

<b>IN THE MATTER OF</b>	the Resource Management Act 1991
<b>AND</b>	
<b>IN THE MATTER OF</b>	Proposed Plan Change 4 to the Hurunui District Plan – Intensive primary production & effluent disposal
<b>LOCAL AUTHORITY</b>	<b>HURUNUI DISTRICT COUNCIL</b>

**Report and recommendation to the Council by Commissioner Justine Ashley**

**Hearing held on 17 February 2021**

**Appearances:**

Speaking on the Proposed Plan Change and s42A report:

- Ms Liz White, Consultant Planner

Submitters:

- Donald & Pauline Rennie
- Mr Michael Brooks and Ms Mary McConnell (consultant planner) for Poultry Industry Association of NZ and Egg Producers of NZ
- Dr Lynda Murchison (consultant planner) for Aotearoa NZ Fine Wine Estates
- Mrs Jan Hodgen for Pyramid Valley Trading

**1.0 Introduction**

- 1.1 I was appointed by the Hurunui District Council ('the Council') to hear and make a recommendation to Council on Proposed Plan Change 4 ('PC4') to the Hurunui District Plan ('HDP') – Intensive primary production & effluent disposal, pursuant to section 34A of the Resource Management Act 1991 ('the Act'). A hearing was held on 17 February 2021 in the Council Chambers at Amberley.
- 1.2 All notification documents, including the s32 evaluation and submissions received, the Council's s42A report prepared by Ms White, and statements of evidence from submitters were made available on the Council's website prior to the hearing and were taken as read. One statement of evidence, from Ms Young-Ebert on behalf of Federated Farmers of New Zealand ('FFNZ') was submitted following the conclusion of the hearing, in accordance with the timeframe set out in Minute 2. Following receipt of this statement and a review of all information received, the hearing was closed on 26 February 2021.
- 1.3 PC4 is a Council initiated plan change relating to the management of intensive primary production activities (e.g. intensive poultry and pig farms) and effluent activities, as well as the relationship between

these activities and sensitive activities (e.g. residential activities, visitor accommodation, community services, or healthcare facilities).

1.4 PC4 does not propose to amend any of the objectives of the HDP. However, in order to better give effect to these objectives (and supporting policies), the plan change seeks to:

- introduce a new permitted activity standard (Rule 3.4.3.4A) to require that new, or expanded primary production activities: are set back 500m from existing sensitive activities (on separate lots) and 1000m from a settlement boundary; are subject to a plan being submitted to the Council specifying locations of all paddocks, hard-stand areas, structures, buildings used to house stock, and treatment systems associated with the intensive primary production activity;
- delete Rule 3.4.3.6, which currently requires new sensitive activities to be set back 500m from existing farm effluent disposal areas, and replace this with a requirement for new effluent disposal areas to be set back 1000m from any settlement boundary;
- delete the definition of ‘intensive farming’ and replace references to intensive farming activities with references to ‘intensive primary production activities’. Introduce new definitions for ‘intensive primary production’ which in turn refers to ‘intensive indoor primary production’ and ‘intensive outdoor primary production’, with new definitions added for each. The latter definition proposes to refer to ‘free range poultry farming’, which a new definition is proposed for.
- amend the definition of ‘sewage treatment facilities’ so that it only refers to human waste not animal waste, effluent ponds and land based effluent disposal area for farm waste.

1.5 PC4 was notified on 22 September 2020 with the submission period closing on 2 November 2020. Ten submissions were received. The summary of submissions was notified on 20 November 2020, attracting four further submissions. In line with the approach taken in the s42A report, the analysis of submissions has been undertaken either on a provision-by-provision basis or by groups of provisions, as appropriate.

## **2.0 Section 42A Report**

2.1 Ms White’s pre-circulated s42A report provided a useful overview of the current and previous HDP provisions relating to intensive farming activities, including a comparison of the minimum setbacks applying between various activities. Her report also set out the relevant statutory and planning context, including the key provisions of the Canterbury Regional Policy Statement (‘CRPS’) and the Canterbury Air Regional Plan (‘CARP’), which I will return to later. In terms of the relief sought in submissions, Ms White addressed each of these as follows.

### PC4 as a whole

2.2 Environment Canterbury (‘ECan’), New Zealand Pork Industry Board (‘NZ Pork’), Horticulture New Zealand (‘HortNZ’) and Aotearoa New Zealand Fine Wine Estates (‘ANZFWE’) provided either full or partial support to the notified version of PC4. In particular, Ms White noted that ECan supports PC4 in its entirety on the

basis that it will better give effect to Chapters 5 and 14 of the CRPS, which seek to enable rural activities, including intensive primary production and associated effluent disposal areas, while avoiding conflict between incompatible activities. ECan also considers that PC4 integrates with the CARP and the Land & Water Regional Plan ('LWRP') by:

- controlling land use activities and their effects on rural amenity;
- reducing potential duplication with the LWRP;
- aligning definitions with the CARP, for example free ranging poultry farming;
- providing a clearer signal to the Regional Council on the desired amenity values of given rural areas, and where appropriate locations are for intensive primary production and effluent disposal activities.

Intensive primary production activities – new Rule 3.4.3.4A

2.3 The submissions received on proposed Rule 3.4.3.4A related to the following matters:

- the permitted activity status for intensive farming activities that meet the proposed standards;
- the requirement for plans to be submitted;
- the appropriateness of the setback distances proposed; and
- where the setback applies to.

2.4 Ms White advised that the key issues raised by submitters derived from what they considered to be the most appropriate balance between enabling both intensive primary production activities and sensitive activities in the rural environment and deciding which had priority in the context of the overarching planning framework. She also highlighted that consideration needs to be given to the extent to which intensive primary production activities should be managed in relation to potential effects on adjoining vacant land; and where setbacks are imposed, whether the setback should be applied to existing activities or to property boundaries.

2.5 Ms White outlined that there is currently no provision in the HDP to control the effects of intensive primary production activities on existing sensitive activities, other than the general bulk and location requirements that apply to all buildings. Conversely, there are provisions requiring new sensitive activities to be set back from existing intensive primary production activities. The ability for surrounding landowners to develop their land is therefore affected by the requirement for any new sensitive activity to be set back from an existing intensive primary production activity. Ms White advised that the s32 report for PC4 concluded that this approach does not align with the wider policy direction in the HDP to control the location of activities likely to generate effects beyond the property boundary.

2.6 Ms White reiterated that s32 of the RMA requires consideration of whether the provisions in PC4 are the most appropriate way to achieve the objectives of the HDP, taking into account their efficiency and

effectiveness in doing so. On the basis that PC4 does not seek to alter any objectives, Ms White provided an assessment of the environmental outcomes sought by Objectives 3.1 and 3.2 and the supporting policy framework, including Policies 3.1 and 3.6. Overall, Ms White found that the HDP clearly anticipates that the rural environment is a productive one, and that while existing character and amenity values should be maintained, including managing the potential conflict between incompatible activities, primary production is expected to be the dominant activity. She also advised that the HDP was more focussed on managing the establishment of new sensitive activities in proximity to intensive primary production rather than vice versa, and that while Policy 3.6(3) seeks to control the location of activities likely to generate effects beyond the property boundary, it did not direct that such effects needed to be avoided.

