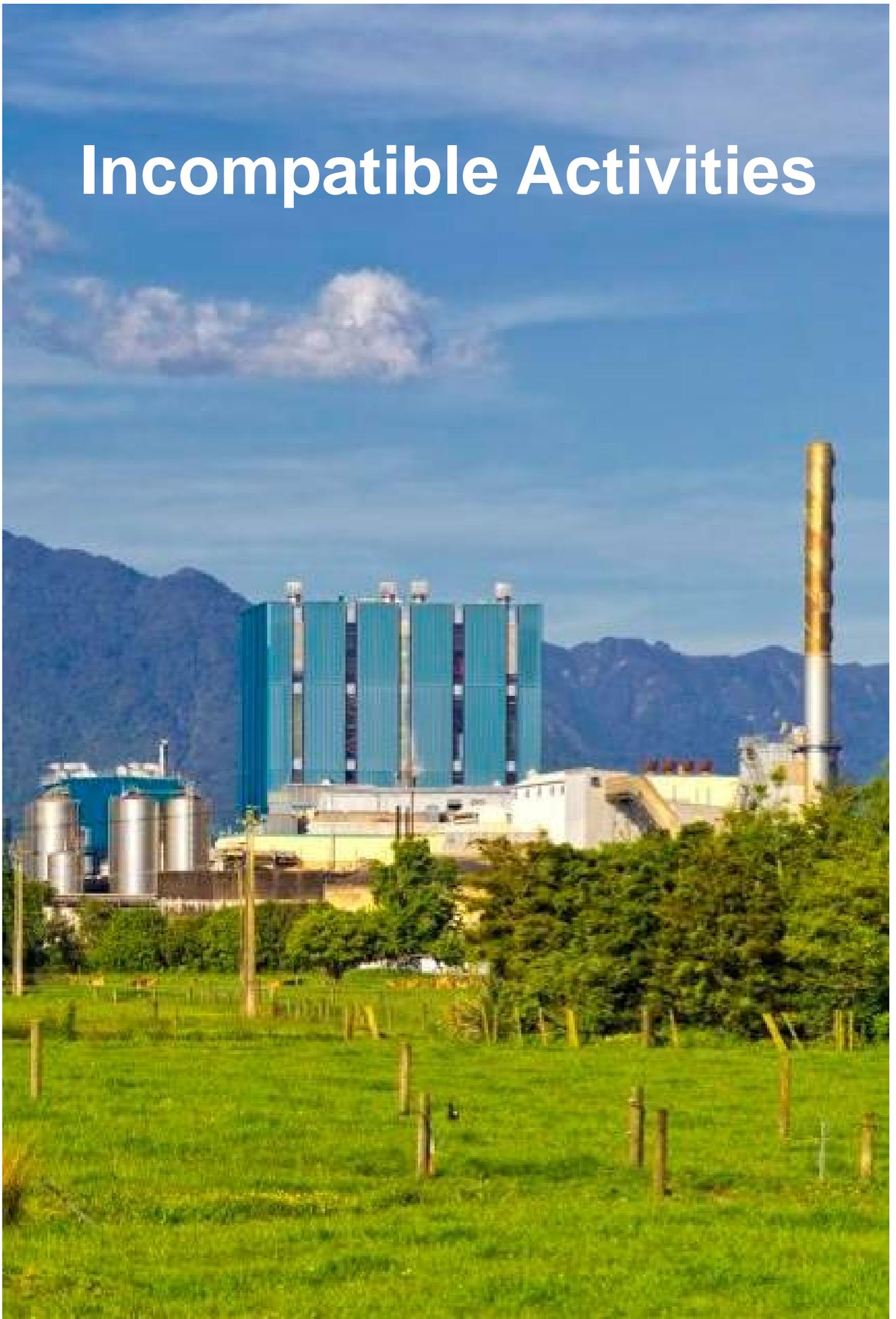


# Incompatible Activities





## Incompatible Activities

### Key Issues:

Incompatible activities happen when one activity has a negative impact on another nearby activity. This can happen when farming activities affect nearby dwellers, or dwellers intrude on farmland or nearby businesses. Where there are incompatible activities, the most common effects identified are; noise, odour and nuisance from dust, vibration and glare. The



RMA is effects based and therefore requires Council to avoid, remedy or mitigate the effects of activities rather than attempt to control activities by description. If activities have minor effects and are generally compatible, there is no justification for preventing such activities from locating together. The objectives and policies in our Plan seek to manage development that is incompatible through zoning, rules and performance standards. Are these objectives and policies achieving the AERs?

