarding of animals. There are numerous possibilities in terms of the content and structure of the bylaw, including the option of using the bylaw to address the keeping and boarding of animals in all areas of the district, or using it to address such activities in highly populated areas only. An additional matter for discussion is whether the best course of action would be to solely rely on a bylaw for the control of the keeping/boarding of animals or whether certain provisions in the District Plan would need to be retained.

***Effectiveness in Addressing Issue:***

A bylaw could provide a clear framework for the control of the keeping/boarding of animals, ensuring all parties are aware of the requirements for such an activity. Bylaws tend to be ‘clear-cut’, often restricting or prohibiting certain activities. For example, the Ashburton District Council Bylaw for the ‘Keeping of Animals, Bees and Poultry’ (as discussed in Section 8.2 of this report) prohibits the keeping of pigs in urban areas and prohibits the keeping of stock in urban areas without written consent. In addition, the bylaw would have an enforcement component, which would allow Council to impose penalties on anyone who does not act in accordance.

***Risks:***

This option could be considered overly legalistic and may assert an unnecessary level of control. In addition, Council’s Compliance and Monitoring Team have raised concern in relation to the enforceability of a bylaw. They have noted that it is much less complex to issue abatement notices for non-compliances with the District Plan.

***Budget or Time Implications:***

There would be time and cost associated with drafting a bylaw and consulting with the public.

**Recommendation:**

This option is not recommended.

## 10.0 Preferred Option for Further Engagement

The Project Team recommends that:

- A bylaw be implemented to control the keeping of bees in the Selwyn District. The bylaw should permit beekeeping, subject to meeting a series of permitted standards. The standards could take into account the following matters:
  - Limits on the number of hives on a single site in urban areas;
  - Setback distances from sensitive activities;
  - Barriers around hives in urban areas to direct flight paths;
  - A registration system with Council.
- Option 2 be adopted in drafting the Proposed District Plan. Specifically, the majority of existing provisions relating to the keeping and boarding of animals should be retained, with the following edits/additions:
  - Providing for the boarding of horses for training purposes as a permitted activity, subject to a permitted activity standard that limits the number of horses kept on site.
  - Providing for veterinary activities as a permitted activity, subject to permitted activity standards that limit the scale of the activity.
  - Inserting a separate definition for the 'keeping of animals'.

**Appendix 1**

**Relevant Selwyn District Plan Provisions**

**OPERATIVE SELWYN DISTRICT PLAN (TOWNSHIP VOLUME)****Rule 1.1 – Status of Activities (Living Zones)**

1.1.2 The following activities shall be discretionary activities in Living zones:

1.1.2.2 Any of the activities listed in (a) to (h) below, irrespective of whether they comply with the conditions for permitted activities in Rules 2 to 11:

h. Veterinary hospitals and other facilities providing 24 hour veterinary care.

**Rule 10.3 – Activities and the Keeping of Animals (Living Zones)**

10.3.1 The keeping of domestic pets shall be a permitted 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.

*Discretionary Activities — Activities and the Keeping of Animals*

10.3.2 The keeping of animals other than domestic pets except as provided under Rules 10.3.3 to Rules 10.3.5 shall be a discretionary activity, except

- a. within the Living 3 Zone Countryside Areas identified on the Outline Development Plan at Appendix 39 and 40 provided that such activities are identified by and undertaken consistent with the Countryside Area Management Plan required by Rule 12.1.3.35; and
- b. within the Living 3 Zone Lower Density Area identified on Outline Development Plan at Appendix 39 and 40 provided that this shall not include intensive livestock production or the keeping of roosters, peacocks, pigs or donkeys.

10.3.3 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products shall be a discretionary activity.

*Non-Complying Activities — Activities and the Keeping of Animals*

10.3.4 Boarding of animals shall be a non-complying activity.

10.3.5 Intensive livestock production shall be a non-complying activity.

**Rule 22.2 – Activities and the Keeping of Animals (Business Zones)**

22.2.1 The keeping of animals for education and research purposes in the Business 3 Zone shall be a permitted 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.

*Discretionary Activities — Activities and the Keeping of Animals*

22.2.2 The keeping of animals other than domestic pets in Business 1, 1A & 3 Zones except as provided under Rule 22.2.4 shall be a discretionary activity.

22.2.3 In Business 2, 2A and 2B Zones, the following shall be discretionary activities:

22.2.3.1 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products

22.2.3.2 Boarding of animals.

22.2.3.3 Intensive livestock production

*Non-Complying Activities — Activities and the Keeping of Animals*

22.2.4 In Business 1, 1A & 3 Zones, the following shall be non-complying activities:

22.2.4.1 Commercial rearing of animals for sale of progeny, meat, skins, wool or other products

22.2.4.2 Boarding of animals.

22.2.4.3 Intensive livestock production

**OPERATIVE SELWYN DISTRICT PLAN (RURAL VOLUME)**

**Rule 9.8 – Activities and the Keeping of Animals**

9.8.1 The keeping of animals shall be a permitted activity if all of the following conditions are met:

9.8.1.1 Any keeping of animals does not include:

- a. The boarding of animals, including catteries and kennels; and
- b. Intensive livestock production;

**Rule 9.9 – Activities and the Boarding of Animals**

9.9.1 Any activity which involves the boarding of animals shall be a restricted discretionary activity if all of the following standards and terms are met:

9.9.1.1 Any building or compound is setback a minimum distance of 50m from any property boundary;

9.9.1.2 Any building or compound is setback a minimum distance of 30m from any road boundary; and

9.9.1.3 Any building or compound used for the boarding of animals is 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.

9.9.2 Under Rule 9.9.1, the Council shall restrict its discretion to consideration of:

9.9.2.1 Any potential nuisance effects from noise, traffic, odour or inadequate animal containment on surrounding properties;

9.9.2.2 The effectiveness of any proposed mitigation measures to reduce effects of noise, traffic, odour or inadequate animal containment on surrounding properties;

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

9.9.2.4 Any monitoring or review conditions.

*Discretionary Activities — Activities and the Boarding of Animals*

9.9.3 Any activity which does not comply with Rule 9.9.1 shall be a discretionary activity.

**10(b) Communications and Engagement Summary Plan – Keeping and Boarding of Animals & Vet Clinics**

Author:	Robert Love (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Keeping and Boarding of Animals & Vet Clinics topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Keeping and Boarding of Animals & Vet Clinics – communications and engagement summary plan’

# DW021 – Keeping or Boarding of Animals – Communications and Engagement Summary Plan

## Key messages

(as of 6 April 2018)

### Background

- A major review of the Selwyn District Plan is now under way. This includes a review of the existing provisions relating to the keeping or boarding of animals in the district, including veterinary activities, and potential environmental effects of these activities.
- The District Plan definition of the ‘boarding of animals’ includes the boarding or care of animals that do not permanently reside on the site, as well as veterinary hospitals and clinics that provide overnight accommodation for animals.
- The keeping of animals is not defined in the Plan but is considered to relate to the keeping of domestic animals or livestock (other than intensively farmed livestock). In Living Zones, the keeping of domestic pets is permitted, with the exception of donkeys, pigs, roosters or peacocks.
- No 24/7 vet hospitals currently exist in the District.
- Majority of animal boarding facilities are located within Rural Zones while vet clinics are commonly located within Business Zones.
- Beekeeping is becoming very popular in residential areas in the district. Beekeepers currently need to register withASUREQuality, a state-owned enterprise operating on behalf of Ministry of Primary Industries, which manages and assures the quality of the keeping of bees in New Zealand.

### Current status

- The current provisions require landowners to obtain a resource consent if they want to board animals. This allows the Council to control any potential adverse effects, such as noise, traffic, odour and animal containment. The provisions are more stringent in Living and Business Zones when compared to Rural Zones.
- There are currently no specific provisions relating to the keeping of bees or the establishment and operation of veterinary clinics.
- The current provisions are generally considered adequate to control the keeping or boarding of animals in the district, although a number of issues have been identified with the current rules.
- The existing provisions require horse training facilities in Rural Zones, where horses are kept on site overnight, to obtain a resource consent as a ‘boarding of animals’ activity. However, this activity rarely results in any significant adverse effects in rural areas.
- The existing provisions do not specifically provide for veterinary activities, making it unclear how such activities are to be controlled.
- There are no provisions for beekeeping, including no bylaws. Beekeeping activities are generally treated as a permitted activity and any adverse effects are managed via RMA. This means any level of control relies on the Environment Court.

### About preferred option

- It’s proposed to retain the existing rules package for the most part, and make some minor adjustments including:
  - A separate permitted activity standard for the boarding of horses for training purposes;
  - A separate permitted activity standard to limit the scale of veterinary clinics in urban areas;
  - Define ‘keeping of animals’.
- It’s proposed that the Council introduces a bylaw to control the keeping of bees in the district. The bylaw will permit beekeeping subject to a set of permitted standards, such as the number of hives on a site, location within or near urban areas, setback distances from sensitive activities and barriers to redirect flight paths.
- A bylaw is considered more effective than introducing new rules within the Proposed Plan at addressing any adverse effects of beekeeping. A separate formal process, under the LGA Special Consultative Procedure, is to be followed if the introduction of a bylaw is endorsed by the District Plan Committee.

## Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence (“Manage closely”)</i>	<i>High level of interest/ Low level of influence (“Keep informed”)</i>	<i>Low level of interest/ high level of influence (“Keep satisfied”)</i>	<i>Low level of interest/ Low level of influence (“Watch only”)</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	ASUREQuality	Existing owners/occupiers of animal boarding facilities	Selwyn ratepayers
	Mahaanui Kurataiao	Apiculture New Zealand	Existing owners/occupiers of veterinary hospitals and clinics	News media
				Wider public

<sup>1</sup> “...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds.” [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are “the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared.” (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders “...will advocate for or against decisions that will need to be made...” and “For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules.” (DPR Engagement Framework)

<sup>3</sup> Landowners are “the individuals and businesses that could be affected by the proposed changes in the District Plan.” (District Plan Review Community Engagement Implementation Plan; p.6)



Engagement during review phases

Review phases	Internal	ECan	Mahaanui Kurataiao and/or Runanga	Key stakeholders	Landowners/occupiers <sup>4</sup>	General public
Preferred option development						
Preferred option consultation						

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	March	April	May	June	July <sup>5</sup>
ECan	Consulted with as part of the preferred option development		Share approved options report and gather further feedback		
Mahaanui Kurataiao	Consulted with as part of the preferred option development		Share approved options report and gather further feedback		
Key stakeholders			Share approved options report and gather feedback		
Landowners/occupiers					
General public			Approved preferred options report published on Your Selwyn Engagement website		
DPC		Preferred option to be put to DPC and published as part of agenda			

<sup>4</sup> Due to the proposed changes to provisions being only minor (apart from proposed bylaw for keeping of bees, which will follow a separate public consultation process), no targeted landowner consultation is planned. They will have the opportunity to provide feedback as part of the general public consultation on the notified Proposed District Plan next year.

<sup>5</sup> This plan covers period until public pre-notification consultation on preferred options starts.

**11(a) Preferred Option Report – Intensive Farming**

Author:	Robert Love (Strategy & Policy Planner)
Contact:	347 1821

**Purpose**

To brief the Committee on the findings of the Intensive Farming Baseline Report, which reviews the effectiveness of the operative District Plan provisions that manage the potential adverse effects of intensive farming activities.

**Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option (Option 2) for Intensive Farming for further development.”**

**Attachments**

‘Preferred Option Report for Intensive Farming’

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# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

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**DATE:** 19 March 2018

**TOPIC NAME:** Rural

**SCOPE DESCRIPTION:** Preferred Option Report – Intensive Farming RU007

**TOPIC LEAD:** Robert Love

**PREPARED BY:** Robert Love

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>The current rules are unnecessarily onerous, complex, and include ambiguous definitions and in some cases they require the duplication of process with the regional authority. Overall the current district plan provisions do not serve the community or the farming industry well and need to be amended to improve outcomes.</i>
<i>Preferred Option</i>	<i>Option 2 - Amend provisions and remove duplication with the Canterbury Regional Air Plan in relation to dust and odour effects.</i>
<i>DPC Decision</i>	

## 1.0 Introduction

The Resource Management Act 1991 (Act) requires Territorial Authorities (among other things) to deal with the effects on amenity values from intensive farming activities. Generally, effects on amenity are caused by odour, dust, noise, and traffic. The responsibility to manage adverse effects on the environment has meant that Territorial Authorities have developed planning provisions within the District Plan framework. These provisions are required under the Act to be reviewed every 10 years to ensure their appropriateness and effectiveness.

However, when addressing adverse effects on air quality there is an overlap in regulatory responsibilities between district and regional councils. While regional councils have a specific duty to control air discharges, district councils are primarily responsible for managing land use activities affecting amenity values. Ideally, such roles are intended to complement each other. It is evident that care needs to be taken to reduce the risk of producing plans containing discrepancies, gaps, or duplication of provisions in addressing air quality matters.

Selwyn is home to the highest number of pork producers in the country, although not the largest volume produced. The current trend is that the overall number of farms producing pork is decreasing, but the volume being produced is being maintained. The Selwyn District is also home to a significant number of poultry farms, with an increasing amount either expanding or becoming established.

This report is meant to serve as an abbreviated summary of the matters covered within the baseline report for this scope. Please consult the baseline report for an in-depth assessment of this scope.

## 2.0 Summary of Issues

On review of the intensive livestock farming resource consent history the following potential and actual effects were found:

- Construction of large buildings to house stock and feed.
- Manure management in regard to disposal, composting, and effluent ponds and the potential for odour effects.
- Effects from particulate matter from ranging areas, vents, shed cleaning.
- The attraction of pests to the activities.
- Increase traffic movements from typical motor vehicles and heavy vehicles resulting in noise and safety issues.
- Noise from the stock, or from the operation of the activity.
- Effects on nearby sensitive activities, such as residential dwellings, and the potential for reverse sensitivity effects from these sensitive activities.
- Incompatible hours of operations with surrounding land uses.
- Soil contamination as a result of the activity, or the potential hazard of these operations occurring on already contaminated sites.

- Deceased animal disposal and management.
- Fresh water contamination.
- Dust and odour from exposed feed stockpiles.

## 2.1 Definitions

The current definitions used for intensive livestock production and intensive piggery production are ambiguous and not conducive to good planning outcomes. This ambiguity has resulted in Environment Court proceedings in order to determine the status of an activity, and therefore if a consent is required for the operation.

**Intensive Livestock Production** - *‘the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependent upon the soil fertility of the land on which that activity is undertaken’.*

**Intensive Piggery Production** - *‘means the use of land and buildings for the commercial rearing and management of pigs where the viability of the activity is not dependent upon the soil fertility of the land on which that activity is undertaken.’*

The activities that are commonly considered to fall under this umbrella in the Selwyn District are indoor piggery and poultry units, and those outdoor (or free-range) piggery and poultry operations that rely on off-site feed.

If taking a literal meaning of this definition, any activity which uses land and buildings, and supplements their operation with off-site feed as a result of insufficient soil fertility could be captured under this rule. This could extend to high country sheep stations who commonly supplement their operations with off-site feed.

However, this approach should not be adopted given the findings of the ‘Bates’ Environment Court decision (Bates v SDC [2014] NZEnvC 32). This decision found that rather than include all farms that rely on outside feed into an intensive farm classification, any consideration should take into account what the rule or definition was trying to achieve. In this instance the Operative Plan seeks to manage the activities with significant adverse odour, dust, noise and/or traffic effects. Therefore, a high country station would not be included in this definition due to a lack of significant adverse effect in either of these four aspects.

There has been some conflict with the implementation of this definition arising from its ambiguous nature. This ambiguity stems from the inclusion of the aspect of an activity’s reliance on soil fertility. In essence this means a farm importing stock food is not dependent upon soil fertility, and is therefore an intensive livestock production. The definition does not go into any detail as to what degree this aspect should be considered, i.e. how much of the farm’s operation is reliant on outside feed.

Given the ambiguity arising from these definitions and the related Environment Court case it is recommended that the definitions be amended.

## 2.2 Rules

### 2.2.1 Inconsistency between Regional and Territorial Authorities.

The main area of inconsistency is in regard to the assessment of free range poultry activities. This activity is permitted by Environment Canterbury, but requires consent from the Selwyn District Council. The RMA requires district plans to not be inconsistent with regional plans, so therefore if this activity type is deemed by the regional authority to be permitted, subject to meeting the definition, then it would not be appropriate for the territorial authority to have a stricter activity classification.

### 2.2.2 Complex and onerous controlled activity rule for the expansion of existing intensive piggery activities.

In its present form rule 9.10.1 is seldom used, and through consultation with the industry, this may be due to its complexity and overly onerous requirements, which creates uncertainty in the administration of the plan. This has the potential to adversely affect the primary production capability of the rural area, which is in conflict with the Regional Policy Statement.

An example of this arose through the planning assessment of rule 9.10.1.3 (controls expansion to a 50% stock pig unit (SPU) increase), and rule 9.10.1.2 (nil increase in odour emissions). The primary issue when assessing intensive piggeries is the potential for odour and dust creation. Having a rule that controls the overall stock increase to no more than 50% is not necessary when there is another rule requiring there to be a nil increase in odour emissions. If an activity could demonstrate that there would be a nil increase in odour emissions as a result of the expansion then there should be no concern about the stock number increase. The SPU factor numbers were queried during the Baseline Assessment, with a focus on the empirical evidence to justify these numbers and how accurate they actually are. The reasoning behind this is as pig numbers have stayed the same on farms, stock weights have dramatically increased. Finally in regard to the SPU table, the numbers stated are unwieldy for farmers to use as farms use strict stock number formulas which cannot be amended on an ad hoc basis.

It is also noted that reference to 'international odour emission' standards may not be appropriate due to the research that they are based on applying to non-New Zealand situations, which employ different farming techniques and have different environmental conditions.

Part of this rule required the submission of a report from an independent expert, and that this report would then be reviewed by an SDC appointed independent expert. The industry raises this as an issue due to the significant increase in costs from using two independent experts. It may be appropriate to only require one report, and rely on the expert's self-interest to protect their independent expert status and credibility.

### 2.2.3 Duplication between Selwyn District Council and Environment Canterbury

Presently, when an intensive farming operation is seeking to establish they are required to obtain a consent from both Environment Canterbury and Selwyn District Council. This situation can and does lead to an overlap in process between the two authorities. This can have significant cost and time implications on applicants, especially if multiple experts need to be enlisted to prepare and support any application. The Selwyn District Council Consents Team also noted that through their interactions with the public there is confusion about when and why a consent is required from both the Selwyn District Council and Environment Canterbury. It is therefore considered that on council should take on the whole responsibility for assessing odour and dust discharges.

In relation to this cross-over of jurisdictions between authorities, this aspect also extends to compliance and monitoring when considering what council should be following up on a complaint. Further to this point Selwyn District Council at the present moment has responsibility to assess the amenity effect from these activities, but lack the equipment and technical expertise to carry this out, whereas Environment Canterbury do possess the required skills. This results in the majority of complaints being passed onto the regional authority.