- 2.7 Ms White therefore concluded that the request to change the activity status for intensive primary production activities from permitted to restricted discretionary would not achieve Objectives 3.1 and 3.2. She did however subsequently advise that a controlled activity status could be another option to consider on the basis that an application for an intensive primary production activity that complied with the setbacks could not be declined, and it would be provide greater certainty regarding the supply of information and maintaining accurate records.
- 2.8 Ms White was also cognisant that the proposed PC4 approach created the potential situation of restrictions being imposed on the establishment of new sensitive activities where a new or expanded intensive primary production activity had already established within the 500m setback. Ms White noted that this approach also applied to other types of activities in the HDP, including sewage treatment facilities, forestry and woodlots, and dwellings and principal buildings, albeit that the separation distances were considerably less. In addition, she acknowledged that the HDP provides for the creation of 4ha allotments throughout the Rural Zone, which if square in shape, would comprise dimensions of 200m x 200m. If such a 4ha allotment was sited adjacent to an existing intensive primary production activity, it is therefore possible that the property is unable to accommodate a sensitive activity in a complying position.
- 2.9 On balance, Ms White concluded that the proposed rules would not result in people being unable to make reasonable use of their land, noting the overarching policy framework in both the HDP and CRPS, and that a discretionary activity status for a sensitive activity not meeting the minimum setback requirement still provided an opportunity for resource consent to be obtained where any potential reverse sensitivity effects were able to be satisfactorily addressed. She also provided a brief overview of the corresponding provisions in the Proposed Selwyn District Plan, Ashburton District Plan and Waimakariri District Plan and subsequently advised that the approach proposed in PC4 to apply setbacks for intensive primary production activities from existing sensitive activities, rather than from the property boundary, was not unusual.
- 2.10 However, Ms White went on to advise that while she supported the PC4 provisions, she recommended the inclusion of an additional, shorter setback for new or expanding intensive primary production activities to the property boundary, such as 100m. While this still results in an imposition on the

establishment of future sensitive activities, Ms White considered that the additional setback is consistent with HDP policies, the approach taken in other Canterbury district plans, and allows for primary production activities to be carried out efficiently and effectively, without undue restrictions.

2.11 In terms of the requirement for plans to be submitted as part of the permitted activity rule, Ms White noted that it would be difficult to apply the rule and enforce it in relation to the establishment of new sensitive activities, in the absence of any information to identify the location of the intensive primary production activity. She was also of the view that there would be risks in relying on the information held by Environment Canterbury and that the level of information required to be submitted was not overly onerous.

2.12 In addressing the appropriateness of the setback distances proposed, Ms White advised that while the reciprocal setback between intensive primary production activities and sensitive activities could be reduced to 300m as per the Proposed Selwyn District Plan, or to 400m to align with the Ashburton District Plan, she noted that the 500m distance was consistent with other setback distances in the HDP applying to mineral extraction activities, effluent disposal areas and sewage treatment facilities. With regard to the proposed 1000m setback for intensive primary production activities from settlement boundaries, Ms White acknowledged that while the effects from these types of activities are part of the rural character anticipated within the Rural Zone, the expectations of character and environmental quality in settlement areas is different, particularly within Residential and Open Space Zones. On this basis, she considered that it was appropriate to maintain the proposed separation distance to ensure that the outcomes sought for these zones are appropriately considered. In undertaking this analysis, Ms White also noted that while land within Business and Industrial Zones is also within the confines of the settlement boundary, these activities were less sensitive to the effects of intensive primary production activities. As such, she recommended that Rule 3.4.3.4(a) be amended to only apply the 1000m setback to the boundary of Residential and Open Space Zones.

2.13 In relation to where the setback is to be applied to, Ms White advised that notwithstanding her recommendation that the setbacks should be applied between activities, plus a 100m setback between an intensive primary production activity and the property boundary, she noted that there is also the option of applying the setback to both property boundaries so that collectively a 500m separation could be achieved. This approach also has an option of using an even 250m split either side of the boundary or applying a sliding scale in favour of intensive primary production activities to recognise that the HDP policy framework prioritises primary production activities.

#### Definitions

2.14 In addressing the range of submissions received on the proposed definitions, Ms White advised that the definition of 'intensive outdoor primary production' should be considered in relation to the outcome that the provisions relating to the definition seek to control, being those types of intensive primary production

activities that are likely to generate effects beyond the property boundary that may conflict with an incompatible activity. Ms White therefore considered that the definition should not capture normal pastoral farming activities, including livestock grazing of winter feed crops, and that interpretation could be improved by replacing reference to the maintenance of pasture or groundcover with the regular feed source being from off-site sources. Ms White also recommended that explicit exclusions for some activity types should be added to the definition to avoid ambiguity. No other amendments to the definitions were suggested on the basis that the notified terms were better aligned to the National Planning Standards and the CARP.

#### Consequential amendments

- 2.15 As a consequence of deleting the definition of intensive farming and replacing it with a definition for intensive primary production, PC4 proposes to make a number of consequential changes to provisions that currently refer to 'intensive farming' by replacing these terms with reference to 'intensive primary production', including within the definition of 'primary production activities'.
- 2.16 In responding to submissions made on these consequential amendments, Ms White acknowledges that while the definition of 'primary production activities' does not align with the National Planning Standards definition, there are broader implications in making such changes that extend beyond the scope of PC4 and affect a range of provisions across the HDP. As such, Ms White recommends that the consequential amendments made as a result of PC4 be retained as notified.

#### Effluent disposal

- 2.17 PC4 proposes to delete the current requirement for new sensitive activities to be set back 500m from an existing farm effluent disposal area, and instead replace it with the requirement for any effluent disposal areas to be set back 1000m from any settlement boundary. In assessing submissions made on Rule 3.4.3.6, Ms White advises that while she is comfortable with the odour effects of new effluent disposal activities being managed through the CARP, which includes an assessment of potential adverse effects on any sensitive activity, she is concerned that the removal of the requirement for new sensitive activities to be set back from established effluent disposal activities does not align with the overarching policy direction and could give rise to reverse sensitivity effects. As such, Ms White recommends that this rule is retained, including the 500m separation distance for consistency with other separation distances applying to intensive primary production activities and sewage treatment facilities.
- 2.18 In addition, Ms White considers that the 1000m setback requirement for new effluent disposal areas from settlements should be retained on the basis that the amenity expectations of an urban area are likely to be different from the rural environment, noting that the rule should be refined to refer only Residential and Open Space Zones, as discussed in relation to the intensive primary production activity setback.

### Sewage treatment facilities definition

- 2.19 The proposed change to the definition of ‘sewage treatment facilities’ means that the rule requiring a 500m separation distance between sewage treatment facilities and sensitive activities will not apply to farm effluent ponds and disposal areas and will instead apply to community sewage facilities. Ms White notes that the s32 report refers to the definition as “inadvertently” capturing farm effluent disposal, even though it was not intended to manage this. After reviewing the broader implications of the proposed changes to the definition throughout the HDP, Ms White advised that she considers that the proposed amendment is appropriate.

### Discretionary activity status

- 2.20 As proposed, any activity that does not meet the setback requirements relevant to PC4 become a discretionary activity under Rule 3.4.6.7. PC4 does not propose to alter this activity status but does introduce two new rules to capture those activities amended by PC4 so that non-compliance with those rules is discretionary.
- 2.21 In addressing a request to change this activity status to restricted discretionary for a breach in setback distances for intensive primary production activities, Ms White noted the while the HDP tends to favour the use of a fully discretionary status she considered that a restricted discretionary activity status may be appropriate where the effects of an activity are well-known, and the matters which are sought to be addressed through the resource consent process can be easily defined. Having regard to the policy direction in the HDP and her knowledge of intensive primary production activities, Ms White considered that such matters could relate to the effects on amenity values of adjoining landowners, particularly those with an existing sensitive activity, relating to odour, dust, visual and traffic effects, and how any such effects are proposed to be mitigated. Notwithstanding, Ms White favoured the retention of the full discretionary activity status as proposed by PC4.

## **3.0 Hearing**

- 3.1 The hearing commenced with Ms White providing an overview of the key issues raised by submitters, before responding to specific matters raised in evidence that was prepared following the release of the s42A report. In particular, she advised that NZ Pork’s request to include a definition of ‘extensive pig farming’ could be incorporated and subsequently excluded from the definition of ‘intensive outdoor primary production’; that additional clarification could be provided to define the context of what constitutes an ‘existing activity’; and that consideration needs to be given as to whether the effluent disposal provisions should only apply to permanent disposal areas.
- 3.2 Turning to submitters, Mr Rennie spoke in relation to his and his wife’s submission in support of PC4, including the 500m setback requirement for an intensive primary production activity from a sensitive activity. Mr Rennie explained the context for their submission, which was based on their experience of

having a poultry farm establish on an adjoining property within approximately 100m of their dwelling and having to rely on lodging complaints to address adverse amenity effects.

