

Decision Report

Plan Change 38 – Intensive Farming Activities

1.0 Introduction

- 1.1** This report shows the decisions made on the topics in the Planning Report and then shows the whole of the Plan Change i.e. how the full notified Plan Change and subsequent decisions on topics are proposed to change the District Plan First Review.
- 1.2** For topics, any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in **red**, and any changes resulting from decisions in **blue**.
- 1.3** For the whole of the Plan Change, any changes to rules are shown as follows; existing District Plan text in black, and changes (being the culmination of the notified Plan Change and subsequent decisions) in **red**.

2.0 Topic 1: General – whole of Plan Change 38

2.1. Decision

That the general submissions in support of the notified provisions be accepted in part.

The following submissions are therefore:

Accepted in part

Submission	Point Number	Name
15	7	Bay of Plenty Regional Council
21	6, 7	Federated Farmers
FS 44	1, 2, 3, 4, 5	Poultry Association of New Zealand
14	1, 2	Rodney James Hodge
FS 73	3, 8, 9	Stewart Family Trust

2.2. Reason

Subject to decisions elsewhere in this report, Plan Change 38 removes existing anomalies and ambiguities within the various District Plan provisions relating to "intensive farming activities" and refines those provisions so as to provide greater certainty and enhanced environmental outcomes.

3.0 Topic 2: Pig farming

3.1 Decision

That the definition of “extensive pig farming” (as notified) be amended as follows:

“Extensive pig farming” means the keeping of pigs outdoors on land at least 50m from an adjoining property boundary at a stock density which ensures groundcover is maintained in accordance with best farming practices, including any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.

That the notified proposal to apply a 50m buffer to “the keeping of 12 weaned pigs” be confirmed.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
10	3	Morepork Farms Ltd

Accepted in part

Submission	Point Number	Name
15	10	Bay of Plenty Regional Council
21	8	Federated Farmers
14	3	Rodney James Hodge

Rejected

Submission	Point Number	Name
FS 73	7, 10	Stewart Family Trust

Notes:

1. FS 73.7 is considered to go beyond the scope of the submission to which it purports to relate as it requests that the existing District Plan provisions for pig farming be retained. Neither the principal submission in question, nor any other principal submission, requests this relief.
2. FS 73.10 relates to aquaculture (not extensive pig farming) and other similar further submissions from the same submitter have been lodged in respect of that separate matter.

3.2 Reasons

The environmental effects of “extensive pig farming” are the same as or similar to those of other pastoral farming activities included in the definition of “farming” and a 50m buffer applying only to that particular activity is unnecessary.

It is recognising best practice farming in New Zealand.

Small-scale, intensive pig farming (involving up to 12 weaned pigs) undertaken in confined areas without the maintenance of ground cover has the potential to create adverse off-site effects greater than those associated with pastoral farming. Further control in the form of a 50m buffer from neighbouring properties is therefore warranted.

4.0 Topic 3: Aquaculture

4.1. Decision (reproduced from Plan Change 37 report)

That the deletion of "aquaculture" from the definition of "farming" be confirmed.

That the proposed definition of "land-based aquaculture" (as notified) be amended as follows:

"~~Land-based~~ Aquaculture" means the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed in confined areas within natural water bodies or on land (whether in buildings, constructed ponds or other artificial water bodies), and includes ancillary activities.

That the inclusion of "aquaculture" in the definition of "intensive farming activities" be confirmed.

That "aquaculture" be provided for as a permitted activity in the Industrial Zone.

The following submissions are therefore:

Accepted in part

Submission	Point Number	Name
27	7	Helen & David Stewart and others
FS 44	7	Poultry Association of New Zealand
FS 73	13, 17	Stewart Family Trust
29	5	Uretara Estuary Managers

4.2. Reasons

Aquaculture more properly fits within the definition of "intensive farming activities" (rather than within the definition of "farming") because by its nature it is more similar to other intensive farming activities and has the potential to create similar adverse effects.

Unlike other uses coming within the definition of "intensive farming activities", the environmental effects associated with aquaculture make it suitable for inclusion as a permitted activity in the Industrial Zone.

