

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON TUESDAY 19 FEBRUARY 2008 AT 9.00 AM

PRESENT:

Mayor John O'Neill (Chairman)	
Dave Pullen	Pukaki Ward
Leon O'Sullivan	Pukaki Ward
Evan Williams	Opuha Ward
Graham Smith	Opuha Ward
Graeme Page	Opuha Ward

IN ATTENDANCE:

Glen Innes (Chief Executive Officer)
 Craig Lyon (Manager – Planning and Regulations)
 Sarah Bevin (Planning Officer)
 Angie Taylor (Planning Officer)
 Rosemary Moran (Committee Clerk)

I APOLOGY:

Resolved that an apology be received from Cr McDermott.

Graham Smith/Graeme Page

II MINUTES:

Resolved that the Minutes of the meeting of the Planning Committee held on 2 October 2007 be confirmed and adopted as the correct record of the meeting.

Dave Pullen/Graeme Page

MATTERS UNDER ACTION:

6. **Building Platform and Hard Surface Areas**
 The Manager – Planning and Regulations undertook to liaise with Cr Pullen with regard to the preparation of a report on this issue.

III REPORTS:

1. **SUBDIVISION IN THE FAIRLIE AREA:**

This report from the Consents and Planning Officer referred to a number of current applications and recently approved subdivision consent decisions in the rural area surrounding Fairlie, to enable discussion regarding the initiation of a plan change for subdivision rules in this area.

Resolved that the report be received.

Dave Pullen /Evan Williams

The Mayor suggested that there was a need to tabulate the issues associated with subdivisions in the Fairlie Basin. He said that while there was no intention to limit growth there was a need to ensure that adequate measures were in place to ensure that developments were undertaken in an appropriate manner.

Resolved that the Council considers the effects of subdivision in the Opuha Ward at a future meeting.

Graham Smith/Evan Williams

The meeting was adjourned at 10.20 am for morning tea and reconvened at 10.40 am.

Resolved that a meeting of the Hearing Panel be convened.

Evan Williams/Leon O'Sullivan

2. RESOURCE CONSENT APPLICATION RM070098 – ESTABLISH FREE RANGE HEN REARING FACILITY – TALBOT ROAD AND STATE HIGHWAY 8, FAIRLIE:

The Mayor welcomed the applicants, Phillipa and Glen Heslip, and the submitters, Neil Christensen, Brent Williams and David Giddings, to the hearing.

Cr Page declared his interest as a trustee of a farm situated across the road from one of the sites involved in the application. The applicants and submitters confirmed that they had no objection to Cr Page's membership of the Hearing Panel.

The report from the Consents and Planning Officer provided background to the application.

The report was accompanied by a report on all the relevant information and issues associated with the proposal, a copy of the application, supporting information and the submissions received.

Resolved that the report be received.

Graeme Page/Evan Williams

Phillipa Heslip spoke to the application. A copy of her evidence is attached to this record as Appendices A, A (i), A(ii), A(iii), A(iv), A (v), A(vi) and A (vii).

The Mayor noted that Transit NZ had opposed the application, suggesting that the new business would attract increased traffic.

Mrs Heslip responded that Transit NZ had anticipated that the activity would increase daily traffic movements from 10 to 18 a day and that is why they had said the existing accessway would need to be upgraded. She had advised Transit NZ there would not be an increase in traffic to that extent.

Cr Page asked if the fowl houses were moved around or shifted to remove the manure and then put back.

Mrs Heslip said that it would be difficult to confirm the process until the activity was up and running. The manure would be taken away every eight weeks. The houses may or may not be put back in the same place. They would be moved only 8 metres.

Cr Pullen asked if the sheds could float.

Glen Heslip said the sheds would be pinned down by a chain on each of the four corners to combat wind.

Brent Williams presented his evidence attached to this record as Appendix B.

Neil Christensen presented his evidence which is attached to this record as Appendices C, C (i) and C (ii).

Cr Page asked if diseases such as salmonella, yersiniosis and campylobacter were always present.

Mr Christensen assured the panel that yersiniosis would not be a problem.

Cr Page asked whether the diseases were transmitted through the birds' faeces.

Mr Christensen said Bromley Park had stringent measures in place to ensure that salmonella was not present in the birds. They were hatched without salmonella and then vaccinated at the hatchery to protect them from exposure to salmonella that might be in the environment from wild birds, cattle, sheep etc.