- 3.3 Poultry Industry Association of New Zealand and Egg Producers Federation of New Zealand ('PIANZ & EPFNZ') joined the hearing via Zoom, with Executive Director of PIANZ, Mr Michael Brooks, providing an overview of the different types of poultry producers within Hurunui District and nationwide. To this accord, he advised that there were only four commercial layer farms in Hurunui (i.e. no broiler farms) and that due to the investment in egg collection infrastructure, a minimum of 5,000 birds was necessary in order to make an operation viable.
- 3.4 I next heard from Ms Mary McConnell, a planner with Harrison Grierson Consultants Ltd, who spoke to her pre-circulated evidence for PIANZ & EPFNZ. In addressing PC4's proposed 500m separation distance between intensive primary production activities and sensitive activities, Ms McConnell referred to an air quality assessment undertaken by AECOM in 2017, which was attached to her evidence. She advised that the purpose of the report was to provide guidance on the level of potential effects from odour, dust and other air quality discharges from different types and sizes of poultry farms and to better inform appropriate and specific minimum separation distances for poultry farms. Based on the findings of this report, Ms McConnell considered that the separation distance could be reduced from 500m to 300m, which would also align with the Proposed Selwyn District Plan. In addition, she opposed the 1000m separation distance from Residential Zone boundaries on the basis that there was no evidence to support this setback and that odour and dust effects are otherwise managed by the CARP. Ms McConnell did however subsequently acknowledge that the AECOM report did not consider the zoning of the receptor where complaints originated and that there could be a difference in amenity expectations between the occupants of a rural dwelling compared to that of an urban-based dwelling.
- 3.5 In terms of the appropriate activity status to be applied, Ms McConnell did not support a change from a permitted to a controlled activity status for intensive primary production activities due to the additional costs of a consenting process. Similarly, she considered that it was appropriate for any non-compliance with Rule 3.4.3.4A to be amended from full discretionary to restricted discretionary, subject to those assessment matters outlined in Ms White's s42A report. Regarding definitions, Ms McConnell requested that a clause be added to the definition of 'free range poultry farming' to exempt those areas subject to high bird foot traffic from needing to maintain permanent ground cover. In saying this, it was later advised that this clause did not currently form part of the same definition in the CARP, and as such, misinterpretation of the definition may not be an issue.
- 3.6 Dr Lynda Murchison, an environmental policy and planning consultant, presented the pre-circulated written statement of Mr Stephen Smith, the managing partner of ANZFWE who was unable to attend the hearing. Mr Smith's statement related to the effect of Rule 3.4.3(4) of the HDP on Pyramid Valley Vineyards located at 548 Pyramid Valley Road, Hawarden, which he described as an established, boutique vineyard that produces world renowned fine wines. When ANZFWE purchased the property in 2017, Mr



Smith advised that there was an existing winery complex, including a cellar door and tasting room and outdoor tasting and entertainment area, one main dwelling and a small cottage, with all buildings being located within 80-200m of Pyramid Valley Road. Mr Smith then outlined the development proposed for the site, including new winery facilities; wine tasting studio with a commercial kitchen and associated on and off licences for wine sales; replacement of the manager's dwelling and erection of a new owner's dwelling; additional staff accommodation; visitor accommodation; hosting of temporary events and entertainment; and ecosystem restoration and enhancement.

- 3.7 During the planning and investment of this development, Mr Smith advised that a poultry farm established on the adjoining property across Pyramid Valley Road, which he understood did not trigger the need for a discharge consent under the CARP and it was also a permitted activity under the HDP. He was therefore concerned that a substantial portion of the Pyramid Valley Vineyards property was now subject to the 500m separation distance from the edge of the poultry farming activity, meaning that a resource consent would be required to establish any sensitive activity within this setback, despite the vineyard also being a rural activity and being established before the poultry farming activity.
- 3.8 Prior to presenting her own statement of evidence, Dr Murchison (verbally) confirmed that while she is currently a Councillor for HDC, she was not involved in the preparation of PC4, having declared her conflict of interest with ANZFE from the outset. Her written statement also advised that while she farms sheep and beef in partnership with her husband in the Hurunui District, she was not aware of their farm being affected by Rule 3.4.3(4).
- 3.9 Dr Murchison acknowledged that while PC4 goes a significant way to addressing the identified issues with the operative provisions, she considered that PC4 did not provide sufficient certainty as to what constitutes the 'operational area' of an intensive farming operation to enable the separation distance to be measured from a consistent and legally definable point. Similarly, she noted that there was no definition for what constitutes an 'existing activity' in determining when and where the separation distances are to be applied. Dr Murchison also advised that PC4 has not created a planning framework that allows the Council to assess the effects of the separation distance rule on adjoining landholders whose properties come within the separation distance, which is of primary concern to ANZFE. In responding to questions, Dr Murchison advised that while Ms White's suggestion of an additional 100m property boundary setback for intensive primary production activities would help alleviate this concern, she did not consider that this went far enough in addressing the potential effects on surrounding properties. Dr Murchison therefore considered that all new and expanding intensive primary production activities should require resource consent as a restricted discretionary activity, unless it is setback the appropriate separation distance from the nearest property boundary.
- 3.10 Mrs Jan Hodgen advised that she endorsed Dr Murchison's evidence and then presented her statement on behalf of the Hodgen family, Pyramid Valley Farm and Pyramid Valley Trading Ltd in support of their submission. She outlined that her family had farmed their property at 649 Pyramid Valley Road since

1924 and that due to challenges from a farming point of view, her family wished to maintain flexibility to provide for the needs of current and future generations. The development of a poultry farm on the adjoining property had resulted in four large sheds on the skyline, which had a significant impact on their amenity, as well as creating a buffer over their land that would require resource consent for any sensitive activity. Ms Hodgen therefore requested that the 500m setback for intensive primary production activities be applied from the property boundary.

- 3.11 While unable to attend the hearing, NZ Pork tabled written evidence in support of their submission from Ms Hannah Ritchie, Senior Environmental Advisor with NZ Pork, Mr Ian Barugh, a consultant with the School of Agriculture at Massey University, and Mr Vance Hodgson, consultant planner and Director of HPC Ltd.
- 3.12 Ms Ritchie's evidence noted that there is currently one commercial pig farm in the Hurunui District, being Patoa Farms, which represents around 18% of New Zealand's domestic pork market and 50% of outdoor raised pork. Overall, Ms Ritchie supported the retention of the permitted activity status for intensive primary production activities and the removal of rules addressing effluent disposal areas in relation to sensitive activities. However, she considered that the definitions become less effective if the maintenance of permanent pasture or groundcover qualifier is deleted from the definition of 'intensive outdoor primary production'. In addition, she advised that if the qualifier is retained, the definition of 'extensive pig farming' contained in the CARP would be a useful addition to the HDP.
- 3.13 Mr Barugh's evidence supports the definitions proposed in PC4, including the preclusion of groundcover as an appropriate determinant for the classification of an outdoor pig farm as 'intensive'. To this accord, he advised that maintenance of groundcover on an outdoor pig farm requires stocking densities and management techniques that will result in substantially reduced amenity effects of the operation, in terms of odour, dust, noise and visual amenity, compared to those operations which are typically considered to be 'intensive'.
- 3.14 Mr Hodgson's evidence is that PC4 is an appropriate response to the resource management issue in Hurunui District and that except for improvements that could be made to some provisions, PC4 and the activity status regime as notified is the most appropriate way to achieve the purpose of the RMA. In particular, Mr Hodgson supports the inclusion of the additional, shorter setback to the property boundary, of 100m for new or expanding intensive primary production activities; the use of a zone defined setback approach in relation to Residential and Open Space Zones; the permitted activity status and standards (as recommended by Ms White in her s42A report); and the retention of a 500m separation distance from new intensive primary production activities to existing sensitive activities. However, Mr Hodgson considers that reference to the maintenance of permanent pasture or groundcover qualifier should be retained within the definition of 'intensive outdoor primary production', and that the use of the CARP definition of 'extensive pig farming' would also be appropriate in this instance.

