



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW
LAND USE PLAN

Timaru District Plan Review

Topic 12

Rural Zones

Discussion Document, November 2016



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1.0 Introduction

1.1 Purpose

Timaru District Council has commissioned this report to identify the 'issues' with how the Timaru District Plan 2005 manages rural zones. The report subsequently identifies the potential 'options' to address these issues and the strengths and weaknesses of each option.

Please note that rural-living is being dealt with in Topic 13: Rural Residential Areas Discussion Document. Land use growth is being dealt with in the Timaru District 2045 Draft Growth Management Strategy.

The report is intended to inform and provide a basis for public consultation on this matter and to some degree stimulate debate. The report forms part of a suite of public consultation measures that may be used to inform a potential change to the District Plan.

1.2 Report Format

The remainder of the report has been set out as follows:

- Section 2** identifies and describes the issue.
- Section 3** summarises the relevant statutory matters.
- Section 4** briefly explains the current Timaru District Plan approach to rural zones.
- Section 5** discusses some potential options to deal with rural zones.

This document outlines the issues our district faces in relation to rural zones.

We welcome your feedback on this topic.

Richard Lyon
Pleasant Point/Temuka Ward Councillor

2.0 Issue Identification

The term “intensive rural activities” has been used in this Discussion Document to refer to activities which, because of their character, scale and intensity have direct impacts beyond the site on which they occur.

Issue 1

Should the District Plan specifically control intensive rural activities?

The current District Plan, like many others, was developed at a time when farming activities generally involved sheep and cattle and / or cropping. Stocking levels were not intensive and there were fewer inputs in terms of providing feed, collecting produce, machinery and labour. With the more recent availability of irrigation there has been a significant increase in dairy farms within the District and Canterbury and with that, increased stocking and activity rates.

Off-site impacts of more intensive uses of the rural area, and in particular dairying, can be experienced from single operations or result from the large number and scale of dairy farms in an area. Potential impacts include:

- Greater use of roads for cartage and herding within and between farm blocks and for deliveries and pickups. This can lead to problems for other road users as well as real issues with maintaining the carriageways, accesses and road verges.
- Impacts on streams and groundwater from poor by-wash drainage and general overland flow containing effluent.
- Sedimentation and contamination of streams from animals walking through waterways and from pugging of areas near waterways.
- Impact of large farm buildings, including dairy sheds, close to the road or neighbouring properties with associated noise, odour, visual, lighting and traffic generation effects.
- Noise impacts including from frost machines.
- Loss of biodiversity and visual amenity with the removal of shelter planting and trees and vegetation in general.
- Change in rural character from an increase in the number and size of buildings, including farm worker accommodation.

Other rural activities such as quarrying¹, mining and forestry also create effects that are experienced beyond their sites including noise, dust and vibration. In particular, they can involve intense periods of heavy traffic, hauling logs and gravel etc. This results in damage to roads and creates safety and amenity issues for road users and neighbouring landowners.

In addition, these impacts may then lead to farmers and those involved in forestry and mining being subject to complaints from neighbouring landowners, road users and rural residents, with pressure to modify or even cease operations.

There are three major types of adverse effects from more intensive rural activities, namely effects on the natural environment, neighbours and on roads. In general these effects are managed under the Resource Management Act 1991 by Canterbury Regional Council through controlling discharge of effluent to land and water, and discharge to air.

Effects on neighbours include noise, smell, traffic movements, lighting and the visual impact of large buildings. These effects are commonly managed in district plans, but usually in relation to specified activities such as factory farming or rural industries. While there is an expectation that people living and working in the rural area will experience noise, dust, smell and other nuisance effects, this expectation has been based on less intensive land use. It is not only new residents in rural areas (lifestylers) but also existing residents and workers that can be affected by increased nuisance effects.

The District Plan in general does not specifically control forestry, small scale quarrying or farming activity, other than factory farming activity. Factory farming is defined as farming which has little reliance on the soil characteristics of the site and specifically includes poultry, intensive pig and mushroom farming. The potential for mitigation of adverse effects from more intensive rural activities, and in particular forestry and dairy farming, are therefore quite limited as there are no standards dealing with some of these matters, and no resource consent is required for the activities themselves. To date there has been a reluctance to control more intensive farming activities such as dairy farming, presumably because of the large number of farming operations that would be impacted by such controls, and the importance of dairying to the local economy.

¹Managing the effects of quarrying is dealt with in Topic 7: Soils, Minerals and Earthworks Discussion Document .

3.0 Statutory Matters

Issue 2

Effects on roading

The effects on roading, and in particular the consequential cost of repairing and upgrading roads from intensive activities involving heavy vehicles, is addressed through a suite of tools including general rates, New Zealand Transport Authority subsidies and District Plan controls. The unique role that District Plan controls play is that they can capture specific activities and effects.

