Baseline Assessment

Intensive Livestock Production (RU007)

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1.0 Introduction

The Resource Management Act 1991 (Act) requires Territorial Authorities to deal with the effects on amenity values arising from activities such as intensive farming. Generally, effects on amenity are caused by odour, dust, noise, and traffic. The responsibility to manage adverse effects on the environment has meant that Territorial Authorities have developed planning provisions within the District Plan framework. These provisions are required under the Act to be reviewed every 10 years to ensure their appropriateness and effectiveness.

However, when addressing adverse effects on air quality there is an overlap in regulatory responsibilities between district and regional councils. While regional councils have a specific duty to control air discharges, district councils are primarily responsible for managing land use activities affecting amenity values. Ideally, such roles are intended to complement each other. It is evident that care needs to be taken to reduce the risk of producing plans containing discrepancies, gaps, or duplication of provisions in addressing air quality matters.

Selwyn is home to the highest number of pork producers in the country, although not the largest volume produced. The current trend is that the overall number of farms producing pork is decreasing, but the volume being produced is being maintained. The Selwyn District is also home to a significant number of poultry farms, with an increasing amount either expanding or becoming established.

A project scope was issued on the 26th of June 2017 to review the current measures for managing the potential adverse amenity effects arising from intensive livestock production activities within the Operative District Plan. Additionally, the scope required a review of other approaches to managing these activities, best practice and industry guidance, and higher order documents. Finally, the scope requested that potential options for the future management of intensive livestock production activities be developed and assessed, and recommendations be made as to the most appropriate framework for the Proposed District Plan.

2.0 Background

<u>Definition Interpretation</u>

Intensive Livestock Production under the Operative District Plan is defined as *'the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependent upon the soil fertility of the land on which that activity is undertaken'*.

The activities that are commonly considered to fall under this umbrella in the Selwyn District are indoor piggery and poultry units and those outdoor (or free-range) piggery and poultry operations that are rely on off-site feed. It is also noted that dairy herd homes have been becoming a feature within the District, however these facilities have not been deemed 'intensive livestock production' activities where the buildings are used primarily for shelter rather than housing on a permanent basis.

Piggeries can be wholly outdoors, semi outdoor-indoors, or wholly indoor operations. Piggeries may also only have a certain type of pig, for instance a farm may only be used to breed suckers (0-4 weeks), then they may be moved off site once weaned to be finished.

Poultry can consist of the rearing of chickens for either their meat or eggs. These operations can occur wholly indoors, or they may be considered free range where the stock has access to outdoor roaming areas with sheds to lay or shelter in.

When the District Plan was drafted, herd homes were not a feature within the District. When using the term 'herd home' in this report, it means the containment of dairy cows within a building. Cows will typically spend the majority of their time within these buildings, with inbuilt milking and feeding machines. Effluent is controlled and stored in ponds for appropriate distribution onto the land.

If taking a literal meaning of the definitions, any activity which uses land and buildings, and supplements their operation with offsite fed as a result of insufficient soil fertility could be captured under this rule. This could extend to high country sheep stations who commonly supplement their operations with offsite feed.

However, this approach should not be adopted given the findings of the Environment Court decision (Bates v SDC [2014] NZEnvC 32), which will be discussed in greater depth later. This decision found that rather than include all farms that rely on outside feed into an intensive farm classification, any consideration should take into account what the rule or definition was trying to achieve. In this instance the Operative Plan seeks to manage the activities with significant adverse odour, dust, noise and/or traffic effects. Therefore, a high country station would not be included in this definition due to a lack of significant adverse effect in either of these four aspects.

Based on this reasoning and Council's interpretation of the definition to date, I have compiled a list of intensive livestock production activities which has been informed by the consent database, and SDC GIS layers, and provided as Appendix H. It is relevant to note that this list does not include all of the activities in the district due to some activities operating without a consent, or through existing use rights. Furthermore, it is relevant to note that the list may include operations that have ceased, or have received consent but have yet to give effect to the consent.