- 3.15 In responding to matters raised during the course of the hearing and in the pre-circulated evidence, Ms White clarified that the concerns raised regarding the effect of urban expansion on the 1000m setback to a Residential or Open Space Zone can be addressed through the plan change process and that in her view, Policy 3.6(3) is about managing potential conflict between incompatible activities in the first instance, rather than being a requirement to internalise all effects across the boundary. In addition, she advised that while enabling primary production is a priority under the HDP policy framework, the objectives also anticipate a range of other uses in the Rural Zone, subject to these permitted activities also complying with the relevant 'effects-based' rules, including a limit on traffic generation. With regard to the proposed separation distances, Ms White noted that while these could be reduced, or a sliding scale applied across boundaries, she recognised that there is little available evidence to support these amendments.
- 3.16 Following the conclusion of the hearing, I issued a Minute ('Minute 2') granting an extension of time for the statement of evidence to be submitted by Federated Farmers New Zealand ('FFNZ'), which was unable to be tabled at the hearing due to bereavement. Ms Elisha Young-Ebert subsequently provided her statement in support of the submission by FFNZ on 19 February 2021.
- 3.17 Ms Young-Ebert's statement outlines FFNZ's position with respect to various aspects of PC4 and addresses the proposed definitions and setbacks. With respect to the definition of 'intensive outdoor primary production', she advises that FFNZ supports Ms White's recommendations to focus on activities where the regular feed source for livestock is substantially provided from off-site sources, and to specifically exclude the use of supplementary feed during adverse weather events. In terms of 'free range poultry farming' Ms Young-Ebert notes that while FFNZ originally sought the deletion of this definition on the basis that there should not be a blanket exclusion for all such poultry farming, she now accepted that free range farming is anticipated within the rural area. Similarly, Ms Young-Ebert advised that FFNZ was broadly supportive of the approach to setbacks recommended by Ms White, particularly if the definitions are amended to ensure that normal pastoral farming activities would not be captured. She also advised that while the 500m setback could be reduced to more closely align with other district plans, if it was retained, she considered that it should be split over property boundaries.
- 3.18 Ms White was subsequently provided an opportunity to comment on Ms Young-Ebert's statement, however Ms White confirmed that she had no additional comments to make.

#### **4.0 Statutory tests**

- 4.1 The general approach for the consideration of changes to district plans was initially summarised in the Environment Court's decision in Long Bay<sup>1</sup>, which has due to various amendments to the RMA been superseded by the Colonial Vineyards decision<sup>2</sup>. The relevant requirements in this case are set out below:

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<sup>1</sup> Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

<sup>2</sup> Colonial Vineyards Ltd v Marlborough District Council [2014] NZEnvC 55

- a) The plan change should be designed to accord with and assist the Council to carry out its functions under section 31 and to achieve the purpose of the Act (s74(1)(a) and (b)).
- b) The plan change must give effect to any national policy statement, a national planning standard and the operative regional policy statement (s75(3)(a), (ba) and(c)).
- c) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects (s76(3)).
- d) The plan change shall have regard to any relevant management plans and strategies under other Acts (s74(2)(b)(i)) and must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s74(2A)).
- e) Finally, section 32 requires that rules are to implement the policies and are to be examined, having regard to their efficiency and effectiveness, as to whether they are the most appropriate method for achieving the objectives of the District Plan taking into account:
  - (i) the benefits and costs of the proposed policies and methods (including rules); and
  - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
  - (iii) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.

4.2 Overall, the s32 test is one of appropriateness (i.e. not necessity) and the requirement is to achieve the objectives of the District Plan.

## **5.0 Assessment**

5.1 There was general agreement among submitters that the current imbalance in the HDP between managing the location of sensitive activities so as to minimise the potential for reverse sensitivity effects on existing intensive primary production activities and controlling the location of new or expanding intensive primary production activities that may generate effects beyond the property boundary, needs to be addressed. However, there were differing views in how this should be achieved.

5.2 On the basis that PC4 does not seek to alter any objectives (or policies) of the HDP, the outcomes sought by the overarching policy framework, including that of the higher order CRPS, provide the context to assess which suite of provisions is the most efficient and effective in achieving these outcomes, including any s32AA evaluation. In saying this, I am mindful that any amendments arising out of the PC4 submission and hearing process is limited by the scope of the notified plan change and the relief sought by submitters.

I have also focussed my analysis on the key areas of contention, which were detailed in Ms White's s42A report and further discussed at the hearing, to avoid unnecessary repetition.

#### Canterbury Regional Policy Statement

- 5.3 I agree with Ms White that those provisions of the CRPS of most relevance to PC4 are contained in Chapter 5 – Land-Use and Infrastructure and Chapter 14 – Air Quality. In particular, Objective 5.2.1 seeks to ensure that development is located and designed so that it functions in a way that enables people and communities to provide for their wellbeing and: enables rural activities that support the rural environment, including primary production (5.2.1.2(e)); and avoids conflicts between incompatible activities (5.2.1.2(i)). The supporting policies (Policies 5.3.2 & 5.3.12) reinforce the need to avoid development which forecloses the ability to make appropriate use of land valued for existing or foreseeable future primary production or which results in reverse sensitivity effects that limit or precludes primary production. The provisions are also supportive of enabling tourism, employment and recreational development in rural areas, provided that these are consistent and compatible with rural character, activities, and an open rural environment; and has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area (5.3.12.2(a) and (b)). As noted by Ms White, the associated explanation refers to the separation and management of the interface between rural production and other activities sensitive to the effects of rural production being necessary in order to maintain the rural productive base of Canterbury.
- 5.4 Within Chapter 14, Objective 14.2.2 seeks to enable discharges of contaminants to air provided there are no significant localised adverse effects on various values and resources. In achieving this objective, Policy 14.3.5 directs that new development avoids encroaching on existing activities discharging to where the new development is sensitive to those discharges, unless reverse sensitivity effects can be avoided or mitigated. It also directs that new activities that require resource consent to discharge contaminants to air are located away from sensitive land uses and receiving environments unless adverse effects of the discharge can be avoided or mitigated.

#### Hurunui District Plan

- 5.5 The objectives and policies of the HDP of most relevance to PC4 are contained in Chapter 3 – Rural. The two district-wide objectives require rural areas to be managed so that primary production activities are able to be carried out efficiently and effectively (Objective 3.2); and that the character and amenity values of rural areas of the district are maintained while providing for a variety of activities, including those associated with primary production (Objective 3.1). These objectives are supported by 15 policies, including Policy 3.1 which seeks to ensure that rural areas remain productive by recognising that some primary production activities lead to a range of effects including noise, dust, odour, traffic and visual effects"; and Policy 3.6, which directs that potential conflict between incompatible activities in the rural environment is managed so that: sensitive activities are located away from incompatible rural activities;

and the continued use and development of existing primary production activities are not unreasonably inhibited by the establishment of new sensitive activities.

5.6 However, Policy 3.6 also directs that the potential conflict between incompatible activities is managed so that the location of activities likely to generate effects beyond the property boundary are controlled, and Policy 3.5 seeks to enable a variety of activities to occur in the rural area, while managing adverse effects on character and amenity by seeking that the scale and siting of development maintains (among other things) privacy and rural outlook for residential activities.