### 2.2.4 Miscellaneous

Firstly, the keeping of pigs for self-sufficiency was identified as being a gap within the plan. At the moment the keeping of pigs for domestic purposes could trigger resource consent requirements as an intensive livestock activity, a situation that was not intended. The Canterbury Air Regional Plan does allow for this by setting a threshold of no more than either 25 weaned pigs or six sows for personal production before resource consent requirements will be triggered.

Secondly, if an intensive farmer wanted to establish a residential dwelling within their property, other rules notwithstanding, they would be required to apply for a resource consent if located within 300 metres of intensive farming operation, regardless of if the operation is their own. This is in conflict with the RMA which states that adverse effects being inflicted on oneself should be disregarded.

Finally, the current land use rules dealing with contaminated land restrict the use of land for intensive farming. The reasoning behind this is to ensure no adverse health effects occur from either the direct transfer of contaminants to the animal, or from making any contaminant airborne through soil disturbance. However, if an intensive farming activity included a sealed floor, this would effectively act as a cap over the contaminated land. In a situation such as this the current rule would be unnecessarily restrictive.

## 3.0 Summary of Operative District Plan approach

### 3.1 Policy

No policy in the Operative District Plan directly addresses intensive livestock production, but there are policies that indirectly deal with the potential effects of this form of agriculture. These primarily deal with soil health and loss, general amenity and character, and amenity effects such as noise, glare, and dust. Furthermore, there is considerable emphasis placed on avoiding reverse sensitivity in the policy framework. It is relevant to note that there are no specific policies relating to the control of odour. However, this aspect is currently managed under the general amenity policies.

### 3.2 Definitions

The Operative District Plan contains definitions for intensive livestock production and intensive piggery production. The key qualifier is whether the activity is dependent upon the soil fertility of the land. In essence, can the land support the requirements of the stock contained on it? No definitions exist for any form of extensive farming.

### 3.3 Township Rules

The Township Volume renders all intensive livestock operations within a Living (Rule 10.3.5) or a Business 1, 1A & 3 Zone (Rule 22.2.4.3) as non-complying activities. The non-complying status of these types of activities in the Living and Business Zones would suggest that these activities should be avoided in these areas unless under certain unique situations.

### 3.4 Rural Rules

Within the Rural Volume it is anticipated that intensive livestock operations occur in the Rural Zone, provided that any significant adverse amenity effects are avoided. As such the activity status is more lenient than those for the Living or Business Zones. Within the Rural Zone, there are only two relevant rules, one for the expansion of existing piggery operations, and a general intensive livestock production rule for new or expanding activities. There are no specific rules for poultry production (extensive (free-range), or intensive), and herd homes.

For piggery activities seeking to expand there is a controlled activity status. However, in order to be classified under this rule (9.10.1) the expansion shall not result in an increase in odour emissions, and shall not exceed a 50% increase in equivalent stock units. The conditions of this rule are quite restrictive, and few consents have been issued under this rule. Matters of control have been limited to amenity effects caused by odour, dust, noise and traffic, effectiveness of mitigation, the location of the odour causing buildings, positive effects, and monitoring and review conditions. On review of the matters of discretion it would appear that the first three matters primarily deal with the same aspect of an activity that being the effects and resultant mitigation.



The general intensive livestock production rule (9.10.3) classifies all new sites or expansions not covered by the controlled activity rule to be a restricted discretionary activity. As per the Bates' decisions ([2014] NZEnvC 32, [2016] NZEnvC 63), this encompasses all livestock production activities that utilise the land or buildings which require off-site feed for their viability. Primarily this includes piggeries, poultry sheds and some free range operations, and although not traditionally captured by the SDC, herd homes, including calf rearing barns. The matters of discretion are the same as rule 9.10.1, although there is not the same discretion over the location of any buildings.

### 3.5 Reverse Sensitivity Buffer

In addition to the rules controlling intensive livestock production, there are provisions (Rule 3.13.1.5) in the District Plan controlling the construction of any 'sensitive activity' near an existing lawfully established intensive livestock production operation. A sensitive activity is considered to be an activity that has aspects that are particularly vulnerable to various effects such as dust and odour. Activities could include things such as residential dwellings and community centres.

These provisions require a buffer of 300 metres between the edge of buildings, enclosures or yards which contains the intensive livestock production operation and any new residential dwelling (or other 'sensitive activity') as a means to minimise reverse sensitivity effects on the intensive farming activity.

## 4.0 Summary of relevant statutory and/or policy context and other background information

### 4.1 Canterbury Regional Policy Statement (RPS)

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

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

These aspects have been addressed in the current District Plan through setbacks from sensitive activities to intensive livestock production, and through the assessment during the resource consent process of the amenity effects caused by activities of this nature.

## 4.2 Canterbury Air Regional Plan (CARP) – October 2017

### Definitions

Environment Canterbury has opted to include definitions for both extensive and intensive pig, and poultry farming activities in the CARP.

A common feature across the definitions is whether the activity will maintain ground cover. All 'extensive' or 'free range' activities require the maintenance of permanent vegetation ground cover. By including this attribute, the intention is to keep stock densities low, reducing the likelihood of dust and odour discharges. To meet the extensive definitions set by Environment Canterbury there is a requirement to adhere to industry standards, and that either, no fixed buildings are used (Pigs), or the requirement for access to open air runs (Poultry).

Both intensive farming definitions include a minimum stock number, and specify that the operation primarily occurs within a building or closely fenced runs.

By having a definition for extensive/intensive pig and poultry farming, it provides clarity as to where a particular activity sits on the spectrum and if resource consent requirements have been triggered. On review of the definitions there is a clear delineation between what could be considered an 'extensive' farm and an 'intensive' farm. An extensive farm would be considered to involve outdoor operations, with low stocking densities, grass cover being maintained, with low amounts of dust and odour being discharged from the activity. Whereas, an intensive farm would primarily consist of an indoor high stock density operation which has the potential to capture some free range farming operations.

### Rules:

Rules 7.3 – 7.5, and 7.65 – 7.71 are the most relevant rules located within the CARP. These rules cover the discharge of contaminants to air from pig, poultry, and cattle in certain circumstances.

Extensive piggeries and free range poultry farms are not covered within the CARP and are therefore considered permitted activities. Only intensive pig/poultry, and cattle barns are captured by the CARP. Despite this, the CARP does include protections against non-listed activities through rules 7.3-7.5 which act as 'catch-all' rules to provide a safety net to capture activities that cause an adverse effect, but have not been provided for elsewhere in the Plan. The threshold for consent is if an activity has caused an adverse effect, which escalates to a non-complying activity if there is an offensive or objectionable effect.

Rules 7.65- 7.71 detail the provisions for each individual intensive farming activity, including those lawfully established prior to June 2002.

While the Regional Council focusses on the effects of the discharge and the sensitivity of the receiving environment, they lack the jurisdiction to control the placement of 'sensitive activities' near discharges, which is managed by the Territorial Authority. The CARP seeks to manage air quality, while the District Plan seeks to address nuisance effects caused by the discharge of contaminants.

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

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

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

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

## 5.0 Summary of alternative management responses – Other Districts

The Christchurch City Council, Ashburton District Council, and Waimakariri District Council have setup their provisions to be more restrictive of intensive farming within non-rural zones with the primary activity status being non-complying. When basing an intensive operation within the rural zone these Councils relax their provisions. The Christchurch City Council considers them to be Restricted Discretionary, and the Ashburton District Council, Hurunui District Council, and Waimakariri District Council all consider them permitted activities subject to certain conditions.

The Christchurch City Council, Ashburton District Council, and Waimakariri District Council have provisions restricting the location of intensive operations near sensitive activities. However, these separations vary from council to council.

Authority	Animal Type	Setback to residential dwellings	Setback to residential zones	Reverse sensitive setback-residential to intensive farming
CCC	All	200 metres	N/A	200 metres
ADC	All	400 metres	1200-1500 metres	400 metres
WDC (depends on stock numbers)	Pigs	200-750 metres	N/A	200-750 metres
	Chickens	300 metres	N/A	300 metres
	Cow Barns	100 metres	N/A	100 metres
HDC	All	N/A	N/A	500 metres
SDC	All	Restricted Discretionary	N/A	300 metres
ECan (CARP)	Chickens	200 metres (Restricted Discretionary)	N/A	N/A
	Cow Barns	500 metres (Restricted Discretionary)	1000 metres	N/A
	Pigs	No setback distances included but consent is still required		

Table 1: Council setback distances

All Councils have provisions controlling the location of intensive farming activities other than Hurunui District Council who have intentionally allowed regional council provisions to manage this type of activity.

Regarding definitions, the Hurunui District Council have adopted the same definition used by the Ashburton District Council which includes matters relating to whether feed is brought onto the site, a stocking rate of 15 pigs per hectare for outdoor farms, and provision for herd homes. The Christchurch City Council definition includes the aspect of whether the activity occurs indoors or on a feedlot, has no dependence on soil quality and/or the importation of feed. The Waimakariri District Council definitions only specifies if it has a dependence on soil quality for production.

On review of other authorities in New Zealand, it was clear that there is no concise or consistent definition for intensive livestock production. Terms ranged from factory farming, intensive rural production, intensive feedlot, and among others intensive farming.

Although all of the authorities were seeking to define the same activity, the term used, and the definition for that term differed from authority to authority. Common key attributes were:

- If the activity was primarily indoors, within small enclosures, or wholly outdoors.
- If ground cover is maintained through the operation of the activity
- If the activity relies solely on the soil fertility to supply its needs
- If off site feed is required to supplement the operation.

To a lesser extent the following attributes were used:

- If the land was irrigated
- The stock density rate
- The amount of stock involved
- That the activity be in compliance with industry standards.