The common 'catch all rule' for intensive livestock production activities is rule 9.10.3 (Appendix A), which classifies all operations other than those that come under the controlled activity rule (9.10.1) as a restricted discretionary activity. The associated matters of discretion relate to odour, dust, noise, and traffic effects, the effectiveness of mitigation measures, and any positive effects. Depending on the characteristics of the activity, it may also trigger consent requirements through a breach of transport, noise, earthworks, site coverage or hazardous substances rules.

Many of the recent resource consent applications are to either extend the building size or increase animal numbers. In some cases, the activity has not previously been consented, and use the change in their situation to regularise the entire activity. For a summary list of recent resource consents for poultry and piggery activities is attached as Appendix K.

Additionally, mushroom production is not covered by the intensive livestock production controls, but through other controls dealing with activities that involve the processing, composting, or disposal of organic matter. Given this, mushroom production is outside of the project scope and will not be considered as part of this report.

2.1 Resource Consent Review

On review of consents issued in the Selwyn District linked with intensive livestock production, the following common effects and issues were found:

- Visual amenity issues surrounding the construction of large buildings to house stock and feed.
- Manure management in regard to disposal, composting, and effluent ponds
- Litter management in regard to disposal, and composting.
- Effects from dust from stocking ranging areas, discharge from vents, or resulting from the clean out of sheds. A dust effect may be from it being visible in the air, from breathing it, and from where the dust settles.
- Odour from manure and litter, especially if it becomes wet.
- The attraction of pests to the activities. Pests may include but are not limited to; rats, mice, cats, and flies.
- Increase traffic movements from typical motor vehicles and heavy vehicles.
- Issues around vehicle crossing safety.
- Noise from the stock, or from the operation of the activity.
- Effects on nearby sensitive activities, such as residential dwellings, and the potential for reverse sensitivity effects from these sensitive activities.
- Incompatible hours of operations with surrounding land uses.
- Soil contamination as a result of the activity, or the potential hazard of these operations occurring on already contaminated sites.

- Deceased animal disposal and management.
- Fresh water contamination through back flow.
- Dust and odour from exposed feed stockpiles.

2.2 Common conditions placed on intensive livestock production activities

- For the activity to be in general accordance with the application and plans.
- That existing specified buildings be removed within a certain timeframe.
- A restriction in animal numbers either variable, i.e. stock pig units, or absolute, i.e. 250 pigs.
- Back flow prevention to protect fresh water quality.
- Carcass disposal and management
- Feed stockpile management
- Litter and manure disposal and management
- Composting location and management
- Fencing requirements and management
- Maintenance of ground cover
- Regular cleaning cycles
- Construction management plans
- Animal density
- For discharges (dust and odour) not to cause objectionable or offensive effects beyond the boundary
- Noise restrictions
- Vehicle crossing and site access requirements
- Bunding and shelter belts
- Effluent pond construction, and operation management
- Activity setbacks
- Remediation of wallows causing odours
- Dust suppression sprinkler systems and dust suppression management
- Pig rotation management.
- Hours of operation
- Complaints register

3.0 Review of the provisions in the Operative Selwyn District Plan

3.1 Definitions

The current definition used for intensive livestock production is:

'The use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependent upon the soil fertility of the land on which that activity is undertaken.'

And the definition of an intensive piggery production activity is:

'means the use of land and buildings for the commercial rearing and management of pigs where the viability of the activity is not dependent upon the soil fertility of the land on which that activity is undertaken.'

The meaning and implications of these definitions have been discussed in Section 2. In summary there has been some conflict with the implementation of this definition arising from its ambiguous nature. This ambiguity stems from the inclusion of the aspect of the viability of an activity not depending on the soil fertility of the site it is located on. The definition does not go into any detail as to what degree this aspect should be considered, i.e. how much of the farm's operation is reliant on outside feed.

Additionally there is another potentially ambiguous component surrounding the use of land and buildings. The definition does not specify the extent, ratio, or degree buildings and land need to be used in order for the activity to be considered intensive.