5.7 Having considered this overarching policy framework, I agree with Ms White that there is a clear anticipation that rural areas are productive areas and that while existing character and amenity values should be maintained, primary production is expected to be the dominant activity. In addition, both the CRPS and HDP appear to be more focussed on managing the establishment of new sensitive activities in proximity to primary production, than on restricting new intensive primary production activities in relation to potential new sensitive activities. It is also relevant to note that while HDP Policy 3.6(3) directs control over the location of activities likely to generate effects beyond the boundary, this clause is framed by the need to manage potential conflict between incompatible activities and is to be read in conjunction with Policy 3.1 that recognises that effects from primary production activities including noise, dust, odour traffic and visual effects are anticipated in rural areas. As such, there needs to be a balance between enabling primary production activities and protecting them from reverse sensitivity effects, while also controlling their location in those circumstances where the effects of those activities are at a level beyond the boundary where conflict may arise.

#### Intensive primary production activities – new Rule 3.4.3.4A

5.8 Taking into account the preceding policy context, I concur with Ms White that the proposed permitted activity status of proposed Rule 3.4.3.4A is the most efficient and effective means of enabling intensive primary production activities to occur, while ensuring that their location is managed to minimise the potential for reverse sensitivity effects to arise. I am also comfortable that the requirement for plans to be submitted to HDC as part of the permitted activity rule is not unduly onerous and would enable the Council to properly apply and enforce the reciprocal provisions that manage the location of both intensive primary production and sensitive activities, including where the separation distances are to be measured from.

5.9 In terms of the appropriateness of the 'first in, first served' principle, I acknowledge that the proposed provisions may result in a situation where an existing vacant 4ha allotment could not accommodate a sensitive activity in a complying position if an intensive primary production activity established or expanded on an adjoining site. In my view, the HDP's relatively uniform approach to residential density across the Rural Zone, together with the desire to enable a variety of activities throughout the rural area, sends somewhat of a mixed message as to how the outcomes sought by both the Rural Zone objectives

and those of the CRPS should be achieved. While there is no scope within PC4 to address these matters further, I agree with Ms White that the proposed rules are appropriately aligned to the policy framework; are generally consistent with the approach taken in other district plans that are also required to give effect to the CRPS; and that a discretionary activity status for a sensitive activity not meeting the minimum setback requirement still provides an opportunity for resource consent to be obtained, where any potential reverse sensitivity effects is able to be satisfactorily addressed.

- 5.10 Notwithstanding, I consider that Ms White's suggestion of including an additional 100m setback for new or expanding intensive primary production activities to the property boundary is appropriate in recognition of the ability to create 4ha allotments and undertake a range of permitted activities across the Rural Zone. While I recognise that this additional buffer may not alleviate all concerns raised by some submitters, it did appear to be accepted by the industry submitters as a reasonable response to addressing this issue. In addition, I note Ms White's advice that the creation of any new allotment in the Rural Zone is subject to matters of control that enable HDC to consider the ability of the allotment to site a conforming dwelling, including being setback from an existing intensive primary production activity; and whether adverse effects are likely to arise from the subdivision, associated development or subsequent use of the land, including reverse sensitivity effects.
- 5.11 With regard to the setback distances proposed, I note while there is scope in submissions to reduce the 500m reciprocal separation distance between intensive primary production activities and sensitive activities to more closely align with other district plans, the 500m distance is used as a buffer between potentially incompatible activities elsewhere in the HDP. There is also insufficient technical evidence available to support an alternative setback which could be applied to all types of intensive primary production activities (noting that the evidence supplied by PIANZ & EPFNZ was in relation to poultry farms only) and that the equivalent 300m setback contained in the Proposed Selwyn District Plan has yet to be tested through the submissions and hearings process. In addition, I consider that the proposed 1000m setback for intensive primary production activities from the boundary of Residential and Open Space Zones (as recommended by Ms White) is appropriate, given that residents of urban areas are likely to have different amenity expectations than those residing within the rural area.
- 5.12 In terms of where the setback is applied to, I note that while there is the option of splitting the 500m setback between the intensive primary production and sensitive activity to collectively achieve the required separation distance, I do not consider that this option is the most efficient or effective in achieving the objectives and policies of the HDP, particularly in light of the additional 100m property boundary setback to be applied to intensive primary production activities. It is otherwise anticipated that the distance will be measured between the operational area of the intensive primary production activity (which is described in (recommended) Rules 3.4.3.4(a) and Rule 3.4.3.4A(a) as the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems used for this activity) and the notional boundary of the sensitive activity, whichever establishes first.

5.13 However, I agree with submitters that it would be useful to include reference to ‘notional boundary’ within Rule 3.4.3.4A(a) and to provide additional clarification as to what constitutes an ‘existing’ sensitive activity in the context of Rule 3.4.3.4A in the form of an additional ‘note’ that states:

*Note 1: For the purpose of Rule 3.4.3.4A, an “existing” sensitive activity includes a proposed sensitive activity for which a building consent and/or resource consent has been obtained and has not lapsed.*

5.14 It is noted that a similar clause currently applies to the provisions managing the effects of frost fans in the HDP, and as such, the inclusion of this note within Rules 3.4.3.4(a) and Rule 3.4.3.4A would ensure consistency in the administration of similar HDP provisions.

#### Definitions and consequential amendments

5.15 The definition of ‘intensive outdoor primary production’ was recognised by submitters as being the most subjective in terms of what type of primary production activities should be captured by the setback provisions. While there was general consensus that normal pastoral farming activities, including the livestock grazing of winter feed crops, should not be defined as ‘intensive’, the appropriate threshold for determining other types of ‘intensive’ livestock farming was less clear.

5.16 To this accord, I agree with Ms White that ‘free range poultry farming’ should be excluded from the definition on the basis that this type of livestock farming is a permitted activity under the CARP, where any adverse effects dust and odour have been considered and deemed to be appropriate in the rural area. Taking into account that the HDP is required to be consistent with regional plans, I consider that it would also be beneficial to include the CARP definition of ‘extensive pig farming’ (as set out below) and similarly, exclude this type of livestock farming from the definition of ‘intensive outdoor primary production’.

*Extensive pig farming: means the keeping of pigs outdoors on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.*

5.17 With both ‘free range poultry farming’ and ‘extensive pig farming’ being defined and specifically excluded from the definition of ‘intensive outdoor primary production’, I do not consider that reference to the ‘maintenance of pasture or ground cover’ needs to be retained within this definition as this qualifier is used to determine whether a poultry or pig farming operation is deemed to be ‘free-range’ or ‘extensive’ (respectively) and may otherwise generate unintended consequences in the context of other pastoral farming activities. In addition, I agree with Ms White that explicit exclusions for some other specified activities (as recommended in the s42A report) should be added to the definition to avoid ambiguity.

5.18 Similarly, I concur with Ms White that the consequential changes to provisions to replace the term ‘intensive farming’ with ‘intensive primary production’ is of a minor nature and that there are broader



implications to the HDP in aligning the definition of 'primary production activities' with the National Planning Standards. The proposed change to the definition of 'sewage treatment facilities' will also clarify that this term was not intended to apply to farm effluent disposal facilities, which are dealt with separately under the HDP.

#### Effluent disposal

- 5.19 While PC4 proposes to delete the current requirement for new sensitive activities to be set back 500m from an existing farm effluent disposal area, and instead replace it with the requirement for any effluent disposal areas to be set back 1000m from any settlement boundary, I agree with Ms White that the removal of the requirement for new sensitive activities to be set back from established effluent disposal activities does not align with the overarching policy direction and could give rise to reverse sensitivity effects. I therefore consider that this rule should be retained as recommended by Ms White, including the addition of a 1000m setback requirement for new effluent disposal areas from Residential and Open Space Zones for consistency in the approach taken for intensive primary production activities.
- 5.20 While Rule 3.4.3.6 describes the components of what constitutes a 'farm effluent disposal area', in my view it would be useful if Rule 3.4.3.6 referred only to any 'permanent application of liquid and slurry animal effluent or solid animal effluent onto production land' to avoid the situation where the setbacks are applied to the intermittent spreading of farm effluent, which may or may not be generated on-site. This additional clarification falls within the scope of the ANZWE submission which raised concerns regarding the deletion of Rule 3.4.3.6.