## 6.0 Summary of stakeholder engagement

The following parties provided comments as part of the Baseline Assessment:

- SDC consents and monitoring
- New Zealand Pork
- Environment Canterbury
- Mahaanui Kurataiao Ltd

The discussions with these parties has helped to inform the baseline report, and to determine the preferred option. For further details of these discussions please review the baseline report.

Unfortunately despite attempting to consult with other members of the industry such as Federated Farmers, Dairy NZ, Beef and Lamb NZ, and Poultry Association NZ no responses were received.

## 7.0 Summary of Options to address Issues

### 7.1 OPTION 1 (Status Quo)

Retain the status quo

#### ***Effectiveness in Addressing Issue:***

While being the simplest option, rolling over the suite of existing provisions is not considered to be the most efficient or effective given the issues identified, particularly in relation to the definition of 'intensive livestock production' and the controlled activity rule for the expansion of existing 'intensive piggery production' activities. This review provides an opportunity to make amendments to the Plan, to increase its effectiveness and efficiency.

#### ***Risks:***

By not addressing the known issues within the Operative District Plan, the adverse implications currently occurring will continue. This will frustrate operators who are seeking to establish new or expand existing activities. Furthermore, the ruling in the Bates' Environment Court case could have unwanted implications by requiring all pig farms that import stock feed to apply for resource consent.

#### ***Budget or Time Implications:***

None

#### ***Stakeholder and Community Interests:***

Industry stakeholders wish to see a change in the current planning regime, and do not believe the current provisions are fit for purpose.

The community wish to see protections either created or maintained against unsuitable development near sensitive sites. Wider community engagement is anticipated through the public consultation phase for the Rural Zone chapter.

***Recommendation:***

As previously stated, this option is not preferred as it does not address the known problems within the District Plan.

## 7.2 OPTION 2 (Amend provisions and remove duplication with CARP)

Rely on the CARP to address odour and dust emissions from intensive farming activities, rather than duplicating the process in the District Plan. This approach is supported by the independent legal advice received from Adderley Head, attached to this report as Appendix A.

This option will see the maintenance of the 300 metre reverse sensitivity setback, which to date appears to be working in an acceptable manner. However, an amendment to this is proposed, in that the restrictions on residential development within the 300 metre buffer should be removed if the dwelling is located on the same site as the intensive farm.

By adopting a permissive approach to intensive farming, it does pose an issue about how the council will know where these activities are located in order to enforce a 300 metre reverse sensitivity buffer. To resolve this issue, one of the permitted development standards could be that the intensive farm operator is required to supply a location and plan showing the extent of the activity to council, who can then log the location on GIS.

While the Hurunui District Council have adopted the principle of this Option through the method of removing their intensive farming rules, a method of listing the activity as permitted within the plan may be required in anticipation of the more 'activity-based' National Planning Standards.

This option will also include amendments to the current definitions and the creation of new ones, to make them fit for purpose. The intensive farming definition will make an allowance for small scale home production activities. Both definitions will be tied to the maintenance of ground cover which should be assessed on a common sense basis rather than being linked with a yet to be created detailed explanation, industry standard, and/or guide.

### Definitions

#### **Extensive farming**

*Means the keeping, breeding or rearing of stock for commercial purposes, on pasture at a stocking density that sustains the maintenance of pasture or ground cover, including free range poultry farming where the birds have access to open air runs.*

### Intensive farming

*Means the use of land and/or buildings for the commercial production of animals, 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. It excludes pig production for domestic self-subsistence home use which involves no more than 25 weaned pigs or six sows.*

Indicative rule format for new extensive or intensive farming activities:

Permitted Rule #	Conditions/ Classification
Extensive Farming	Extensive farming is permitted
Intensive Farming	Intensive farming is considered to be a permitted activity if all of the following matters are met: <ul style="list-style-type: none"> <li>i- Meets the permitted development standards listed in Appendix X (<i>See explanation below</i>)</li> <li>ii- Is not located within a Living or Business Zone</li> </ul>
Restricted Discretionary Rule #	
Intensive Farming	Any activity that breaches condition i. is a restricted discretionary activity with the matters of discretion being restricted to those listed in Appendix Y. ( <i>Note this will not include a matter to assess the amenity effect from any odour or dust discharge</i> )
Non-complying Rule #	
Intensive Farming	Any activity that breaches ii. is a non-complying activity.

Regarding the restricted discretionary rule and the permitted development standards which trigger this rule (referred to as Appendix X in the above table), these standards will involve general aspects such as noise, transport, lighting, site coverage, location registering etc. rather than dust or odour considerations.

This option would see the removal of a controlled activity rule from the expansion of existing intensive farms. Any expansion would require an additional consent from Environment Canterbury for the discharge component, and the other aspects of the expansion will be assessed under the permitted development standards as would a new activity.

Finally this option would remove the restriction of not allowing intensive farms to be carried out on contaminated land in cases where the activity will be on a sealed surface.

#### ***Effectiveness in Addressing Issue:***

This option reduces the overlap between the regional and local authority, reducing planning costs and timeframes. Furthermore, it removes any confusion that currently arises from implementing and interpreting the existing plan.

While air quality is an important resource management issue and one that requires an integrated approach between regional and local authorities, issues relating specifically to air quality (dust and odour), rather than general amenity or reverse sensitivity effects, are more appropriately addressed by Environment Canterbury.



Within the rural zone farming activities and their associated effects should generally be expected to occur and therefore there should be an element of tolerance for this activity type. This sentiment is expressed through the creation of an extensive farming definition and rendering this activity type as permitted. This allows those activities that cause little or no effect to occur without needing resource consent.

A common feature across the definitions is whether the activity will maintain ground cover. All 'extensive' or 'free range' activities require the maintenance of permanent vegetation ground cover. By including this attribute, the intention is to keep stock densities low, reducing the likelihood of dust and odour discharge. To meet the definition set by Environment Canterbury there is a requirement to adhere to industry standards, with either no fixed buildings being used (Pigs), or access to open air runs (Poultry).

Both intensive farming definitions include a minimum stock number, and specifies that the operation primarily occurs within a building or closely fenced runs.

By having a definition for extensive and intensive farming, it provides clarity as to where a particular activity sits on the spectrum and if resource consent requirements have been triggered. On review of the definitions there is a clear delineation between what could be considered an 'extensive' farm and an 'intensive' farm. An extensive farm would be considered to involve outdoor operations, with low stocking densities, grass cover being maintained, with low amounts of dust and odour being discharged from the activity. Whereas, an intensive farm would primarily consist of an indoor high stock density operation.

***Risks:***

While reducing the amount of regulation for farmers to operate under, this option does rely on the regional authority to correctly assess the activity, and make sure that odour and dust discharges are acceptable on a district level.

It is noted that the regional authority does possess the expertise and technical capability to assess odour and dust discharges, and thus it is logical that this responsibility sits with them.

The inclusion of a ground cover clause does create an issue as to how to measure the adequacy of 'ground cover', a view shared by Air Quality Scientist Richard Chilton. The term is subjective, and to rectify this, either a common sense approach would need to be relied on; or for the Plan to adopt an approach where measurable details are included as has happened in the recent Bates' resource consent decision. Whilst a common-sense approach is simpler and in many cases would be used without issue, it is left open to interpretation. Whereas, the detailed based approach provides certainty, it can be very hard to monitor. For the sake of ease and simplicity, it is recommended that the use of 'maintaining ground cover' within the definition should be linked with a common sense approach, rather than a technical explanation supported by an industry standard or guide which has yet to be developed. This would allow the Compliance and Monitoring Officer to assess the individual situation on its merits, and determine if there is sufficient ground cover and if a significant effect is occurring to act as required.

Regarding the inclusion of free range poultry farming as an extensive farming activity, there is a risk from a district council perspective that the removal of planning restrictions may lead to



adverse outcomes which cannot be addressed. However in saying this the CARP's 'catch-all' would be triggered if an adverse effect occurs. Furthermore, the birds will be required to have access to open air runs, which will be required to maintain ground cover. This requirement will ensure that the land area will restrict bird numbers, or else the activity would be considered intensive, triggering resource consent. If flock numbers increase as is the current trend for operations of this nature, then the operator will need to either improve their management techniques or increase the amount of land available to the birds, subsequently increasing the area the effect can be absorbed into. While consideration was given to the potential definition of free range poultry farming as an intensive farming activity given the use of buildings for the production process, it was deemed that if Environment Canterbury have determined, through their permissive stance in the CARP, that there is no significant issue, then it would be inconsistent for the territorial authority to require consent where it was not required at a regional level. There is also a layer of protection within the CARP, where if the activity does cause an adverse effect then the resource consent requirement is triggered.

Another element of risk arises from the reliance on the regional authority to effectively address odour and dust effects. Differences in philosophy or expectations between the two councils could lead to outcomes which are deemed acceptable by the regional authority, but which are not acceptable to the district authority.

***Budget or Time Implications:***

New provisions will need to be drafted and consulted on.

***Stakeholder and Community Interests:***

Industry stakeholders may support this option as it removes an additional layer of regulation as they would only need to make an odour and dust assessment against the CARP.

The community may have concerns about an extra layer of planning protection being removed and having a reliance on the regional authority.

***Recommendation:***

Given the proposed effectiveness and efficiency amendments and the removal of duplication between the regional and district authorities this option is preferred.

### 7.3 OPTION 3a (Amend provisions and retain full control)

This option is similar to option two with the main difference being that a more streamlined approach to intensive farming would not be taken. Any intensive farm would require resource consent under the district plan, while removing any duplication with Environment Canterbury where possible. This option would see the following amendments:

- Definition amendments as per Option 2.
- Introduction of a permitted rule for extensive farming.
- Amendment of the controlled rule for expanding intensive farms, to reduce complexity, and potential duplication with regional authority processes.