3.2 Policies

A list of relevant Objectives and Policies is attached to this report as Appendix A.

No policy in the Operative District Plan directly addresses intensive livestock production, but there are policies that indirectly deal with the potential effects of this form of agriculture. These primarily deal with soil health and loss, general amenity and character, and amenity effects such as noise, glare, and dust. Furthermore, in the policy framework there is considerable emphasis placed on avoiding reverse sensitivity. It is relevant to note that there are no specific policies relating to the control of odour. However, this aspect could be managed under the general amenity policies.

3.3 Rules

Rules managing intensive livestock production activities are as a result of the potential for nuisance effects to arise. No permitted activity status exists to ensure that the potential and actual effects are addressed through a resource consent process.

It is further noted that when the Operative District Plan was being drafted, minimum setback distances from new intensive farms to sensitive activities were considered, but given the variable nature in the scale, type of operation and sensitivity of the receiving environment, minimum setback requirements were discounted as a blunt and largely inefficient tool. Furthermore, it was considered that if the farms are managed according to best practice, then large setbacks would not necessarily be needed. The relevant rules have been included in Appendix A.

Township Volume

On review of the Township Volume, the rules are simple and directive. All intensive livestock productions within a Living (Rule 10.3.5) or a Business 1, 1A & 3 Zone (Rule 22.2.4.3) are listed as non-complying activities. The non-complying status of these types of activities in the Living and Business Zones would suggest that these activities should be avoided in these areas unless under certain situations.

Rural Volume

Intensive Livestock Production operations are anticipated to occur in the Rural Zone, provided that any significant adverse amenity effects are avoided, and as such the activity status defined by the relevant rules are more lenient than those for the Living or Business Zone. Within the Rural Zone, there are only two relevant rules, one for the expansion of existing piggery operations, and a general intensive livestock production rule. There are no specific rules for poultry production (extensive (free-range), or intensive), or herd homes.

For piggery activities seeking to expand there is a controlled activity status. However, in order to be classified under this rule (9.10.1) the expansion would need to have a nil increase in odour emissions, and should not exceed a 50% increase in equivalent stock units. The conditions of this rule are quite restrictive, and as such, few consents have been issued under this rule. Matters of control have been limited to amenity effects caused by odour, dust, noise and traffic, effectiveness of mitigation, the location of the odour causing buildings, positive effects, and monitoring and review conditions. On review of the matters of discretion it would appear that the first three matters primarily deal with the same aspect of an activity, the effects and resultant mitigation. When considering and assessing the potential and actual effects of an activity, the mitigation proposed is also assessed at this stage, and if deemed insufficient, then further mitigation is proposed. It seems unnecessary to have the need for three separate assessments when it primarily is covered within a general effects assessment.

The general intensive livestock production rule (9.10.3) classifies all new sites or expansions not covered by the controlled activity rule to be a restricted discretionary activity. As per the Bates' decisions ([2014] NZEnvC 32, [2016] NZEnvC 63), this encompasses all livestock production activities

that utilise the land or buildings which require off-site feed for their viability. Primarily this includes piggeries, poultry sheds and free range operations, and although not traditional captured by the SDC interpretation of its definition and dairy barns, including calf rearing. The matters of discretion are the same as rule 9.10.1, other than there is not the same discretion over the location of any buildings.

Reverse Sensitivity Buffer

In addition to the rules controlling intensive livestock production, there are provisions (Rule 3.13.1.5) in the District Plan controlling the construction of any 'sensitive activity' near an existing lawfully established intensive livestock production operation. A sensitivity activity is considered to be an activity that has aspects that are particularly vulnerable to various effects such as dust and odour. Activities could include things such as residential dwellings, and community centres.

These provisions require a buffer of 300 metres between the edge of the building, enclosures or yard which contains the intensive livestock production operation and any new residential dwelling (or other 'sensitive activity') as a means to minimise reverse sensitivity effects on the intensive farming activity. Within this rule, there is a clarity issue, as an intensive livestock production is referred to as an intensive farming activity. As this term is not defined by the Plan, it is open to interpretation, so for plan integrity and consistency the proposed District Plan should use the same terms.