#### Discretionary activity status

- 5.21 A number of submitters supported a change in the activity status for any activity that does not meet the setback requirements relevant to PC4 to become restricted discretionary rather than a fully discretionary activity. While I agree with Ms White that a restricted discretionary activity status may be appropriate where the effects of an activity are well-known, and the matters which are sought to be addressed through the resource consent process can be easily defined, in my view there are other aspects to Rule 3.4.3.4A that would need to be addressed in the assessment matters. Such matters include non-compliance with the provision of plans; and the potential for other site-specific matters to be relevant, depending on the setback breached e.g. non-compliance with the 100m setback to property boundaries may require consideration of the suitability of the size and shape of the site. In addition, there does not appear to have been any consideration given as to whether a breach in the setback distances for sensitive activities should also have the same restricted discretionary activity status for the same reasons.
- 5.22 Overall, I consider that while a restricted discretionary activity may be appropriate for some of the provisions subject to PC4, I tend to agree with Ms White that the full discretionary activity status should be retained to ensure that the provisions retain their overall workability and a consistency in plan structure.

## Conclusion

5.23 Overall, I consider that Objectives 3.1 and 3.2 of the HDP, including their supporting policies, will be achieved as a result of the changes proposed in PC4. I have also evaluated the methods, and subject to minor changes in addition to those recommended by Ms White in the s42A report, I consider that these suites of provisions are the most appropriate, in terms of their effectiveness and efficiency, and benefits they achieve compared to the costs imposed.

## Part 2 of the RMA

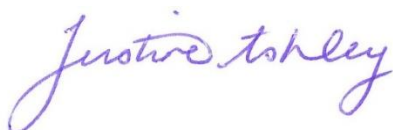
5.24 Based on the preceding assessment and subject to the amendments recommended, I consider that PC4 meets the purpose and principles set out in Part 2 of the Act in promoting sustainable management. Specifically, it will enable intensive primary production activities to operate in the Rural Zone, subject to an assessment of amenity effects associated with the establishment or expansion of an intensive primary production activity in close proximity to an existing sensitive activity, while minimising the potential for reverse sensitivity effects on existing intensive primary production activities. The provisions are intended to complement the CARP, which addresses the air quality related effects of intensive primary production activities, while also providing for the social and economic wellbeing of the wider community.

## **6.0 Recommendations**

6.1 For all the foregoing reasons I **recommend** to the Hurunui District Council as follows:

1. **That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 the Council approve the changes in PC4 to the Hurunui District Plan as set out in Appendix A to this report.**
2. **That for the reasons set out in the above report the Council accordingly either accept, accept in part or reject the submissions and further submissions as recommended and listed in Appendix B to this report.**

**Note:** Submissions seeking no overall change have been accepted in part due to the fact that some changes to PC4 have been recommended as a result of other submissions.



**Commissioner Justine Ashley**

27 May 2021

## Recommended Changes

**Note:** Any text proposed to be added by the proposed plan change is shown as underlined and any text to be deleted is shown as ~~strikethrough~~.

### Chapter 3 - Rural

#### 3.4.3 Standards for permitted activities

##### 4. Separation distances for sensitive activities

(a) No new sensitive activity may be established:

(i)      within 500 m of the operational area of a lawfully established mineral extraction activity; or

(ii)      within 500 m of the closest outer edge of any paddocks, hard-stand areas, structures or buildings used to house stock, or treatment systems used for an ~~where an existing~~ intensive primary production farming activity; is situated or

(iii)      within 250 m of Fonterra's Culverden site on Blacks Road.

(b) Rule 3.4.3.4 (a) does not apply to a new sensitive activity being established within the same property on which a lawfully established intensive ~~farming~~ primary production activity is located.

*Note 1: Rule 3.4.3.4(a)-(b) does not include areas on the site which are not used for the intensive ~~farming~~ primary production activity.*

*Note 2: ~~The Canterbury Regional Council regulates separation distances between intensive farming activities and sensitive activities in the Canterbury Air Regional Plan.~~*

##### **4A Separation distances for intensive primary production activities**

(a) Prior to the establishment of a new intensive primary production activity, or the expansion of an existing intensive primary production activity, a plan showing the location of all paddocks, hard-stand areas, structures, buildings used to house stock, and treatment systems associated with the intensive primary production activity shall be provided to the Hurunui District Council.

(b) No new intensive primary production activity, or expansion of an existing intensive primary production activity, may be established within:

(i) 500 m of the notional boundary of an existing sensitive activity on a separate lot under different ownership; or

(ii) 100 m of the boundary with a separate lot under different ownership; or

(iii) 1000 m of the boundary with a Residential or Open Space zone.

Note 1: For the purpose of Rule 3.4.3.4A, an “existing” sensitive activity includes a proposed sensitive activity for which a building consent and/or resource consent has been obtained and has not lapsed.

## **6. Separation distances between effluent disposal areas, ~~and~~ sensitive activities and settlements**

- (a) No new sensitive activity may be established within 500 m of an existing farm effluent disposal area which includes the collection, storage, treatment and the permanent application of liquid and slurry animal effluent or solid effluent onto production land.
- (b) Rule 3.4.3.6 (a) does not apply to a new sensitive activity being established within the same property on which a lawfully established effluent disposal area is located.
- (c) No new farm effluent disposal area may be established within 1000 m of the boundary with a Residential or Open Space zone.

*Note 1: The Canterbury Regional Council regulates the discharge of contaminants into air from animal effluent in the Canterbury Air Regional Plan.*

### **3.4.6 Discretionary activities**

- 7. Any sensitive activity that does not meet the separation distances under Rule 3.4.3.4. or 3.4.3.6.
- 8. Any intensive primary production activity that does not meet Rule 3.4.3.4A.
- 9. Any effluent disposal area that does not meet Rule 3.4.3.6.

## **Chapter 4 – Settlements**

### **4.5 Permitted activities**

Any activity listed below is a permitted activity in all Residential zones (except within the Buxton Valley Management Area and the Claverley Comprehensive Development Zone), provided it complies with the standards for permitted activities:

...

- 7. Farming (excluding intensive ~~farming~~ primary production);

### **4.8 Discretionary activities**

Any activity listed below is a discretionary activity:

...

- 6. Comprehensive Development Zone – Claverley:

The following activities are discretionary activities (unrestricted) within the Comprehensive Development Zone at Claverley:

...

- (d) Farming (excluding intensive ~~farming~~ primary production)

## Chapter 15 – Natural Hazards

### 15.4.3 Standards for permitted activities

1. The following standards apply to activities within a Natural Hazard Area identified in the planning maps and in Appendix 15.1:

(a) In areas listed in Appendix 15.1 Schedule of Natural Hazard Areas, there is to be no siting, erection, replacement of, or extension to, any building or structure except for:

...

(iii) farm accessory buildings (not including those containing any intensive farming primary production) and non-habitable residential accessory buildings; or

## Chapter 20 – Definitions

~~**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 exceeding 15 pigs 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.~~

**Extensive pig farming:** means the keeping of pigs outdoors on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.

**Intensive primary production:** means any activity defined as intensive indoor primary production or intensive outdoor primary production

**Intensive indoor primary production:** means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for three months in any calendar year) or poultry.

**Intensive outdoor primary production** means primary production activities involving the keeping or rearing of livestock, that principally occurs outdoors, where the regular feed source for the livestock is substantially provided from off-site sources, but excludes:

- calf-rearing for three months in any calendar year;
- pig production for domestic self-subsistence home use, which involves no more than 25 weaned pigs or six sows;
- extensive pig farming;
- free range poultry farming; and
- the feeding of supplementary feed during adverse weather events such as drought or snow.