- Amendments to the existing restricted discretionary rule for new intensive farming activities. Includes provisions to remove potential duplication with regional authority processes.
- Maintain the existing 300 metre reverse sensitivity setback, and no stated setbacks controlling the location of intensive farming activities in relation to sensitive activities.
- Making the erection of a residential dwelling within a 300 metre reverse sensitivity buffer permitted as long as the dwelling is erected within the property boundary containing the intensive farm.
- Remove the restriction on allowing intensive farms being carried out on contaminated land in cases where the activity will be on a sealed surface.

Indicated rule format:

Permitted Rule #	Conditions/ Classification
Extensive farming	Extensive farming is a permitted activity.
Controlled Rule #	
Expansion of existing intensive farms	<p>The expansion of an existing intensive farming activity shall be a controlled activity if all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>i- <i>That the expansion will not result in an increase in odour, or dust discharged at the boundary of the property containing the activity. This shall be demonstrated through either; a report provided by a suitably qualified independent air quality expert; <u>or</u> a Certificate of Compliance or Resource Consent granted by the Canterbury Regional Council for any discharge to air.</i></li> <li>ii- <i>The applicant has prepared a management plan, certified by a suitability qualified independent air quality expert, to deal with activities that have the potential to cause an offensive or objectionable effect from an odour or dust emission. This management plan shall address the following:</i> <ul style="list-style-type: none"> <li>a. <i>Management of sheds and barns</i></li> <li>b. <i>Effluent collection and storage systems</i></li> <li>c. <i>Manure application to land systems</i></li> <li>d. <i>Carcass disposal system</i></li> <li>e. <i>Compost management</i></li> <li>f. <i>Landscaping and building design</i></li> <li>g. <i>Management and maintenance of ground cover where applicable</i></li> <li>h. <i>Dust suppression measures</i></li> <li>i. <i>The keeping of monitoring and maintenance records</i></li> <li>j. <i>Performance review process</i></li> <li>k. <i>Any consultation with the local community and the operation of a complaints system</i></li> </ul> </li> </ul> <p><i>The Council shall exercise control over:</i></p> <ul style="list-style-type: none"> <li>a) <i>Any adverse effects from odour, and dust, on surrounding properties;</i></li> <li>b) <i>All matters covered by the management plan;</i></li> </ul>

	<ul style="list-style-type: none"> <li>c) <i>The location of any buildings to avoid, remedy, or mitigate potential adverse odour effects associated with any relocation of the odour emission source to another part of the site;</i></li> <li>d) <i>Any positive effects;</i></li> <li>e) <i>Any monitoring or review conditions</i></li> </ul>
<b>Restricted discretionary rule #</b>	
Intensive Farming	<p>Intensive farming activities and activities that do not met controlled rule # are a restricted discretionary activity with the matters of discretion being restricted to those listed in Appendix Y. <i>(Note this will include a matter to assess the amenity effect from any odour or dust discharge)</i></p> <p><i>For reference:</i></p> <p><i>The Council shall restrict its matters of discretion to:</i></p> <ul style="list-style-type: none"> <li>a) <i>Any adverse effects from odour and dust on surrounding properties;</i></li> <li>b) <i>Any positive effects;</i></li> <li>c) <i>And monitoring or review conditions</i></li> </ul>

***Effectiveness in Addressing Issue:***

This option shares many similarities with option 2 and thus also comes with the same effectiveness in many aspects.

A difference in the options is the inclusion of a controlled activity rule for the expansion of existing intensive farms. This rule seeks to remove duplication with Environment Canterbury if a Certificate of Compliance or Discharge Permit has already been obtained by the Applicant.

The rule changes also make the controlled activity rule for the expansion of existing farms simpler than currently exists. The key determiner is if the increase in the operation will increase the air discharge at the boundary. If there is no increase then the district plan should not be attempting to prevent this form of development.

However, an inefficiency of this rule structure is that an odour and dust assessment is required at the restricted discretionary level regardless of whether the Applicant has obtained a Certificate of Compliance or Discharge Permit under the CARP.

***Risks:***

Many of the risks associated with the former option are also shared with this option. However, a major element of risk has been removed through the retention of odour and dust assessments at the district level.

***Budget or Time Implications:***

This option will have budget and time implications in that the option would need further drafting, consultation, and testing. Additionally, the amendments may attract submissions and in-depth discussions at the hearing stage.

***Stakeholder and Community Interests:***

Stakeholders have an interest in ensuring that the appropriate level of planning controls are implemented. They do not want to see overly onerous provisions which diminishes their ability to develop and operate.

Regarding the community interest, they wish to also see the appropriate level of planning control being implemented in order to protect their amenity values.

***Recommendation:***

This option is not recommended due to the retention of overlapping provisions with the regional council.

## 7.4 OPTION 3b (Amend provisions and retain full control)

Much like option 3(a), with one of the only differences being the use of the alternative definitions for extensive and intensive farming, primarily for their use of stock density numbers, and the certainty of operation they provide. Although, their accuracy at predicting a potential effect is uncertain.

The further change to 3(a) is the increase of the setback from 300 metres to 400 metres, and the implementation of a reciprocal buffer from sensitive activities to intensive farming activities.

Ideally, to increase the clarity of the definitions, provisions referring to soil fertility, and off-site feed should be removed, for the reasons already discussed in this report, but primarily, as large numbers of farms require off-site feed at one time or another, and would not typically be considered 'intensive'. Therefore, to remove this doubt and confusion these terms should not be used.

### Proposed amendment to current provisions

#### Extensive Farming:

*Means the keeping, breeding or rearing of stock for commercial purposes, on pasture where the nature of the activity sustains the maintenance of pasture or ground cover including free range poultry farming where the birds have access to open air runs, and for pig farms, has a stock density rate of less than 15 pigs per hectare.*

#### Intensive Farming:

*'means the use of land and/or buildings for commercial plant or animal production where the regular feed source is predominately provided other than from the site concerned, and includes:*

*(a) the farming of pigs outdoors at a stocking rate 15 pigs or more per hectare (stocking rate in relation to pig farming means the number of pigs (excluding progeny up to weaner stage) carried per hectare of land, where the area of land fenced, available and used for pig farming includes only that area on which the pigs are regularly run);*

*(b) herd houses, or feed pads, or any building providing shelter to stock where stock are confined within the building for any continuous period exceeding two weeks;*

*(c) poultry farming;*

*(d) mushroom farming;*

*(e) fish farming;*

*(f) rabbit farming;*

*(g) the storage and/or disposal of effluent from any of the above, whether on the same site as the intensive farming activity or not. but does not include nurseries, glasshouses, buildings used for housing or sheltering animals that are giving birth or raising juvenile stock, where no animal is housed or sheltered for more than 3 months in any calendar year and boarding of animals.'*

***Effectiveness in Addressing Issue and associated risks:***

Reciprocal setback buffer

Regarding the potential implementation of a reciprocal setback buffer from sensitive activities to intensive farms, while separation distances do not directly address specific environmental effects, they can be effective in dealing with odour, dust, spray drift, and noise effects, effects which diminish with distance. Such measures are simple to enforce, keeping compliance costs relatively low. However, 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. Additionally they do not address how each individual activity is operated. For instance with 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.

In the matter of implementing a setback buffer for newly established intensive farm activities (as recommended by Mr. Chilton to act as an extra layer of protection), there may not be a need to implement a setback buffer, as their effect on the surrounding environment will be assessed as part of the resource consent process. Including a rigid setback requirement introduces a broad tool to deal with a complex effect such as odour and dust which have effects that can vary in extent depending on variables like wind conditions and terrain. If a setback was introduced, any sensitive activity within that setback buffer would be considered as an affected party, regardless of whether there is actually an effect on that party. To progress a consent application, affected parties would need to provide written approval, and if they didn't, the application would progress to a hearing, which would significantly increase the time and cost of consenting this form of activity. This misdiagnosis of an affected party based on the broad assessment of being within a setback is not fair situation and should be avoided. For these reasons this method of control is not recommended.

### Inclusion of a stock density term within the definitions

Extensive farming definitions provided for in some other authorities include a stock density number. While recommended by Air Quality Scientist Richard Chilton and there being merit in providing a measure due to its clarity and ease of use for stakeholders, it may not be an accurate measure, or achieve the desired outcome. Firstly, there is no guidance other than what other authorities have used, as to what an appropriate stock density is. Additionally, any figure decided on would need to vary depending on soil characteristics, climate conditions, pig type, and management techniques.

For instance a stock density rule of 15 pigs per hectare could be the permitted standard within the definition. However, a farm may be operating below this stocking density, but still causing adverse effects, and vice versa. The potential and actual effects from a farm are more complex than a simple density figure and thus should not be reduced to one. Use of a density figure could lead to farms which are operating well with little or no effect being targeted by consent requirements due to an arbitrary density figure. This approach would also expose the Council to being powerless to address a permitted activity causing significant effects due to their compliance with a stock density figure.

Additionally, the use of the term '15 pigs' does not specify the type of pig, which is particularly relevant given the varying degrees of effects that differ depending on the type of pig, or the area of land over which the density is calculated.

When comparing this option with the previous ground cover option, the ground cover option gives the ability for Council to manage actual effects which may not be available if the stock density option was adopted (where that farm was operating below the stated density). If the latter were true it may result in farms operating within the District Plan framework, but due to inappropriate land characteristics and management techniques, be causing significant adverse effects beyond their property boundary.

### Proposed definition used for intensive farming

This option involves a similar definition to that used by the ADC and HDC Plans, which also includes a stock density number rather than ground cover provisions. This definition also includes mushroom farming, and effluent disposal and storage. The former not necessarily causing any issues if separated from any composting component, and the latter being primarily controlled by the Regional Authority, with no real need to be included in a District Plan. Furthermore, all poultry farming would be included under this definition, including free range poultry farming. Additionally one of the key determiners of this definition is whether the regular feed source is from off-site rather than produced on the same site. The potential complications involved with this type of determination have already been touched on within this report.