He said campylobacter had been a problem in layer birds rather than the birds subject to this application

Cr Smith suggested that Avian TB could be an issue and noted that he often got reactors in cattle which were diagnosed as Avian TB. He asked if the birds could get that.

Mr Christensen said Avian TB was a problem in free range hens but only in flocks aged over two years. He said it as not seen in birds which were killed at eight weeks.

Cr Page asked if they were frightened, the birds would be capable of clearing a deer fence.

Mr Christensen said that they probably could but that risk could be managed. He said they were not great fliers and would rarely clear a fence; rather they would perch on it and then go over. He said an electric fence to keep them further away from the deer fence could control that.

In response to a question from Cr Page, Mr Christensen advised that the male birds were disposed of.

David Giddings said he regarded the hearing as an opportunity provided by the Resource Management Act 1991 process to discuss problems that could presently be unforeseen and that was the reason he had gone into such detail in his submission.

He said that the proposed activity was non-complying. He understood that the applicants needed to convince the Panel that consent should be granted. He said it was not his role to try and stop it, but because it was non-complying he had drawn the attention of the Panel to a number of issues he considered to be important.

Mr Giddings noted that he also represented Ross and Elizabeth Kinsman who had been unable to attend the hearing.

Mr Giddings then presented his evidence which is attached to this record as Appendix D, Appendix D (i) and Appendix D (ii).

Mr Giddings drew a plan of the proposed site on Mt Cook Road to illustrate his concern that the activity would be restricted to a small area because of the setback provisions of 50 metres from the State Highway and 30 metres from the other boundaries.

He expressed his grave concern that real problems could arise because of the short time bare ground could appear on the site. He said once it started it was difficult to stop.

Mr Giddings then illustrated on the white board how, in his experience, flood waters could affect the site. He said there was major concern about the potential effects of flood waters and also of freezing in the winter.

Mr Giddings asked if the birds could infect other species with Avian TB.

Mr Christensen considered it would be unlikely. He said Avian TB could be picked up through long term exposure to wild life. Birds of 10 to 18 weeks were not a concern. A free range rearing farm did not pose any risk associated with Avian TB. He said the disease was spread primarily in the dust from droppings and picked up following contact with wild birds. Most infections would be as a result of inhaling the dust. He reiterated that young commercial chickens did not get Avian TB which was a disease of older animals.

Mr Christensen said that if he had deer or cattle he would not be concerned about the birds in question, rather his concerns would be about the older backyard type of chickens and wild birds such as magpies which he had seen in the vicinity of the site in Kimbell.

He also clarified that the birds could *survive* without water for more than three days, but would not be *comfortable* if they were without water for more than three days.

Cr Williams asked how high a fence would have to be to stop the birds flying over it.

Brent Williams said that while the birds could fly there would be no reason for them to do so given that their food and shelter was available and they would be familiar with the site. He said birds in such situations appeared to become desensitised to noise and it was incorrect to suggest that they would stampede.

He said he had never heard of any site being required to have anything higher than deer fencing.

In response to a question from the Planning Officer, Glen Heslip clarified that the pegs which would hold down the chicken houses would be 20 mm thick and 1.5 m long.

He also clarified that the sheds would be 24 square metres in area and two metres high.

The Planning Officer said her recommendation that the application for the activity on the Site 2 should be declined was based on a desire to be cautious about safety issues on State Highway 8.

Mrs Heslip then exercised her right of reply.

In support of her comments Mr Christensen explained that the area of Site 2 would afford room for seven movements of each shed over the course of a year.

Mrs Heslip clarified that the application was for a maximum of 1,500 birds.

The Mayor advised that the Hearing Panel would visit the sites prior to making a decision.

Mrs Heslip said that as an indication of the support the application enjoyed, an operator who turned over 102,000 free range birds each year had offered to fly Panel Members to Hamilton to view his facility.

She noted that if the resource consent did not include Site 2 the operation would not be viable.

The Mayor thanked the applicants and the submitters.

The meeting was adjourned at 12.45 pm for lunch.

The Hearing Panel visited the sites on Talbot Road and State Highway 8, Fairlie.