**Free range poultry farming:** means the primary production of poultry for commercial purposes, where:

- (a) All of the birds farmed have access to open air runs; and
- (b) Permanent vegetation ground cover exists on the land where birds are permitted to range; and
- (c) The stocking rate of the runs and weatherproof shelter to which the birds have access does not exceed the industry standard for the relevant bird type.

**Primary production activities** means activities that involve the production of primary products such as those from intensive primary production farming, agricultural, horticultural, floricultural, arboricultural, or forestry activities but does not include mineral extraction or mineral processing.

**Sewage treatment facilities** means a facility for the treatment of human ~~or animal waste including effluent ponds and land based effluent disposal areas for on-farm waste disposal or off-site from which it originates~~, but does not include domestic effluent facilities, such as septic tanks.

## **Planning Maps**

[Add an internal mapping layer for mapping of intensive primary production activities.]

## PC4 – Intensive Primary Production & Effluent Disposal

## APPENDIX B

### Recommended decisions on Submissions

Sub. Point	Further sub. point	Name	Provision	Oppose/ Support	Decision Requested	Recommended Decision
1.1		Environment Canterbury (ECan)	Whole plan change	Support	To retain proposed plan change 4 as notified	Accept in part
	FS4.1	FFNZ		Partially support		Accept in part
2.1		New Zealand Pork Industry Board (NZ Pork)	3.4.3.4A Separation distances for intensive primary production activities	Support in part	Amend 3.4.3.4A as follows: (a) Prior to the establishment of a new intensive primary production activity, a plan showing the location of all paddocks, hard-stand areas, structure, buildings used to house stock, and treatment systems associated with the intensive primary production activity shall be provided to the Hurunui District Council. <del>An updated plan shall be provided to the Hurunui District Council if the activity changes or expands.</del> ... (c) Prior to the <u>change or</u> expansion of an existing intensive primary production activity, a plan showing the location of all paddocks, hard-stand areas, structures, buildings used to house stock, and treatment systems associated with the intensive primary production activity shall be provided to the Hurunui District Council.  Add note as follows: <u>Note 2 Routine changes as part of a rotational farming system are not considered an expansion of an existing intensive primary production activity.</u>	Accept in part
	FS3.1	HortNZ		Support		Accept in part
	FS4.2	FFNZ		Partially support		Accept in part
	FS7.1	PIANZ and EPFNZ		Support		Accept in part
2.2		NZ Pork	3.4.3.6 Separation distances between effluent disposal areas and settlement boundaries	Support in part	Retain as proposed	Accept in part
2.3		NZ Pork	3.4.6 Discretionary activities 8. Any primary production activity that does not meet Rule 3.4.3.4A	Support	Retain as proposed	Accept

2.4		NZ Pork	3.4.6 Discretionary activities 9. Any effluent disposal area that does not meet Rule 3.4.3.6.	Support	Retain as proposed	Accept
2.5		NZ Pork	New definition of 'Intensive indoor primary production'	Support	Retain as proposed	Accept
2.6		NZ Pork	New definition of 'intensive outdoor primary production'	Support in part	Amend definition as follows: <b>Intensive outdoor primary production</b> means primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for three months in any calendar year), that principally occurs outdoors, which prevents 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, <u>extensive pig farming</u> and free-range poultry farming.  Add a new definition as follows: <b>Extensive pig farming</b> <u>means the keeping of pigs outdoors on land at a stock density which ensures permanent pasture or ground cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals</u>	Accept in part
	FS4.3	FFNZ		Oppose		Accept in part
2.7		NZ Pork	Amend definition of 'Sewage treatment facilities'	Support in part	Retain as proposed	Accept
3.1		Horticulture New Zealand (HortNZ)	Whole plan change	Support	Accept Plan Change 4 in its entirety 4	Accept in part
	FS4.4	FFNZ		Partially support		Accept in part
4.1		Federated Farmers of New Zealand (FFNZ)	Deletion of current definition of 'intensive farming.'	Support	Accept	Accept
4.2		FFNZ	New definition of 'intensive primary production.'	Support	Accept	Accept
4.3		FFNZ	New definition of 'intensive indoor primary production.'	Support	Accept	Accept
4.4		FFNZ	New definition of 'intensive outdoor primary production.'	Oppose	The definition be amended to: <b>Intensive farming</b> means the commercial raising and keeping of plants or animals where either: • The regular food source is substantially provided from other sources other than from grazing the site concerned; Or it involves the: • keeping of pigs outdoors at a rate not exceeding 25 pigs or poultry per hectare • use of wintering sheds or feed pads where stock is generally confined for any period greater than three months • farming of poultry, rabbits, mushrooms or fish farming.	Accept in part



	FS2.1	NZ Pork		Support in part/ Oppose in part		Accept in part
	FS3.2	HortNZ		Oppose in part		Accept in part
	FS4.5	FFNZ		Oppose/ Amend		Accept in part
4.5		FFNZ	New definition of 'free range poultry farming.'	Oppose	Delete the definition	Reject
	FS7.2	PIANZ and EPFNZ		Oppose		Accept
4.6		FFNZ	Amend existing definition of 'primary production activities'	Support	Accept	Accept
4.7		FFNZ	Amend existing definition of 'sewage treatment facilities.'	Support	Accept	Accept
4.8		FFNZ	3.4.3.4 Separation distances for sensitive activities	Support in part	Accept on condition The proposed rule should be: if a sensitive activity is setting up beside an existing activity, the setback should be from the property boundary.	Reject
	FS2.2	NZ Pork		Oppose		Accept
	FS3.3	HortNZ		Support in part		Reject
4.9		FFNZ	3.4.3.4A Separation distances for intensive primary production activities	Support in part	Accept on condition The proposed rule should be: if a sensitive activity is setting up beside an existing activity, the setback should be from the property boundary.  The option of information sharing details about intensive farms with ECan should be explored in the first instance.	Reject
4.10		FFNZ	3.4.3.6 Separation distances between effluent disposal areas and settlement boundaries	Support	Accept	Accept in part
5.1		Canterbury District Health Board (CDHB)	3.4.3.6 Separation distances between effluent disposal areas and settlement boundaries	Support in part	The CDHB seeks that proposed Plan Change 4 provides a separation distance in respect of animal effluent activities from sensitive activities to maintain rural amenity values by minimising unnecessary nuisance effects and environmental impact.	Accept in part
	FS2.3	NZ Pork		Oppose		Accept in part
	FS4.6	FFNZ		Partially support		Accept in part

6.1		DairyNZ Limited	New definition of 'intensive outdoor primary production'	Oppose in part	Amend the definition as follows: means primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for three months in any calendar year), that principally occurs outdoors, which prevents 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, <del>and</del> free-range poultry farming <u>and also excludes dairy farm off-paddock infrastructure such as stand-off pads, stock-holding areas and feed pads.</u>	Accept in part
	FS4.7	FFNZ		Partially support		Accept in part
7.1		Poultry Industry Association of New Zealand (PIANZ) and the Egg Producers Federation of New Zealand (EPFNZ)	Deletion of current definition of 'intensive farming.'	Support	Retain as notified	Accept
7.2		PIANZ and EPFNZ	New definition of 'intensive primary production.'	Support	Retain as notified	Accept
7.3		PIANZ and EPFNZ	New definition of 'intensive indoor primary production.'	Support	Retain as notified	Accept
7.4		PIANZ and EPFNZ	New definition of 'intensive outdoor primary production.'	Support	Retain as notified	Accept in part
	FS4.8	FFNZ		Oppose		Accept in part
7.5		PIANZ and EPFNZ	New definition of 'free range poultry farming.'	Support in part	Amend the definition of free range poultry farming to read as follows: The primary production of poultry for commercial purposes, where: a. All of the birds farmed have access to open air runs; and b. Permanent vegetation ground cover exists on the land where birds are permitted to range; and c. The stocking rate of the runs and weatherproof shelter to which the birds have access does not exceed the industry standard for the relevant bird type; <u>and</u> d. <u>Weatherproof buildings are provided for birds to roost.</u> <u>Note: It is accepted that permanent vegetation ground cover is not practical in areas of regular foot traffic.</u>	Reject
	FS4.9	FFNZ		Oppose		Accept
7.6		PIANZ and EPFNZ	Amend the definition of 'primary production activities.'	Oppose in part	Replace the notified definition of primary production activities and replace with the definition contained within the National Planning Standards, as per below: <b><u>Primary production</u></b> <u>means:</u> a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; <u>and</u>	Reject