### Increase in size of the reserve sensitivity buffer

Increasing the size of the setback to 400 or 500 metres, as per the Ashburton District Plan or Hurunui District Plan respectively would increase the area that any effects could dissipate

over, potentially reducing the likelihood of an adverse effect on neighbouring sensitive sites, and subsequently any complaints. However, by increasing this buffer, it has the potential to unreasonably restrict rural township growth, and the legitimate residential development of rural blocks. The use of a setback as a trigger point for the requirement of a more detailed assessment is not a favoured result as the breach of the setback would automatically mean that the intensive farming operation would be considered an affected party, making any resource consent process more difficult, which should not happen if no reverse sensitivity effect is likely to occur. As such, increasing the current 300m reverse sensitivity buffer is not recommended.

Another potential option is to decrease or remove the setback buffer. This option is not recommended as it would be contrary to those RPS provisions that promote the rural environment for rural production and seek to avoid reverse sensitivity effects. While there is the potential for reverse sensitivity effects to arise with any setback distance, the likelihood of conflict between incompatible land uses will increase by either reducing or removing the existing 300 metre buffer. On discussions with Council staff, the 300 metre buffer appears to be adequate for its intended purpose. Furthermore, there does not seem to be a push from the industry involved in this process to change this reverse sensitivity buffer.

***Budget or Time Implications:***

As per the previous option this option will have budget and time implications in that the preferred option would need further drafting, consultation, and testing. Additionally, the amendments may attract submissions and in-depth discussions at the hearing stage.

***Stakeholder and Community Interests:***

Stakeholders have an interest in ensuring that the appropriate level of planning controls are implemented. They do not want to see overly onerous provisions which diminishes their ability to develop and operate.

Regarding the community interest, they wish to also see the appropriate level of planning control being implement in order to protect their amenity values.

***Recommendation:***

When considering the discussions about these proposed amendments within the baseline report and this report, this option is not recommended.

## 8.0 Preferred Option for further engagement

The Project Team recommends that Option 2 be considered the preferred option and used for further engagement, development, and testing.

From: [Paul Rogers](#)  
 To: [Robert Love](#)  
 Cc: [Joan Burgess](#); [Juliane Ashley](#); [Tim Harris](#)  
 Subject: Intensive Farming  
 Date: Tuesday, 6 March 2018 5:11:31 p.m.  
 Attachments: [image001.png](#)

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Hi Robert,

As previously discussed, we consider that you have two options available to you in relation to regulating intensive farming:

1. Rely on the provisions of the Canterbury Air Plan (Regional Plan); or
2. Regulate intensive farming under the District Plan.

Before we give our view on which option is best, it is important to understand what the law requires in relation to consistency between district and regional plans.

#### Legal requirements

Section 75(4)(b) of the RMA requires that a district plan must not be inconsistent with a regional plan. This means, that if you seek to regulate matters under the District Plan, that are regulated by a Regional Plan, the District Plan provisions must not be inconsistent with what is provided for within the Regional Plan.

Applying this to your context, given that the Regional Plan regulates intensive farming in relation to discharge of contaminants to air (dust and odour effects), if you regulate intensive farming under the District Plan, you will need to make sure the provisions do not conflict with those in the Regional Plan.

#### What does the Regional Plan regulate?

The Regional Plan regulates intensive farming in relation to the discharge of contaminants (including dust and odour) to air.

The Regional Plan has a number of central policies which apply to all activities. Of particular importance in this context is policy 6.32 which provides that:

*"Discharges of contaminants to air associated with farming activities do not cause offensive or objectionable effects beyond the boundary of the property of origin."* This policy applies generally to all farming activities. We consider that, intensive farming, as a type of farming activity, is captured by this policy.

In addition to the central policies, the Regional Plan also includes rules applying to specific activities including intensive poultry farming and intensive pig farming. There are specific rules that must be met in relation to these activities however the threshold for effects remains the same, that is, the discharge of contaminants into air shall not cause and *offensive or objectionable effect beyond the boundary*..

Where the discharge of odour or dust is not managed by any other rule in the Regional Plan, the activity will be permitted where:

1. The discharge does not cause or is not likely to cause an adverse effect beyond the boundary of the property of origin; and
2. The discharge does not cause an offensive or objectionable effect beyond the boundary of the property of origin

The Regional Plan is clearly drafted in a way to capture discharge of contaminants to air generated by any activity. Even if intensive farming was not captured by "farming activities", applying the plain and ordinary meaning of "any activity" and acknowledging that "intensive farming" is an activity, intensive farming will be captured by the Regional Plan.

#### Option 1 – Rely on the provisions of the Regional Plan

If you wish to rely on the provisions of the Regional Plan to regulate intensive farming, you will need to be sure the Regional Plan covers what you are seeking to regulate, i.e. are the intensive farming activities covered by the Regional Plan.

As mentioned above, the Regional Plan regulates intensive farming in relation to discharge of contaminants (dust, odour) to air. However, the Regional Plan does not regulate all matters relating to intensive farming, for example, noise effects generated by an intensive poultry farm. I discuss how this can be dealt with below.

The benefit of relying on the provisions of a regional plan is that it avoids any potential repetition and inconsistency if those matters are also covered by a district plan. Further, it ensures a clear delineation between the functions of a regional council and the functions of a district council.

#### Option 2 – Regulate Intensive Farming under the District Plan

If you do not wish to rely on the Regional Plan provisions you could regulate intensive farming under the District Plan. In doing so, you need to ensure that the provisions do not conflict or are not inconsistent with the provisions in the Regional Plan.

For example, you could not impose a more stringent threshold for effects than what is provided for in the Regional Plan – that is, you could not say *"the discharge must not cause any effects beyond the boundary of the property of origin"*. This would be inconsistent with the threshold set in the Regional Plan. Further, a higher threshold for the District Plan is likely to catch other legitimate farming activities.

Further, if you include what is already covered by the Regional Plan, the provisions simply become repetitive, and in essence, redundant.

If you do wish to rely on the Regional Plan, but find that it does not cover everything you would like regulated for intensive farming, i.e. noise effects arising from an intensive poultry farm, it is appropriate to include these in the District Plan. However you will need to be sure the rules are supported by objectives and policies.

#### Which Option is best

So as to avoid repetition and inconsistencies between the District and Regional Plan and so that you are not regulating matters that should not be regulated by a territorial authority, we consider the best option is to rely on the provisions of the Regional Plan. We consider this to be the simplest and most efficient method. If the Regional Plan meets the District Council's needs in terms of addressing effects in relation to intensive farming, there is really no need to do anything further.

However, if there are effects that you want to address that are not covered by the Regional Plan, it is appropriate to include these within the District Plan.

If you choose to follow this approach, you would first need to make sure the Regional Plan rules did not provide for those effects you wish the District Plan to cover. You would then need to ensure there is no inconsistency with the Regional Plan. Any rules you include in the District Plan will need to be supported by objectives and policies.

If any of the above is unclear or you wish to discuss further, please let me know.

Regards

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## Appendix B: RU007 Baseline report

Link to report:

[Intensive Livestock Production \[PDF, 5797 KB\]](#), February 2018

**11(b) Communications and Engagement Summary Plan – Intensive Farming**

Author:	Robert Love (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Intensive Farming topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Intensive Farming – communications and engagement summary plan’

# RU007 Intensive Farming – communications and engagement summary plan

## Key messages

(as of 8 April 2018)

### Background

- A major review of the Selwyn District Plan is now under way. This includes a review of provisions for intensive farming. Selwyn is home to the highest number of pork producers in the country (although not the largest volume produced) as well as a significant number of poultry farms.
- There is also a trend towards free-range intensive farming which has caused administrative issues under the current District Plan.

### Current status

- What is considered an intensive farming activity is currently not clearly defined, which makes consenting requirements ambiguous.
- Currently farmers who want to expand or set up an intensive farming activity need to get consent from both district and regional councils.
- There is duplication of process between the district and regional council regarding air quality (dust and odour) assessments. This duplication also extends to compliance and monitoring of dust and odour discharges.
- From industry only one member (NZ Pork) has engaged in consultation so far.

### About preferred option

- Intensive farming activity is clearly defined as an activity which predominantly occurs indoors or closely fenced runs at a stock density that doesn't maintain ground cover.
- Air quality, such as odour and dust discharges will be controlled by the regional council only.
- Intensive farming will be considered a permitted activity within the proposed District Plan as long as the activity is within the Rural Zone and meets certain permitted development standards such as building characteristics, noise, transport and lighting.
- There is no change to the restriction on residential development within 300 metres of an existing intensive farming activity.
- Following council's approval of preferred option, we will engage with owners of intensive farms and key stakeholders to ensure they understand the proposed changes to the District Plan and have the opportunity to provide their feedback. This will be prior to public consultation which will take place as part of the wider Rural Zone chapter later in the year.

## Audiences<sup>1</sup>

Legend	High level of interest/ High level of influence ("Manage closely")	High level of interest/ Low level of influence ("Keep informed")	Low level of interest/ high level of influence ("Keep satisfied")	Low level of interest/ Low level of influence ("Watch only")
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	NZ Pork, NZ Poultry Association, Beef and Lamb, Dairy NZ, Federated Farmers	Owners of existing intensive farms	Selwyn ratepayers
	Mahaanui Kurataiao	Tegel, Brinks and other major companies		News media
				Wider public

## Engagement during review phases

Review phases	Internal	ECan	Mahaanui Kurataiao and/or Runanga	Key stakeholders	Landowners	General public
Baseline assessments				NZ Pork, NZ Poultry Association, Beef and Lamb, Dairy NZ, Federated Farmers.	Owners of intensive farms	
Preferred option development <sup>4</sup>						
Preferred option consultation				NZ Pork, NZ Poultry Association, Beef and Lamb, Dairy NZ, Federated Farmers.		