### Indicators

#### Pressures

- Number of resource consent and building consent applications for development within 500m of an intensive farm/industrial site or 250m from a litter poultry farm.

#### State

- Number of complaints received regarding adverse effects from activities:
  - noise;
  - odour;
  - dust;
  - vibration;
  - glare; and
  - rehabilitation.

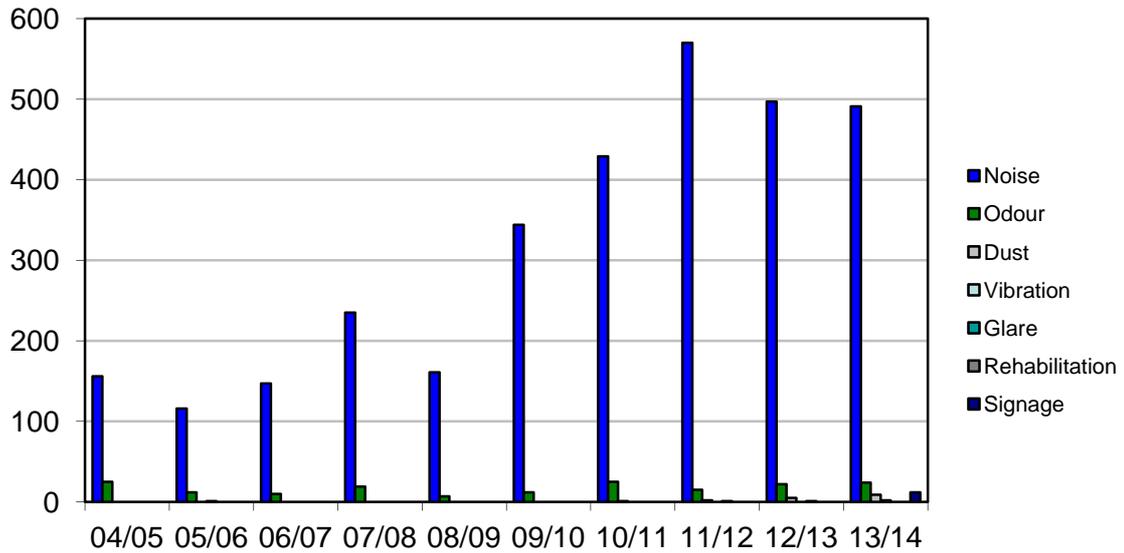
#### Response

- Number of conditions of resource consent imposed to control adverse effects from activities:
  - noise;
  - odour;
  - dust;
  - vibration;
  - glare; and
  - rehabilitation.

**Results**

Between 2009/10 and 2013/14 there were only three building consents granted within 500 metres of an intensive farm or a scheduled industrial site.

**Complaints received for adverse effects from activities**



*Note: Rehabilitation and glare are not graphed as there have been no complaints received by Council regarding these.*

The most common complaint received by Council is about loud noise. Most of these complaints are related to loud stereos in urban areas; however noise from activities such as industry, farming and other activities are also received.

Odour from farm activities, particularly from chicken and dairy farming, along with other activities such as sewage, smoke from fires and rubbish, also contribute to issues within the District.