There is a specific performance standard in the Rural 1 and 2 Zones which specifies that a financial contribution may be required where vehicle usage will result in significant deterioration in the roading infrastructure at the points of entry onto the public roading system to the full cost of restoring any damage. While this compensation has been required, it is limited to funding repair of the access only. With regard to activities which require resource consent, such as quarrying, there are issues as to the extent that consent conditions can limit the routes taken by trucks, their number and frequency and whether financial contributions towards repair and upgrade works can be required.

There are no matters of national importance in section 6 of the Resource Management Act 1991 that are of direct relevance to the issue of managing impacts of intensive rural activities in the District Plan, other than perhaps protection of lake and river margins from inappropriate use. There are however, a number of matters in section 7 of the Act, which must be had regard to in preparing district plans which are relevant. These matters include "the ethic of stewardship (section 7(aa)), maintenance and enhancement of amenity values (section 7(c)), the maintenance and enhancement of the quality of the environment (section 7 (f)) and the finite characteristics of natural and physical resources which includes roading (refer section 7(g)).

The District Plan Review must give effect to the Canterbury Regional Policy Statement 2013. Objective 5.2.1 of the Regional Policy Statement seeks development which:

"enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which: enables rural activities that support the rural environment including primary production and which avoids conflicts between incompatible activities."

The explanation to this Objective notes that primary production from Canterbury's rural areas is of significance to the economic and social well-being of Canterbury's people and communities and that it is foreseeable that the well-being of future generations will also be strongly influenced by the ability to continue with such primary production. It states it is important to manage resources and activities in rural areas so that the foreseeable potential of the rural primary base of Canterbury is maintained.

With regard to roading Objective 5.2.3 seeks:

"A safe, efficient and effective transport system to meet local regional, inter-regional and national needs for transport, which:

- (1) supports a consolidated and sustainable urban form;*
- (2) avoids, remedies or mitigates the adverse effects of transport use and its provision;*
- (3) provides an acceptable level of accessibility; and*
- (4) is consistent with the regional roading hierarchy identified in the Regional Land Transport Strategy."*

On this basis there is a mandate for the roads servicing rural areas to be used in a manner that does not result in deterioration and consequential costly maintenance for the community. It may also support remedying the situation by obtaining suitable recompense from activities that cause more than normal "wear and tear" on roads.

4.0 Timaru District Plan

The main objective and policies of the Rural Zones is to provide for a range of activities in the rural areas while avoiding or mitigating the adverse environmental effects of these. The District Plan uses five different zones (Rural 1, 2, 3, 4A and 4B), each of which has different rules. The majority of the rural area falls within the Rural 1 and 2 Zones. Within these zones there are relatively limited controls on forestry and on farming, other than factory farming. Forestry and woodlots are generally permitted with the only limitation being setbacks to address shading of roads and houses on neighbouring properties. There is a requirement for foresters to notify the Council prior to harvesting of trees in order that Council can plan road improvements etc.

The only farming that requires resource consent is factory farming and these farms must be located at least 1,000m from a Residential Zone. The resource consent process allows for consideration of the impact on adjoining landowners, with no required setback for houses on adjoining properties once the factory farm is consented. With regard to all other farming and rural uses, the setback for buildings is small, 6m from roads and 3m from other boundaries. These are also the specific setbacks from roads and neighbours for farm buildings associated with intensive activity such pig farms and factory farming operations.

Mining and quarrying, other than small scale operations (less than 200m³ per year) requires resource consent which enables assessment of impacts and the ability to place conditions mitigating these impacts.

With regard to roading impacts, there is a specific performance standard in the Rural 1 and 2 Zones which specify that a financial contribution may be required where vehicle usage will result in significant deterioration in the roading infrastructure at the points of entry onto the public roading system, to the full cost of restoring any damage.

5.0 Options

The main options to manage rural zones are summarised as:

- Status quo (i.e. retain the current District Plan approach).
- Amend (i.e. current District Plan approach requires amendment to align it with current best practice).
- Include (i.e. current District Plan does not include approach which requires incorporation).

These options are briefly described in turn below, followed by a brief assessment of their strengths and weaknesses. Please note other options exist for the identified issues that have not been reflected here to keep the document concise.

Issue 1

Should the District Plan specifically control intensive rural activities?

The first option for addressing this issue is to retain the current approach of the District Plan, which would enable these more intensive rural activities to continue and establish without the need to meet standards or obtain resource consent. A second option is to include new rules requiring resource consent for these activities. This would enable Council to assess the whole activity, or at least those elements that are likely to create nuisance effects. In addition, people potentially adversely affected by these activities would have an opportunity to make submissions. The approach raises a number of issues including the challenge of defining what constitutes an "intensive rural activity", especially as it is likely that new activities will arise over time in response to market demands. There is also the problem with farming activities that change over time, which makes it difficult to determine at what point resource consent is needed.

A third option is to set trigger limits beyond which resource consent is required or introduce performance standards addressing particular adverse effects of intensive rural activities. Possible triggers or standards could be based on heavy traffic movements generated by the site, noise levels, stock numbers or densities, the need for stock to cross roads on a regular basis, the size and use of buildings; and the location of buildings in relation to roads and other boundaries.