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

<sup>4</sup> Consultation was not carried out with external parties at this stage as the baseline report was a combination between a baseline and a preferred option report.

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Aug - February	April	May	June	July <sup>5</sup>
ECan	Consulted with as part of the Baseline assessment		Share approved preferred options report and gather feedback		
Mahaanui Kurataiao	Consulted with as part of the Baseline assessment		Share approved preferred options report and gather feedback		
Key stakeholders	Attempts were made to consult with industry representatives, with only NZ Pork replying		Share approved preferred options report and gather feedback		
Landowners				Targeted consultation via letter	
General public		Preferred options report is published			General consultation
DPC		Preferred options report goes to DPC			

<sup>5</sup> This plan covers period until public pre-notification consultation on preferred options starts.

**12. Update on District Plan Review Financials**

Author:	Emma Hodgkin, DPR Project Manager and Jesse Burgess (Planning Manager)
Contact:	021 240 1242 (Emma)

**Purpose**

To provide the Committee with an update on the District Plan Review budget and financials to 28 February 2018.

**Recommendation**

**“That the Committee notes the report.”**

**Attachments**

“DPR Financial Report to 28 February 2018 2018” report, dated 22 March 2018.

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# REPORT TO DISTRICT PLAN COMMITTEE

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**DATE:** 22 March 2018

**PURPOSE OF REPORT:** DPR Financial Report to 28 February 2018

**PREPARED BY:** Emma Hodgkin, DPR Project Manager and Jesse Burgess, Planning Manager

## EXECUTIVE SUMMARY

<i>Purpose</i>	<i>To provide an update on the District Plan Review budget and expenditure to 28 February 2018</i>
<i>Recommendation</i>	<i>That the Committee notes the report</i>
<i>DPC Decision</i>	



## 1.0 Summary

- 1.1 Since the January report, budgets against some GL Codes have been amended to account for the inclusion of the carryforward amounts and also to reflect our financial forecast of likely expenditure to end of the year. This change will mean that some areas that showed an overspend in the last financial report are now within budget.
- 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. A GL Coded budget for 2018-19 financial year is currently being developed for management approval.
- 1.3 During February 2018 **\$195,462.28** worth of invoices were approved. This is an expected increase from January 2018 when we approved \$160,627.63 worth of invoices. We predict expenditure to be slightly higher than the anticipated 8.3% per month for the last quarter of the financial year due to a number of large pieces of work nearing completion.
- 1.4 Overall the DPR is tracking at 52% of the budget for the 2017-18 financial year. The project level expenses are currently tracking at 41% against the budget and the topic level expenses at 55% of the budget
- 1.5 There are a number of cost centres which are tracked well below budget such as communications resources and collateral, GIS mapping, other Rural and District Wide work. Expenditure against these cost centres are set to take place during Q4 of the current financial year.
- 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.

## 2.0 Procurement and Contracting

- 2.1 March will see the completion of a number of Agreements for Phase 1 (baseline) and Phase 2 (Preferred Options) pieces of work including:
  - Hazardous Substances & Contaminated Land (Phase 2)
  - Outstanding Natural Landscapes and Features (Phase 1 & 2)
  - Heritage Items and Protected Trees (Phase 1)
  - Coastal Environments (Phase 1)
- 2.2 March will see a number of Agreements commence for the development of Phase 2 pieces of work including:

- Rural Character and Amenity (Valuation)
- Comprehensive Medium Density Development (Residential)
- Residential Density, Character and Amenity (Phase 2)
- Business (Phase 2)
- Earthworks (Phase 2)
- Water (Phase 1 and 2)
- Dairy Processing Management Areas (Phase 1 & 2)
- Noise and Vibration (Phase 2)
- Business Land Supply in Leeston and Darfield (Valuation)

- 2.3 A number of internal pieces of work that do not incur financial expenditure from the wider DPR budget continue to progress and are ongoing.

## 3.0 Key Trends

- 3.1 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).
- 3.2 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

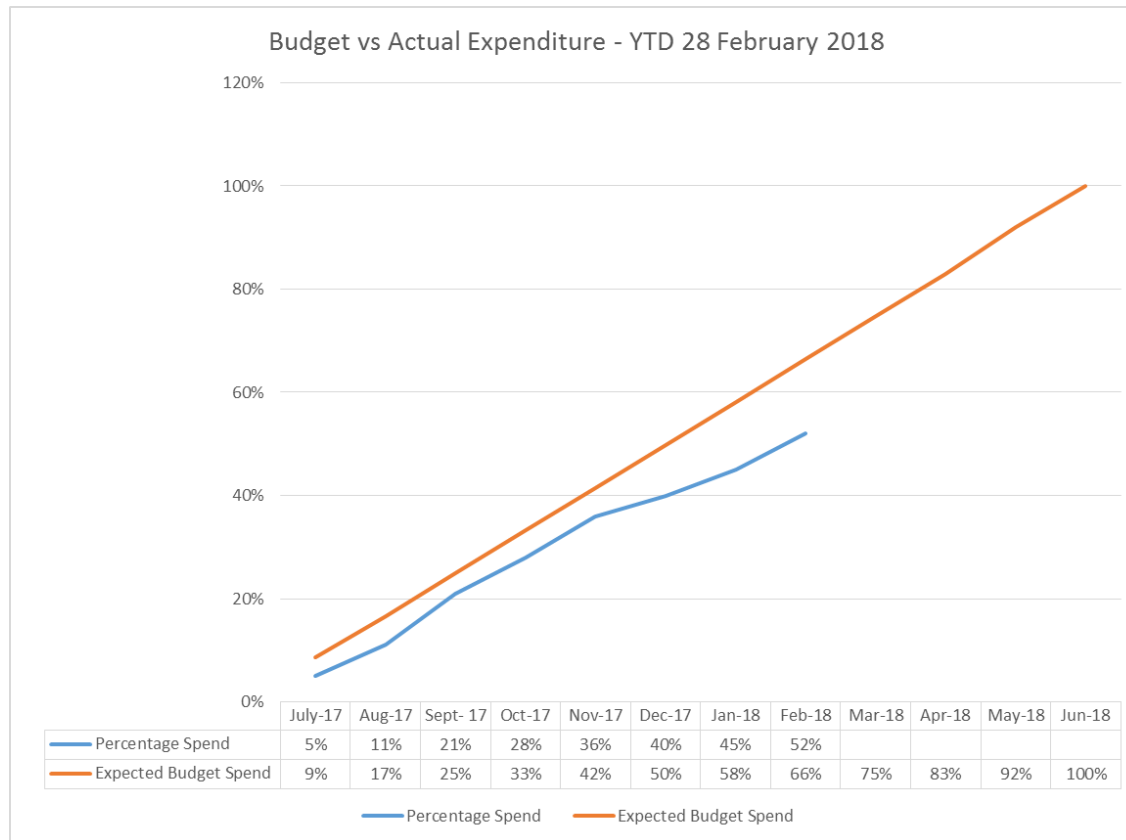
- 4.1 A significant portion of the external work and budget is currently allocated to one Supplier Panel member and a small team of experienced planners. The Suppliers' total contract value is already 29% of the total 2017-18 Topic Level budget with further expenditure to come as they move into Phase 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 30 April (extended from 31 March but within forecast budget), to complete a number of baseline assessments for topics such as Stock Drovers, Keeping/Boarding of Animals, Waste, Research Facilities and Scheduled Sites.



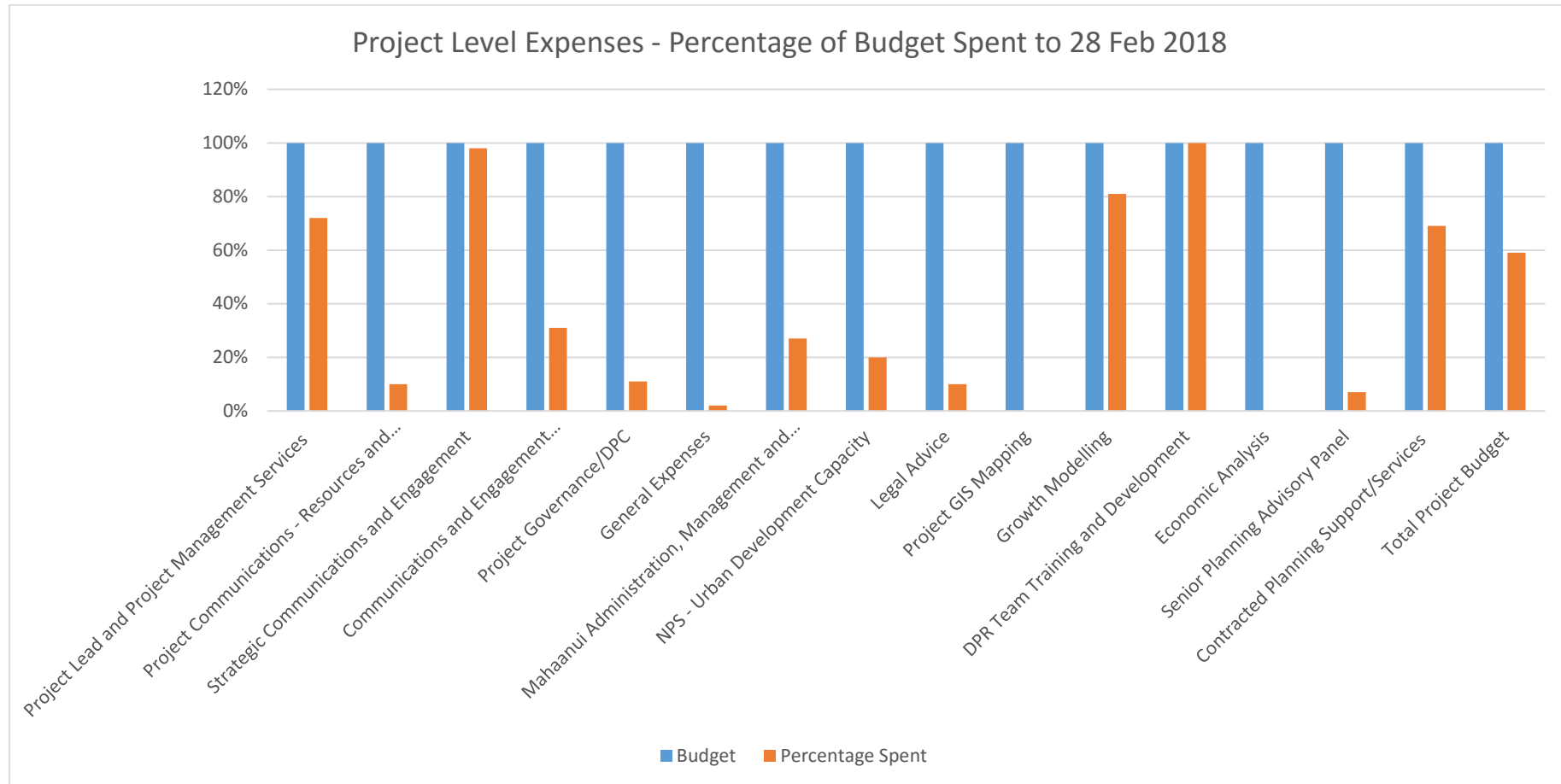
- 4.3 Steps have been put in place to resolve the communications and engagement capacity in the short to medium term however these wider resources (such as website and IT, resource design and development) and the resource available will be stretched to deal with the significant amount of activity that 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 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