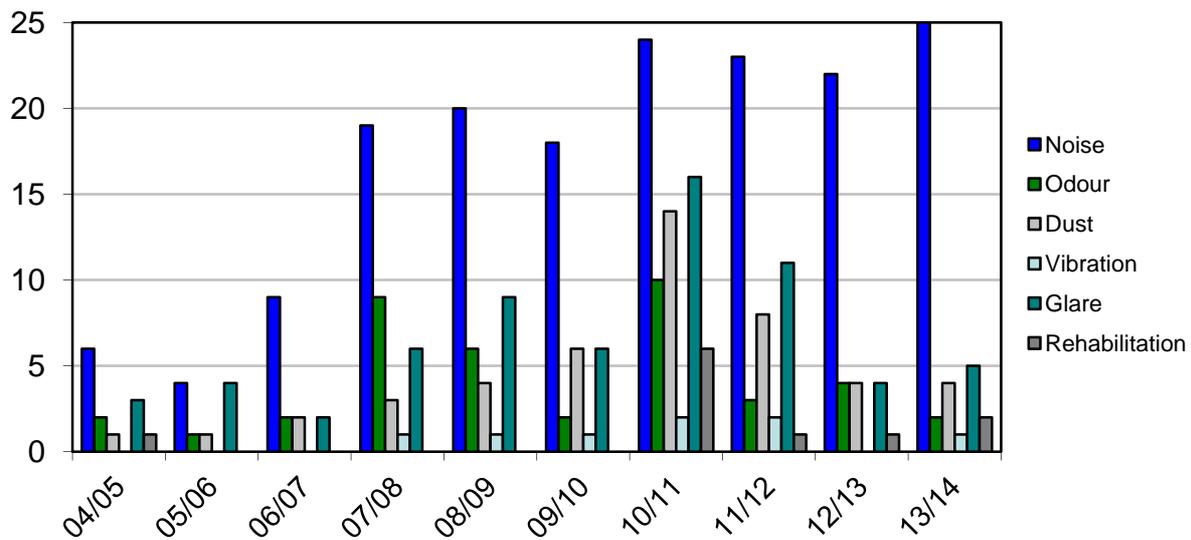
Number of building or resource consents granted within 500m of an intensive farm or within a scheduled industrial site	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14
	0	7	1	0	6	1	0	2	0	0

Dust and vibration create further nuisance, although complaints about these are less common than noise and odour.

The bar chart below shows the number and type of resource consent conditions imposed to control adverse effects from activities.

The chart shows that the number of conditions imposed to control adverse effects have increased over time, particularly since the 2010/11 financial year. Conditions regarding noise are the most common, while conditions are also frequently imposed to avoid, remedy, or mitigate adverse odour, dust, vibration, glare, and rehabilitation effects.

**Number and type of resource consent conditions imposed to control adverse effects from activities**



**District Plan Provisions**

**Section 2.4 Sustainable Management Strategy**

**Objective:**

- To manage activities in a manner that gives certainty to the public as to the potential location and effects of activities.

**Policy:**

- To implement effective separation between incompatible activities while recognising that some existing activities may not be able to provide effective separation within their sites.

**Objective:**

- To enable the orderly and coherent development of processing and extractive industry in a manner that promotes the sustainable management of natural and physical resources in the rural areas.

**Policy:**

- The adverse effects of processing and extractive industries should be avoided, remedied or mitigated in accordance with the amenity values of the adjacent community.

**Anticipated Environmental Results:**

- A reduction in the number of complaints from the public concerning the adverse effects of activities;

- The establishment of industry within zones and the allowance on a case by case basis of extractive industries with minimal industrial development out of zone; and
- Significant natural and physical resources will not be unreasonably compromised by the introduction of new incompatible activities in the vicinity.

### Section 3.5.2 Amenity

#### Objective:

- To ensure that residences are free from the effects of unreasonable and excessive noise, odour, dust, glare and vibration.

#### Policy:

- To protect residential and rural amenity by the use of performance standards for noise, glare, odour, particulates and vibration control which generally ensure that generated effects do not exceed background or ambient levels.

#### Objective:

- To provide healthy and safe working, living and recreational environments by avoiding and mitigating the effect of excessive noise, vibration, odour and dust.

#### Policy:

- To ensure that activities in business, rural, industrial and recreational areas avoid, remedy or mitigate generated effects to maintain and enhance a healthy, safe and pleasant environment and take all reasonable steps to internalise any nuisance effects.

#### Objective:

- To recognise the existing character of rural areas and acknowledge that some adverse effects will arise from rural activities that may require management.