Regarding the actual use of this buffer zone, the Selwyn District Council's GIS layers have placed 300 metre buffers around the properties containing intensive livestock productions (Figure 1), rather than only placing a 300 metre buffer around the actual activity (Figure 2). While this buffer is only a trigger for assessing the potential for reverse sensitivity effects, this approach is likely to unnecessarily restrict land development in circumstances where the intensive farming activity does not extend to the edge of property boundaries. The avoidance of unnecessary land restrictions has been mentioned in the reasons for the intensive livestock production rules, which stated that it did not seek to place minimum setback distances in order to avoid inefficient land use. In cases of operations relying on existing use rights, there is no requirement to inform the Council when ceasing an operation, meaning that buffer zones remain post operation.

Figure 1: Buffer as per SDC GIS

Figure 2: Buffer from the actual activity

4.0 Cross Boundary Assessment

4.1 Christchurch City Council

The following definition in the Christchurch District Plan is used to define 'Intensive Farming':

'means the intensive production of livestock and/or plants, or aquatic animals, within a building or structure (excluding greenhouses, shade houses and poultry hatcheries) or on animal feed lots with limited or no dependence on natural soil quality on the site and food required to be brought to the site. It includes:

1. *intensive pig farming;*
2. *intensive poultry farming;*
3. *land-based aquaculture; and*
4. *mushroom farming.'*

It is relevant to note that this definition includes a non-livestock production activity in mushroom farming and has extended the definition to include land-based aquaculture, an aspect very few other authorities have touched on.

The relevant Objectives and Policies of this Plan have been included as **Appendix B**. In summary these provisions detail that the rural environment is an economic area, and that activities that occur in these areas cause effects such as dust, odour, and noise. Additionally, it is considered that these effects should be taken into account when considering the location of new habitable buildings, and the siting of new intensive farming activities to avoid incompatibility.

For the residential, industrial, and commercial zones, intensive farming is not specifically mentioned and as such is covered by a catch all rule rendering the activity either discretionary or non-complying.

In the rural urban fringe zone, where an activity such as this would be expected to occur, the activity classification is not as onerous, and is considered to be restricted discretionary. There is also a built standard among others, specifying that a 200 metre separation is required between the intensive farming activity and a sensitive activity. If a built standard is not met, then the activity status becomes non-complying.

The matters of discretion have been attached as Appendix B, with discretion being restricted to such aspects as the number of animals, building design, effluent management, and effects on amenity values.

When considering a non-defined activity such as free range poultry farming, confusion may occur, as it could be both considered a farming activity, which has more permissive rules, but also an intensive

farming activity given the use of buildings for the activity. Given that 'intensive poultry' is not further defined by the Plan it is difficult to make an assessment as to what category free range poultry farming falls under.

4.2 Ashburton District Council

The Ashburton District Plan defines 'Intensive Livestock Management' as:

'means the use of land and/or buildings for the production of commercial livestock, including where the regular feed source for such livestock is substantially 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 shall only include that area on which the pigs are regularly run.);

b. herd houses, feed pads, or any building providing shelter to stock where stock are confined within the building for any continuous period exceeding 2 weeks;

c. boarding of animals;

d. mushroom farming;

e. fish farming;

f. the disposal of effluent from any of the above, whether on the same site as the intensive livestock management activity or not.

Intensive livestock management excludes:

a. buildings used for housing or sheltering animals that are giving birth or raising juvenile stock, where no individual animal is housed or sheltered for more than 3 months in any calendar year.'

The relevant objective and policies have been included as Appendix C. In summary they seek to protect and promote the rural environment as an area for agricultural economic output, while ensuring that new intensive farming activities do not cause adverse effects on existing residential dwellings, and vice versa. The rules within the Plan reflect this approach as within the residential, business, and open space zones intensive farming is considered to be non-complying, and prohibited in certain residential zones.