The hearing was reconvened at 2.10 pm

IX PUBLIC EXCLUDED:

Resolved that the public be excluded from the following part of the proceedings of this meeting namely:

1. RM070098 – Establish Free Range Hen Rearing Facility – Talbot Road and State Highway 8, Fairlie.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
RM070098 – Establish Free Range Hen Rearing Facility – Talbot Road and State Highway 8, Fairlie	The Right of Appeal Lies to the Environment Court	48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Resource Consent Application RM070098 – Establish Free Range Hen Rearing Facility – Talbot Road and State Highway 8, Fairlie., section 48(2)(a) (i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in these proceedings.*

Graham Smith /Evan Williams

X RM070098 – ESTABLISH FREE RANGE HEN REARING FACILITY – TALBOT ROAD AND STATE HIGHWAY 8, FAIRLIE.

Resolved that the following decision taken with the Public Excluded, be confirmed:

The Council **hereby grants consent** to the application of Glen and Phillipa Heslip to establish a free range hen rearing facility on Site 1 (legally described as Lot 1 DP 310705), Site 2 (legally described as Lot 1 DP 57537) and Site 3 (Lot 1 of the subdivision of RS 32701) pursuant to Sections 104, 104B, 104D, 106 and 108 of the Resource Management Act 1991, subject to the following conditions:

- (a) The proposal shall proceed in accordance with the plans and details supplied with the application and entered on Council's records as RM070098 for Site 1, Site 2 & Site 3 dated 09/11/07 and stamped as approved.
- (b) There shall be a maximum of 15 sheds on each site and these buildings shall be set back a minimum of 30 metres from property boundaries, and 50 metres from the Highway boundary, and located within the areas identified on the application plans marked Exhibit RM070098 and dated 09/11/07.
- (c) The bird rearing areas shall be secured with 2.0 m deer fencing and 13mm gauge chicken mesh to a height of 1800mm prior to the commencement of the activity. The top 200mm of deer fence shall be threaded with high tensile wire to a standard to ensure birds cannot escape.
- (d) There shall be a maximum of 1500 birds housed on each site at any one time.

- (e) The buildings in which the birds are housed shall be a colour consistent with the Mackenzie District Council Colour Palette for the Fairlie area, and of less than 40% light reflectance value.
- (f) The applicant shall record and make available for Council inspection details of any bird escapes and incidental complaints. Details of any incidents shall be supplied to Council within 24 hours of the incident. The records shall be kept on site and be available at all times.
- (g) A detailed landscape plan for Site 1, Site 2 and Site 3, showing structural plantings, shall be approved by the Manager of Planning and Regulations prior to works commencing, and the approved plan shall be established within the growing season immediately following commencement of the activity. The landscaping has the following objective:
 - To substantially screen the activity from neighbouring properties, with a width of at least 1.5 metres.
- (h) The landscaping areas shall be maintained, including irrigation, and any plants which become damaged or diseased, or die, shall be replaced with plants of a similar size and species within the next planting season.
- (i) The Mackenzie District Council may, in July 2008, or within three months of the activity commencing on Site 2, or as otherwise required, serve notice of its intention to review the conditions of the consent for the purposes of:
 - i. Dealing with any adverse effects on the environment and pertaining to the waste management systems including odour effects, and noise effects, which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
 - ii. Requiring the adoption of the best practical option to remove or reduce any adverse effects on the environment resulting from the activity.
 - iii. Following receipt of a complaint(s), or if fencing is inadequate and additional fencing is required.
- (j) The accessway to Site 2 on State Highway 8 shall be upgraded to meet Transit New Zealand's Diagram C (Low Use Access) standard, prior to the commencement of the activity on this site.
- (k) Charges set in accordance with Section 36 of the Resource Management Act 1991 shall be paid to the Council for carrying out its functions in relation to the administration, monitoring and supervision of resource consents and for carrying out its functions under Section 35 of the Act.

Advice Note: Water supply to the lots from Council reticulated services will be restricted due to unavailability of water. Alternative sources will be required prior to operations commencing.

Dave Pullen Evan Williams

The Mayor reconvened the meeting of the Planning Committee.

XI PLAN CHANGE 13:

In response to a request that the time frame for submissions to Proposed Plan Change 13 be extended, the Chief Executive Officer undertook to make sure that there was no legal barrier to that.

He noted that Councillors had been subject to pressure and criticism about the proposed Plan Change, and that there could be discomfort with some aspects of it. He said that if it was considered that the Plan Change was totally misconceived, the process could be halted and then started afresh. He did not recommend that course of action.