Option 1 – Status quo

- To retain the current District Plan provisions, which does not have standards to meet or require a resource consent for most intensive rural activities.

Strengths	<ul style="list-style-type: none">▪ Landowners have more flexibility in the farming operations and the location of buildings.
Weaknesses	<ul style="list-style-type: none">▪ Not effective in addressing off-site effects of intensive rural activities.▪ No protection of neighbouring land from the adverse impacts of intensive rural activities.

Option 2 – Amend

- To amend the current District Plan to include rules requiring resource consent for intensive rural activities to enable assessment and management of adverse effects of these activities.

Strengths	<ul style="list-style-type: none">▪ Creates the potential to avoid impacts on neighbours and road users created by poor management or poorly sited buildings.▪ Will provide an opportunity to manage adverse effects through a resource consent process.
Weaknesses	<ul style="list-style-type: none">▪ Will be difficult to determine the need for resource consent where farm operations change over time.▪ Will require good monitoring of land use over time.▪ Costs in time and money to consult with landowners and provide information on the new rules.▪ Cost in time and money for landowners to obtain resource consent which could involve limited or public notification and hearings.

Option 3 – Include

- To include in the District Plan trigger limits beyond which resource consent is required and / or introduce performance standards addressing particular adverse effects of intensive rural activities such as heavy traffic generation, noise, smell, use of roads.

Strengths	<ul style="list-style-type: none"> ▪ Could be effective in protecting neighbours amenity if all parties are made aware of the new standards, particularly prior to the establishment of new farming operations. ▪ Treats all intensive rural activities the same rather than only requiring resource consent for some of these e.g. mining. ▪ Addresses issues that exist but have not been expressly acknowledged in the District Plan.
Weaknesses	<ul style="list-style-type: none"> ▪ Will require clear policy to guide decision making on resource consent. ▪ Cost in time and money to consult with landowners and provide information on the new rules. ▪ Cost in time and money for landowners to obtain resource consent which could involve limited or public notification and hearings. ▪ Not efficient as individual farmers, foresters etc. have to bear the costs of resource consent whereas the problem is often created by the cumulative impact of intensive rural activities. ▪ Will require good monitoring of land use over time.

Issue 2

Effects on roading

Greater use of roads for cartage and herding within and between farm blocks, and for deliveries and pickups, has resulted in problems for other road users as well as real issues with maintaining the carriageways, accesses and road verges. The current District Plan provisions do not anticipate the environmental effects of intensification and diversification on the transport network which include seal and pavement damage, noise, safety and dust generation. These impacts can only be mitigated either by reduced levels of activity or increased maintenance, seal widening, and speed and route restrictions. All of this mitigation is an expense borne by community both in monetary terms and convenience and efficiency.

Because District Plan controls do not operate retrospectively, any new control to manage this issue will only apply to new activities or where the intensity of an activity is clearly increasing. There are challenges in developing controls such as financial contributions for road maintenance based on the intensity of activities. These challenges include ensuring that such controls relate directly to the adverse impacts of the specific activity without unfairly penalising new activities.

Option 1 – Status quo

- To retain the current District Plan standard that authorises Council to obtain full compensation for repair of damage to roading infrastructure at the points of entry onto a public road.

Strengths	<ul style="list-style-type: none"> ▪ Effective for repair of access points, but not general road damage.
Weaknesses	<ul style="list-style-type: none"> ▪ Not effective in preventing damage as only deals with the issue after roads are compromised. ▪ Costs in general will still be borne by the community rather than those involved in intensive rural activities. ▪ Not very efficient as the cost is borne by a landowner but the road damage may be caused by third parties carting material etc.

Option 2 – Include

- To include in the District Plan new rules requiring resource consent from the Council for new activities likely to result in damage to roads. These rules could be based on the type of activity or on standards relating to heavy traffic movements.

Strengths	<ul style="list-style-type: none">▪ Captures new rural intensive activities. Resource consent process will enable assessment of issues and set conditions.
Weaknesses	<ul style="list-style-type: none">▪ Effectiveness of new rural intensive activities relies on being able to require compensation for road damage and / or limit the number of heavy vehicle movements and on identification of when land use change has or will occur.▪ Efficiency depends on whether Council can require compensation for general road damage in the area and not just at access points.▪ Does not capture existing rural intensive activities.▪ Cost on landowners for resource consent process.

Option 3 – Include

- Require upfront payment to the Council for road maintenance and repair when a new activity reaches a specified intensity in terms of heavy vehicle movements. This could be done through including a new financial contribution in the District Plan.

Strengths	<ul style="list-style-type: none">▪ Potentially targets forms of traffic which cause the most damage to roads.▪ Very effective if amount required is set at the appropriate level.▪ May also discourage heavy traffic road use if carefully targeted.
Weaknesses	<ul style="list-style-type: none">▪ Does not capture existing rural intensive activities.▪ Difficult to monitor increased intensity.▪ Time and money involved in developing appropriate levels of contributions and setting up administration of contributions system.



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