In the rural zone the intensive farming is listed as being permitted subject to meeting certain site and zone standards. If the proposed activity does not meet a site standard then the activity becomes restricted discretionary, and if the proposed activity breaches a zone standard the activity becomes non-complying.

Site standards generally consist of more small scale site specific standards such as site coverage, buildings height, building size, etc. The zone standards deal more with reducing the likelihood of

incompatible land uses being located near each other. The standards include a reciprocal 400 metre buffer between residential units and an intensive farms. This buffer also applies to feed pads, dairy milking sheds, effluent storage and buildings used to shelter stock.

Based on discussions with Ian Hyde the District Planning Manager for the Ashburton District Council, the setback distances were developed in conjunction with working groups, which took a conservative approached based on historic experience, rather than developing new setbacks based on scientific data. These setbacks may have resulted in a larger distance than is actually required to manage the effects. Overall the Ashburton District Council wanted to ensure a good balance between ensuring that intensive farming could occur within the rural environment as of right, but with restrictions to protect the amenity of neighbours and sensitive zones. The Plan also protects from the encroachment of sensitive activities on intensive farming operations. Generally it was found that the prevalence of herd homes has been increasing throughout the District.

The zone standards and matters of discretion have been attached as Appendix C.

4.3 Waimakariri District Council

The Waimakariri District Council are currently undergoing a District Plan review. Therefore, their existing planning provisions may be outdated and not representative of best practice.

Intensive Farming is defined in the Waimakariri District Plan as:

'Intensive Farming means the production of plant and animal produce, where the predominant productive processes are not dependent on the soil characteristics of the site on which it is situated. Processes may involve: poultry, pig, rabbit, fitch and opossum; production of compost; mushroom farming; and feedlots for commercial livestock such as cattle. It excludes those activities where production requires pasture or ground cover to be maintained, glasshouses and horticulture. "Intensive farm" has the same meaning.'

The objectives and policies seek to achieve the maintenance and enhancement of the rural zone's character, and production. They also seek to avoid restraining established forms of intensive agriculture. However, a specific policy to avoid reverse sensitivity was not included in the rural chapter.

The rule provisions allow for an intensive farming operation as a permitted activity if it complies with the setbacks between the activity and either a residential zone or dwelling house specified in Table 31.4 of the Plan and all other permitted planning provisions of the Plan. These setbacks are reciprocal intensive farming and dwelling houses. These setbacks vary between 200 and 750 metres for a

piggery, 300 metres for a poultry unit, and 100 metres for a cattle operation. These numbers are variable based on stock numbers. If a setback margin is breached then the activity is considered to be restricted discretionary. The Waimakariri District Plan also has provisions dealing with setbacks between effluent ponds and discharges, to dwelling houses. This is an element not covered by other Councils, primarily because this aspect is dealt with at a regional level.

Based on discussions with Bev Bray a Senior Policy Planner at Waimakariri District Council , it was found that they are currently within their preliminary planning stage of their District Plan Review, but are likely to change their existing definition of intensive farming to include aspects of ground cover, stock numbers, and densities. They are also investigating the development of an 'extensive farming' definition to help with clarity. This has been brought about through a history of issues and conflict surrounding what 'intensive farming' actual is. Additionally, the Council has experienced difficulties implementing setbacks in relation to effluent spreading and the management of a spreading database given that these activities are managed by the Regional Council.

The relevant provisions have been attached as Appendix D.

4.4 Hurunui District Council

The Hurunui District Council are currently undergoing a new plan process. They currently have two Plans currently in effect, the Operative District Plan and the Proposed District Plan which is currently under appeal.

The Operative District Plan defines Intensive Farming as:

'means plant or animal production predominately independent of a site's soil characteristics, or of feed produced on-site. Where productive processes meet those criteria, intensive farming includes land or buildings where any animals, birds or plants are raised, and includes mushroom farms, but excludes glasshouses. Intensive farming also includes land used for effluent disposal from the productive processes covered by this definition.'

The Proposed District Plan defines Intensive Farming as:

'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.'