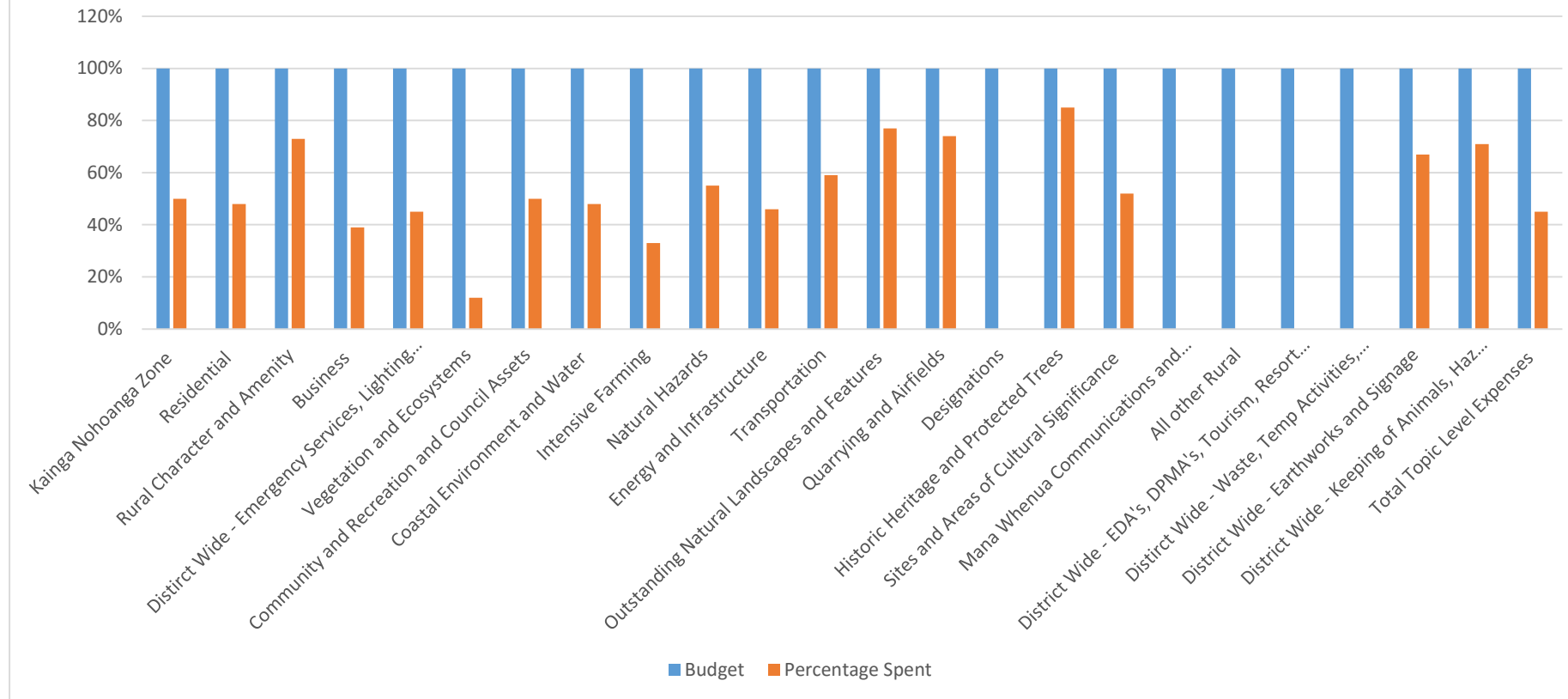
### 5.1 Year to Date Budget vs Actual Expenditure



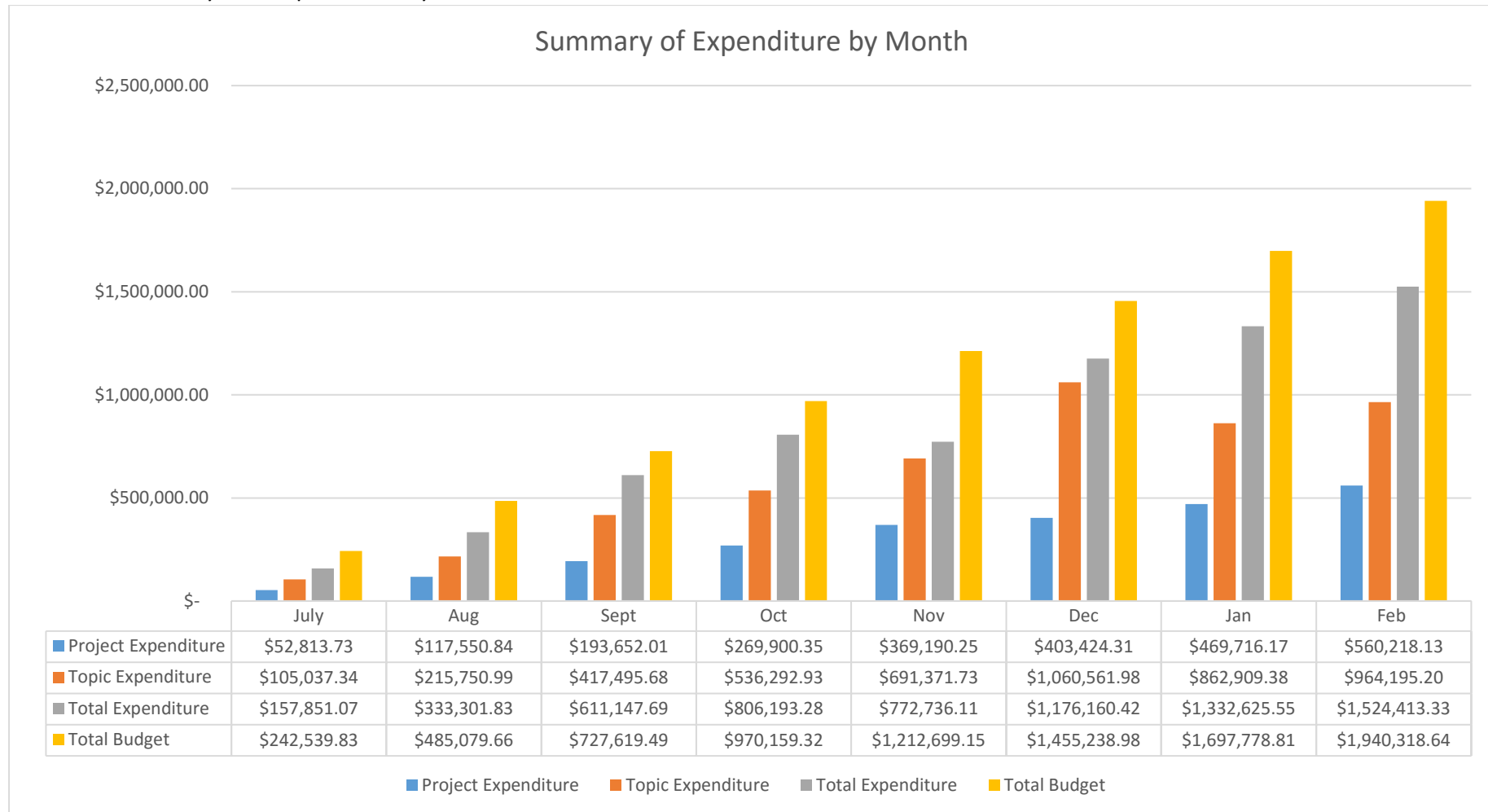
## 5.2 Year to Date Expenditure by Type of Expense



Topic Level Expenses - Percentage of Budget Spent to 28 Feb 2018



### 5.3 Summary of Expenses by Month



## 4.0 Conclusion

- 4.1 As we move into the last quarter of the 2017-18 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. The Committee receives the financial report