5.0 Topic 4: 300m buffer for intensive farming activities

5.1. Decision

That the requested 300m yard or buffer not be adopted.

The following submissions are therefore:

Rejected

Submission	Point Number	Name
27	2, 8	Helen & David Stewart and others

Accepted in part

Submission	Point Number	Name
FS 44	6	Poultry Association of New Zealand

5.2. Decision

The "full" discretionary status for intensive farming activities is considered to provide Council with ample discretion to consider each application on its merits and to also provide the ability to determine on a case by case basis what an appropriate buffer distance from residential activities should be or whether a particular proposal should be granted consent at all.

6.0 Topic 5: Greenhouses

6.1 Decision

That the definition of "farming" (as notified) be amended (shown in blue) to read as follows:

"Farming" means and includes agriculture, ~~including outdoor (extensive pig farming (means the keeping of pigs in an extensive manner in paddocks where groundcover is maintained and where no fixed buildings are required) pastoral farming (including extensive pig farming),~~ horticulture, and floriculture (including the growing of plants or vegetative matter in greenhouses or other structures), beekeeping, ~~aquaculture,~~ the keeping of not more than 25 poultry birds, and the keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary when these are kept mainly within *buildings* or outdoors in enclosed yards without where groundcover ~~being is not~~ continuously maintained.

Excluded from this definition are intensive farming activities and land-based aquaculture.

The following submissions are therefore

Accepted

Submission	Point Number	Name
FS 72	3	D155 Limited

27	5	Helen & David Stewart and others
20	2	Horticulture NZ & NZ Kiwifruit Growers

6.2 Reason

The recommended amendment clarifies any uncertainty as to the status of greenhouses in the context of the definition of "farming".

7.0 Topic 6: Resource consent application processing requirements

This topic has been addressed in the report on Plan Change 37 (Topic 4).

8.0 Whole of Plan Change 38 - Changes to the District Plan First Review

8.1 That the existing definition of farming be amended as follows:

"Farming" means and includes agriculture, ~~including outdoor (extensive pig farming (means the keeping of pigs in an extensive manner in paddocks where groundcover is maintained and where no fixed buildings are required) pastoral farming (including extensive pig farming), horticulture, and floriculture (including the growing of plants or vegetative matter in greenhouses or other structures),~~ beekeeping, ~~aquaculture,~~ the keeping of not more than 25 poultry birds, and the keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary when these are kept mainly within buildings or outdoors in enclosed yards without where groundcover ~~being is not continuously~~ maintained.

Excluded from this definition are intensive farming activities and aquaculture.

[Note: The exclusion of aquaculture from this definition is also recommended through proposed Plan Change 37.]

8.2 That the existing definition of intensive farming activities be deleted and replaced with the following:

"Intensive farming activities" means agricultural production activities which have no dependency on the quality of the soils occurring naturally on the site and which are either:

- (a) carried out within the confines of buildings or pens or yards enclosed by fences or walls; or
- (b) undertaken in a manner which precludes the continuous maintenance of pasture or other groundcover.

Included in this definition are:

- Mushroom farming;
- Intensive livestock farming;

- Poultry farming involving the keeping of more than 25 birds (whether outdoors or indoors);
- Piggeries;
- Land-based aquaculture
- Rabbit farming;
- Mustelid farming;

Excluded from this definition are:

- The growing of plants or other vegetative matter in greenhouses or other covered structures;
- Temporary uses or practices which are ancillary to a principal farming activity, such as the wintering of stock in *buildings* and calf-rearing;
- The keeping of not more than 25 poultry birds;
- Extensive pig farming;
- The keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary within *buildings* or outdoors without groundcover being continuously maintained.

[Note: The inclusion of *land-based aquaculture* in this definition is also recommended through proposed Plan Change 37.]

8.3 That the following new definitions be added to Section 3 – Definitions

“Extensive pig farming” means the keeping of pigs outdoors a stock density which ensures groundcover is maintained and where no fixed buildings are used for the continuous housing of animals.

“Aquaculture” means the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed in confined areas within natural water bodies or on land (whether in *buildings*, constructed ponds or other artificial water bodies), and includes ancillary activities.

[Note: This new definition is also recommended to be adopted through proposed Plan Change 37.]