Hurunui District Council Definition Comparison.

A key phrase in the Operative Plan's definition is that intensive farming is an activity occurring largely independent of the soils ability to produce or to provide feed for the operation. The definition contained in the Proposed Plan shares this key idea, and extends it by listing potential intensive farming activities, including a stocking rate for piggeries.

The relevant objectives and policies of the Proposed Plan are as per the other Plans, to protect and utilise the rural area for agricultural production, while including measures to avoid reverse sensitivity from residential uses, and the inappropriate placement of intensive farming activities near sensitive sites.

Intensive Farming Rules (actual text attached as Appendix E)

Operative Plan
Intensive Farming is a permitted activity if it is at least 500 metres from the boundary of a residential or open space zone, or from the boundary of a sensitive activity. If the intensive farming activity is within the 500 metre buffer then the activity is discretionary.

Proposed Plan
Under the Proposed Plan, there is no specific rule defining the activity class for intensive farming. Intensive farming is permitted as long as it complies with the relevant standards. Standards include

aspect of development such as building boundary setbacks, minimum area requirements, light emissions etc.

On review of the standards there is no specific mention of a required setback for intensive farming as commonly seen in other plans and in the operative Plan.

However, there is a rule that controls the development of a sensitive activity near an intensive farming activity, with the permitted setback for this type of development being 500 metres. It is also noted that the rule includes a note that the Canterbury Regional Council regulates separation distances between intensive farming activities and sensitive activities. This would indicate that the Hurunui District Council has intentionally omitted provisions dealing with the establishment of new or expanding intensive farming activities near sensitive activities.

Hurunui District Council Rule Comparison

There is a clear difference in approach from the Hurunui District Council when comparing the two Plans. The Operative Plan deals with the activity through imposing a stringent setback requirement between intensive farming and sensitive activities, whereas the Council has adopted a less 'hands-on' approach for the Proposed Plan, in that they have sought to avoid duplication with a Regional Plan, and have therefore, omitted rules from the Proposed Plan. This has the benefit of reducing planning provisions and avoiding the need to apply for two consents from different authorities where the same effect is being considered by both local authorities. However, the risk with this approach is that a regional council does not have jurisdiction to consider all amenity-related effects arising from discharges to air and/or to land, and which have the potential to significantly affect surrounding properties. The Territorial Authority is therefore solely reliant on the Regional Council, which may cause issues if the regional provisions are changed or removed. Furthermore, expectations about when these rules are triggered may be different between the Territorial and Regional Authority, with the plan administration resting with the Regional Council.

Discussions with Stephanie Chin, a Policy Planner for Hurunui District Council revealed that their overarching goal was to enable rural activities to occur in the rural environment, while maintaining a balance with some living activities within this zone. Submitters on the Proposed Plan raised issues around awareness of reverse sensitivity effects and sought protections against this aspect to be put into place. While the Council accepted these submissions, it decided to remove provisions for new or expanding intensive farming, given the location and effect restriction provisions contained within the Canterbury Air Regional Plan, which will be discussed in a later section.

The proposed Hurunui District Plan still maintains controls on the development of sensitive sites near intensive farming operations by way of minimum setbacks (500m). This setback also extends to areas

used for effluent disposal. It was stated that the 500m setback distance was used in the Operative Plan, and as it seemed to be working well, there was no pressing need to amend it.

5.0 Extent of consistency across boundaries

Between the Christchurch City Council, Ashburton District Council, Waimakariri District Council and the Hurunui District Council, their Plans sit at various stages of development. Christchurch City Council and Ashburton District Council have second generation plans, Hurunui District Council is at the appeal stage of their second generation plan, and Waimakariri District Council are currently starting the review of their first generation plan.

On review of the various plans they possess the following similarities and differences.

The Christchurch City Council, Ashburton District Council, and Waimakariri District Council have setup their provisions to be more restrictive of intensive farming within non-rural zones with the primary activity status being non-complying. When basing an intensive operation within the rural zone these councils relax their provisions. The Christchurch City Council considers them to be restricted discretionary, and the Ashburton District Council, Hurunui District Council, and Waimakariri District Council all consider them permitted activities subject to certain conditions.