					b. includes initial processing, as an ancillary activity, of commodities that result from the <u>listed activities in a)</u> ; c. <u>includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b)</u> ; but d. <u>excludes further processing of those commodities into a different product.</u>	
	FS3.4	HortNZ		Oppose in part		Accept
	FS4.10	FFNZ		Oppose		Accept
7.7		PIANZ and EPFNZ	Amend the definition of 'sewage treatment facilities'	Support	Retain as notified	Accept
7.8		PIANZ and EPFNZ	3.4.3.4 Separation distances for sensitive activities	Support	Retain as notified	Accept in part
7.9		PIANZ and EPFNZ	3.4.3.4A Separation distances for intensive primary production activities (a) and (c)	Support in part	Support these rules however not the activity status of discretionary, it defaults to if not complied with.	Accept in part
7.10		PIANZ and EPFNZ	3.4.3.4A Separation distances for intensive primary production activities (b) and (i)	Support in part	Improve the clarity of these rules and adopt the use of the notional boundary to avoid perverse situations. Amend the wording of Rule 3.4.3.4A to read as follows: Separation distances for intensive primary production activities ... (b) No new intensive primary production activity may be established within <u>5300 m from the notional boundary of any lawfully established sensitive activity on another site. of an existing sensitive activity on a separate lot under different ownership and 1000 m of a settlement boundary.</u> ... (i) No expansion of an existing intensive primary production activity may be located within <u>5300 m from the notional boundary of any lawfully established sensitive activity on another site. of an existing sensitive activity on a separate lot under different ownership and 1000 m of a settlement boundary.</u>	Accept in part
	FS2.4	NZ Pork		Support in part/ Oppose in part		Accept in part
	FS4.11	FFNZ		Partially support		Accept in part
7.11		PIANZ and EPFNZ	3.4.3.6 Separation distances between effluent disposal areas and settlement boundaries	Support in part	Amend the wording of Rule 3.4.3.6 to read as follows: 3.4.3.6 Separation distances between effluent disposal areas and settlement boundaries (a) No new <del>effluent disposal area</del> <u>settlement boundary</u> may be established within 1000m of an existing farm effluent disposal area.	Reject
	FS4.12	FFNZ		Support		Reject

7.12		PIANZ and EPFNZ	3.4.6 Discretionary activities 8. Any intensive primary production activity that does not meet Rule 3.4.3.4A.	Oppose	We request that 3.4.3.4A is linked to restricted discretionary rules and Council's discretion is limited to an assessment of the standard not complied with.  Suggested wording: <u>The exercise of discretion in relation to 3.4.3.4A is restricted to the following matters:</u> <u>a. The effect on amenity from any discharge of odour or dust;</u> <u>b. The location of the building, yard, or paddock housing stock;</u> <u>c. The design of the building housing stock;</u> <u>d. The location and design of the effluent storage area;</u> <u>e. Any mitigation proposed to reduce the effect or dispersion of odour or dust; and</u> <u>f. The effect on amenity values from traffic movements.</u>	Reject
8.1		Aotearoa NZ Fine Wine Estates (ANZFWE)	3.4.3.4A Separation distances for intensive primary production activities	Oppose in part	As a first preferred relief: Delete proposed Rule 3.4.3.4A and replace with a rule that reads: <u>Intensive primary production is a restricted discretionary activity. The consent authority shall restrict its discretion to all of the following matters:</u> <u>1. The scale and nature of the proposed activity;</u> <u>2. Any actual or potential effects on adjoining landholders, including any effects of the application of the separation distances for sensitive activities required under Rule 3.4.3.4 on actual or potential activities on adjoining sites;</u> <u>3. Any adverse effects on amenity values;</u> <u>4. Any adverse effects on any site with significant cultural, landscape, heritage or ecological values; and</u> <u>5. Monitoring and review of consent conditions.</u>  Or as a second preferred relief sought: Amend Rule 3.4.3.4A as follows: (a) <del>Prior to the establishment of a new intensive primary production activity, a plan showing the location of all paddocks, hard stand areas, structure, buildings used to house stock, and treatment systems associated with the intensive primary production activity shall be provided to the Hurunui District Council. An updated plan shall be provided to the Hurunui District Council if the activity changes or expands.</del> ( <del>b</del> ) (a) <del>No new intensive primary production activity may be established within 500 m of the property boundary an existing sensitive activity on a separate lot under different ownership and 1000 m of a settlement boundary.</del> (c) <del>Prior to the expansion of an existing intensive primary production activity, a plan showing the location of all paddocks, hard stand areas, structures, buildings used to house stock, and treatment systems associated with the intensive primary production activity shall be provided to the Hurunui District Council.</del> (i) <del>No expansion of an existing intensive primary production activity may be located within 500 m of the property boundary any existing sensitive activity on a separate lot under different ownership and 1000 m of a settlement boundary.</del>	Accept in part
	FS2.5	NZ Pork		Oppose		Accept in part

	FS3.5	HortNZ		Oppose		Accept in part
	FS4.13	FFNZ		Partially support		Accept in part
	FS7.4	PIANZ and EPFNZ		Oppose		Accept in part
8.2		ANZFWF	New definition of 'intensive outdoor primary production.'	Oppose	Amend the definition of 'intensive outdoor primary production' to read:  Intensive outdoor primary production means <u>the keeping or rearing of livestock outdoors at stocking densities that mean sufficient pasture, crop or other vegetation cannot be grown on-site to feed the livestock, and areas used for spreading of effluent collected from intensive primary production activities. It excludes pig production for domestic use which involves no more than 25 weaned pigs or six sows, poultry or egg production for domestic use of up to 200 birds, and calf-rearing for up to three months in any calendar year. It also excludes the feeding of supplementary feed during adverse weather events such as drought or snow."</u>	Accept in part
	FS2.6	NZ Pork		Oppose		Accept in part
	FS4.14	FFNZ		Support		Accept in part
8.3		ANZFWF	New definition of 'free range poultry farming.'	Oppose	Delete the definition of 'free range poultry farming.'	Reject
	FS7.3	PIANZ and EPFNZ		Oppose		Accept
9.1		Pyramid Valley Trading	3.4.3.4A Separation distances for intensive primary production activities	Oppose in part	Support the Federated Farmers and Aotearoa NZ Fine Wine Estates submissions. Submit to having free range poultry farming included as intensive primary production. Submit that the 500 m setback be from the property boundary or require intensive farming to have a resource consent.	Accept in part
	FS2.7	NZ Pork		Oppose		Accept in part
	FS4.15	FFNZ		Partially support		Accept in part
	FS7.5	PIANZ and EPFNZ		Oppose		Accept in part
10.1		Donald and Pauline Rennie	Whole plan change	Support in part	Support a change to the District Plan regarding intensive primary production and effluent disposal. Believe intensive farming e.g. poultry, pig should be setback at least 500 metres from a boundary so the affects of these activities be contained on the site to which they relate.	Accept in part
	FS4.16	FFNZ		Support		Accept in part
	FS7.6	PIANZ and EPFNZ		Oppose		Accept in part