#### Policy:

- To reinforce existing mitigation measures, and to encourage those who generate the nuisance effects to maintain and enhance those measures, including separation between industry, public or designated works or intensive farming operations and Residential zones and the notional boundaries about rural residences.

#### Objective:

- To ensure that lawfully established activities which generate minor nuisance effects are not unreasonably compromised by the proximity or action of neighbouring land users or non-rural activities.

#### Policy:

- To avoid, remedy or mitigate significant adverse noise, odour, dust, glare and vibration effects generated by rural activities and other activities in rural areas.

#### Objective:

- To ensure that the effects of chemical and effluent spray application and spray drift are avoided, remedied or mitigated.

#### Policies:

- To avoid the establishment of high polluting industries in the district; and
- To support initiatives aimed at reducing the use of toxic agricultural chemicals and sprays.

#### Anticipated Environmental Results:

- Reduced incidence of nuisance affecting residential, business and recreational areas (typical performance measure: reduction in number of complaints lodged with Council – see also Section 14: Monitoring); and
- Longer term improvements in environmental health and safety due to reduced rural nuisance and improved management of agricultural spray usage and application.

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## Efficiency and Effectiveness

*Are the District Plan's objectives and policies the most effective and efficient way to achieve the following anticipated environmental results?*

- *A reduction in the number of complaints from the public concerning the adverse effects of activities;*
- *The establishment of industry within zones and the allowance on a case by case basis of extractive industries with minimal industrial development out of zone;*
- *Significant natural and physical resources will not be unreasonably compromised by the introduction of new incompatible activities in the vicinity.*
- *Reduced incidence of nuisance affecting residential, business and recreational areas (typical performance measure: reduction in number of complaints lodged with Council – see also Section 14: Monitoring); and*
- *Longer term improvements in environmental health and safety due to reduced rural nuisance and improved management of agricultural spray usage and application.*

Incompatible activities happen when one activity has a negative impact on another nearby activity. This can happen when farming activities affect nearby dwellers, or dwellers intrude on farmland or nearby businesses.

Council is able to control the effects of new developments through setting performance standards for different zones in the District Plan. Zone rules and performance standards set environmental levels which reflect the desired values and environmental outcomes sought within each zone. Zones facilitate centralisation of activities and offer economies of scale in the provision of infrastructure services and facilities. It is effective for Council to encourage similar types of development in specific areas so that infrastructure services such as water, wastewater and stormwater can be utilised more efficiently. It is however also efficient to locate business and industrial zones within reasonably close proximity to residential areas with appropriate buffers, as people live in residential areas and work in industrial or business areas.

There are six zones in the Plan; Business, Industrial, Kaitiaki (Conservation), Rural, Rural/Residential and Residential. These zones provide for different activities to occur. For example farming is a permitted activity in Rural and Rural/Residential zonings, however is non-complying in all other zones. While this does not completely rule out farming in those other zones it discourages activity of this kind by requiring resource consent to be obtained, with the ability to impose conditions on the activity. The establishment of zones and the implementation of strong rules and performance standards which require resource consent to be obtained for activities which are not anticipated in that zone is an effective way of achieving the objective *'to manage activities in a manner that gives certainty to the public as to the potential location and effects of activities'*.

The requirement to obtain resource consent for activities not permitted within the zone is an effective way of achieving the AER *'significant natural and physical resources will not be unreasonably compromised by the introduction of new incompatible activities in the vicinity'*. It allows Council to either grant or decline a consent and the ability to impose conditions on resource consents that are granted to avoid, mitigate or remedy the effects of the activity.

The most common condition Council imposes is to control noise limits and the majority of these are for industrial based activities. Most consents have more than one consent condition relating to performance standards.

Since 2010/11 there has been an increase in the number of consent conditions imposed to control adverse effects from activities and to prevent activities from causing adverse effects on surrounding areas and activities. The type of conditions imposed include methods to avoid, remedy, or mitigate the adverse effects of noise, odour, dust, vibration, and glare, as well as providing for rehabilitation.