The Christchurch City Council, Ashburton District Council, and Waimakariri District Council have provisions restricting the location of intensive operations near sensitive activities. However, these separations vary from council to council.

Authority	Animal Type	Setback to residential dwellings	Setback to residential zones	Reverse sensitive setback- residential to intensive farming
CCC	All	200 metres	N/A	200 metres
ADC	All	400 metres	1200-1500 metres	400 metres
WDC (depends on stock numbers)	Pigs	200-750 metres	N/A	200-750 metres
	Chickens	300 metres	N/A	300 metres
	Cow Barns	100 metres	N/A	100 metres
HDC	All	N/A	N/A	500 metres
SDC	All	Restricted Discretionary	N/A	300 metres

ECan (CARP)	Chickens	200 metres (Restricted Discretionary)	N/A	N/A
	Cow Barns	500 metres (Restricted Discretionary)	1000 metres	N/A
	Pigs	No setback distances included but consent is still required		

Table 1: Council setback distances

All Councils have provisions controlling the location of intensive farming activities other than Hurunui District Council who have intentionally allowed Regional Council provisions to manage this type of activity.

Regarding definitions, the Hurunui District Council have adopted the same definition used by the Ashburton District Council which includes matters relating to whether feed is brought onto the site, a stocking rate of 15 pigs per hectare for outdoor farms, and provision for herd homes among other land uses. The Christchurch City Council definition includes the aspect of whether the activity occurs indoors or on a feedlot, has no dependence on soil quality and has food brought in. The Waimakariri District Council definitions only specifies if it has a dependence on soil quality for production.

6.0 Summary of definitions from other authorities.

On review of other District, Unitary, City, and Regional Authorities in New Zealand, it was clear that there is no concise definition for intensive livestock production. Terms ranged from factory farming, intensive rural production, intensive feedlot, and among others intensive farming.

Although all of the Authorities were seeking to define the same activity, the term used and the definition for that term differed from authority to authority. Common key attributes used were:

- If the activity was primarily indoors, within small enclosures, or wholly outdoors.
- If ground cover is maintained through the operation of the activity
- If the activity relies solely on the soil fertility to supply its needs
- If off site feed is required to supplement the operation.

To a lesser extent the following attributes were used:

- If the land was irrigated
- The stock density rate
- The amount of stock involved
- That the activity be in compliance with industry standards.

Based on the above, a common definition of intensive livestock production could include:

- That the activity would either be primarily indoors, or within small enclosures,
- That the activity would not be able to maintain ground cover if outdoors, and
- Reliance on off-site feed supplement due to the soil's fertility being unable to solely provide for the operation.

Additionally, it was common for Plans to include definitions for separate activities such as intensive farming, intensive pig farm, intensive poultry farming, extensive pig farm, and extensive poultry farming.

7.0 Review of Canterbury Regional Council Documents

7.1 Canterbury Air Regional Plan October 2017 (CARP)

Definitions

The Canterbury Regional Council (ECan) has opted to include definitions for both extensive and intensive pig and poultry farming activities in the CARP (provided in **Appendix F**).

A common feature across the definitions is whether the activity will maintain ground cover. All 'extensive' or 'free range' activities require the maintenance of permanent vegetation ground cover. By including this attribute, the intention is to keep stock densities low, reducing the likelihood of dust and odour discharges. To meet the definition set by ECan there is a requirement to adhere to industry standards, and either no fixed buildings being used (Pigs), or access to open air runs (Poultry).

Both intensive farming definitions include a minimum stock number, and specifies that the operation primarily occurs within a building or closely fenced runs.