In terms of process, the Chief Executive Officer cautioned Councillors against considering that changes could be made to the proposal in advance of the hearing. He said that could leave them open to the suggestion that they had been influenced ahead of the process.

The Chief Executive Officer clarified that the Cultural Assessment which had been commissioned by the Council would be treated as a submission.

He referred to concerns about the proposed more stringent subdivision rules for the Mackenzie Basin, and said that while the bar had been set reasonably high in terms of, eg creating new nodes, that could change as the result of debate; however everyone who was likely to make a submission had yet to be heard. He suggested that response be conveyed to anyone suggesting that the proposed Plan Change should be amended ahead of consideration of all submissions.

With regard to the potential for the process to bring to light some errors in mapping or other details, the Manager – Planning and Regulations advised that a staff submission would ensure that such issues could be addressed.

Resolved that the time frame for the first round of public submissions to Proposed Plan Change 13 be extended from 12 March 2008 to 11 April 2008, subject to confirmation that it is legally possible to do that.

Dave Pullen/Graham Smith

Cr O'Sullivan suggested that, in order to diffuse concern and correct widespread misinformation and misunderstanding, it could be helpful for the Council to discuss Proposed Plan Change 13 with Federated Farmers representatives. The Mayor said he would be prepared to receive a deputation.

XII LEAVE OF ABSENCE:

Resolved that Cr Page be granted leave of absence from 26 May 2008 to 14 July 2008.

Leon O'Sullivan /Dave Pullen

Crs Williams advised that he intended to seek leave of absence for four weeks in May/June 2008. Cr Pullen advised that he intended to seek leave of absence for the last two weeks of July 2008.

**THERE BEING NO FURTHER BUSINESS THE
MAYOR DECLARED THE MEETING CLOSED
AT 3.50 PM**

CHAIRMAN: _____

DATE: _____

**MINUTES OF THAT PART OF A MEETINGS OF THE PLANNING COMMITTEE HELD
IN THE COUNCIL CHAMBERS, FAIRLIE, ON TUESDAY 19 FEBRUARY 2008, TAKEN
PUBLIC EXCLUDED PURSUANT TO THE PROVISIONS OF THE LOCAL
GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

PRESENT:

Mayor John O'Neill (Chairman)	
Dave Pullen	Pukaki Ward
Leon O'Sullivan	Pukaki Ward
Evan Williams	Opuha Ward
Graham Smith	Opuha Ward
Graeme Page	Opuha Ward

IN ATTENDANCE:

Glen Innes (Chief Executive Officer)
 Craig Lyon (Manager – Planning and Regulations)
 Sarah Bevin (Planning Officer)
 Angie Taylor (Planning Officer)
 Rosemary Moran (Committee Clerk)

**I RM070098 – ESTABLISH FREE RANGE HEN REARING FACILITY – TALBOT
ROAD AND STATE HIGHWAY 8, FAIRLIE.**

The Hearing Panel considered the application and the evidence which had been presented at the hearing.

It was agreed that the Site 2 was large enough to support the proposed activity.

It was also agreed that the issues of fencing, trees and disease had been well canvassed and any issues could be addressed by way of the conditions of the consent.

Resolved that the Council grants consent to the application of Glen and Phillipa Heslip to establish a free range hen rearing facility on Site 1 (legally described as Lot 1 DP 310705), Site 2 (legally described as Lot 1 DP 57537) and Site 3 (Lot 1 of the subdivision of RS 32701) pursuant to Sections 104, 104B, 104D, 106 and 108 of the Resource Management Act 1991, subject to the following conditions:

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top 200mm of deer fence shall be threaded with high tensile wire to a standard to ensure birds cannot escape.

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- (k) Charges set in accordance with Section 36 of the Resource Management Act 1991 shall be paid to the Council for carrying out its functions in relation to the administration, monitoring and supervision of resource consents and for carrying out its functions under Section 35 of the Act.
- (l) *Advice Note: Water supply to the lots from Council reticulated services will be restricted due to unavailability of water. Alternative sources will be required prior to operations commencing.*

Dave Pullen/Evan Williams

Cr Page voted against the motion.

II OPEN MEETING:

Resolved that Panel continue in Open Meeting.

Dave Pullen/Evan Williams

CERTIFIED AS CORRECT

MAYOR