The ability to impose consent conditions is an effective way of achieving the following Plan objectives:

- *'To ensure that residences are free from the effects of unreasonable and excessive noise, odour, dust, glare and vibration' and*
- *'To provide healthy and safe working, living and recreational environments by avoiding and mitigating the effect of excessive noise, vibration, odour and dust'.*

Efficiency is also achieved by implementing these conditions generally at a time prior to the establishment of activities, thus reducing any need for remedial action.

Since the number of consent conditions imposed does not necessarily tell us whether in practice these consent conditions are effective, or whether other consents 'should' have had conditions placed on them, a more accurate indicator may be the number of complaints received for adverse effects from activities.

The AER *'a reduction in the number of complaints from the public concerning the adverse effects of activities'* has not been achieved. This is the case as the number of complaints has generally increased since the 2008/09 financial year. However, it is known that most complaints originate from loud stereo music in the urban areas. The resultant increase in complaints is therefore "skewed" due to the overwhelming contribution of urban noise complaints. A more balanced assessment is perhaps given by the community perception survey that shows that most respondents perceive that the overall state of the environment has not worsened during the period 2000 – 2013. Comparing both sets of results, it can be argued that the state of the environment has not worsened. However, the AER that seeks a reduction in the number of complaints, has not been achieved.

In practice, AERs that seek 'reductions' need to have extremely strong, prohibiting rules to achieve the desired results. Therefore trying to achieve a 'reduction' may be too aspirational and a target of 'minimising' may be a more appropriate term to take into account external factors such as population growth or increasing expectations of what is acceptable levels of noise, odour etc. If the number of complaints regarding noisy stereos/parties are excluded (as these are not able to be controlled by the Plan) the number of complaints regarding adverse effects from activities is considered to be relatively low overall.

Residential amenity can be seriously impacted upon by nuisance effects of odour, noise, dust, glare and vibration. In general, residents expect an environment free from nuisance. In rural, working and some recreational environments, minor odour, noise, dust, glare and vibration effects can normally be accepted, provided that a healthy and safe environment is maintained.

The objectives and policies *'to recognise the existing character of rural areas and acknowledge that some adverse effects will arise from rural activities that may require management'* and *'to ensure that lawfully established activities which generate minor nuisance effects are not unreasonably compromised by the proximity or action of neighbouring land users or non-rural activities'* recognise that legitimate farming activities in particular can create minor nuisance effects. However, this is anticipated by the zone and a degree of tolerance is expected.

Overall the objectives and policies are working relatively well to achieve the AERs when considering possible alternatives. If we were to do nothing, not impose conditions to control noise, odour and so on, then people's quality of life may decrease both socially and in terms of their health and wellbeing. If we were to have strong regulatory methods which prohibited industry rather than allowing development of industry in a controlled manner it could affect the economic wellbeing of our District. Preventing the creation or expansion of industry entirely would result in fewer jobs, less diversity of economic opportunities and potentially no growth. This would result in the economy of the District being more vulnerable to external effects.

It is acknowledged that the District Plan alone does not prevent or minimise incompatible activities from occurring. Many other external factors contribute to this such as increasing environmental awareness from the community, also other Plans such as the Regional Plan controls discharges to air, water and soil, it also has rules relating to odour. In addition, improvements in industry standards are likely to contribute to a reduction in nuisance. It is efficient to balance the economic and the environmental needs of our District. It would be inefficient to forego long-term environmental effects for more short-term/immediate economic gains.

The resource consent process is an efficient way of ensuring that the objectives and policies of the Plan are met. It allows for the community to be consulted and to contribute to the process of assessing rules of the Plan.

### Summary:

<b>Anticipated Environmental Results Incompatible Activities</b>	<b>Achieved?</b> ☺ - Achieving → - Progress towards achievement ☹ - Not achieving ? - Not monitored
A reduction in the number of complaints from the public concerning the adverse effects of activities	☹ increase in complaints
The establishment of industry within zones and the allowance on a case by case basis of extractive industries with minimal industrial development out of zone	☺
Significant natural and physical resources will not be unreasonably compromised by the introduction of new incompatible activities in the vicinity	☺
Reduced incidence of nuisance affecting residential, business and recreational areas	☹ increase in complaints
Longer term improvements in environmental health and safety due to reduced rural nuisance and improved management of agricultural spray usage and application	?