By having a definition for extensive/intensive pig and poultry farming, it provides clarity as to where a particular activity sits on the spectrum and if resource consent requirements have been triggered. On review of the definitions there is a clear delineation between what could be considered an 'extensive' farm and an 'intensive' farm. An extensive farm would be considered to involve outdoor operations, with low stocking densities, grass cover being maintained, with low amounts of dust and odour being discharged from the activity. Whereas, an intensive farm would primarily consist of an indoor high stock density operation, which depending on management techniques may result in larger odour discharges.

Rules:

Rules 7.3 – 7.5, and 7.65 – 7.71 (**Appendix F**) are the most relevant rules located within the CARP. These rules cover the discharge of contaminants to air from pig, poultry, and cattle in certain circumstances.

Extensive piggeries and free range poultry farms are not covered within the CARP and are therefore considered permitted activities. Only intensive pig/poultry, and cattle barns are captured by the CARP rules. However, rules 7.3 – 7.5 are the CARP's 'catch all' rules, and provide a safety net to capture activities that have an adverse effect, but have not been provided for elsewhere in the Plan. Generally these rules will come into effect if an activity is being subject to poor management techniques resulting in an effect. A particular circumstance where these rules may be used is if a pig farm which is typically considered to be 'extensive' and permitted, may be subject to poor management resulting in a diminished ground cover. These 'catch all' rules would then come into effect if the diminished ground cover caused an adverse effect (Rule 7.4 Restricted Discretionary), or if the effect was offensive or objectionable, consent would be required under rule 7.5 as a non-complying activity.

Rule 7.65 allows for intensive poultry/pig farming if established prior to 2 June 2002 as a permitted activity, to remain permitted as long as the scale has not increased and if there is no offensive or objectionable effect beyond the boundary.

Rule 7.66 renders those activities that were established prior to 2 June 2002 but have increased in scale since as restricted discretionary activities. Some of the matters of discretion include the location of the discharge, the methods to control the discharge, and the quantity, quality, and type of discharge.

Rule 7.67 deals with air discharges from intensive poultry farms established after 1 June 2002 and are located at least 200 metres from a 'sensitive activity'. These types of activities are considered to be restricted discretionary as long as an objectionable or offensive effect beyond the boundary is not being caused.

Rule 7.68 applies if an intensive poultry farm is within 200 metres of a 'sensitive activity', it was established after 1 June 2002, and is not causing an offensive or objectionable effect, then is considered a discretionary activity.

Rule 7.69 is the same as rule 7.67, minus the 200 metre setback from a sensitive activity, but allows for intensive pig farms. It is relevant to note that a matter for discretion under this Rule is location.

Rule 7.70 provides for a discharge from a cattle barn containing more than 30 cattle as a permitted activity if the stated conditions are met. Conditions include but are not limited to the location of the discharge from sensitive sites and residential zones, and if there is an offensive of objectionable effect being caused.

Rule 7.71 renders activities not considered permitted under rule 7.70 to be restricted discretionary as long as the activity is not causing an offensive or objectionable effect.

While the Regional Council focusses on the effects of the discharge and the sensitivity of the receiving environment, they lack the jurisdiction to control the placement of 'sensitive activities' near discharges, which is managed by the Territorial Authority. The CARP seeks to manage air quality, while the District Plan seeks to address nuisance effects caused by the discharge of contaminants.

The CARP defines, which differs from the SDC definition, a 'sensitive activity' as:
'*means an activity undertaken in:*

a. *the area within 20m of the façade of an occupied dwelling; or*
b. *a residential area of zone as defined in a district plan; or*
c. *a public amenity area, including those parts of any building and associated outdoor areas normally available for use by the general public, excluding any areas used for services or access areas; or*
d. *a place, outside of the Coastal Marine Area, of public assembly for recreation, education, worship, culture or deliberation purposes.'*

Selwyn District Council's Submission on the Proposed CARP:

It is also relevant to note that Selwyn District Council made a number of relevant submissions on the Proposed CARP, which are summarised as follows:

Extensive pig farming definition

- The submission states there may be some ambiguity as to what an 'extensive' farm may consist of, and the densities involved. It was suggested that 'extensive' be renamed to 'free range' and to include either an industry standard or density measures (Accepted in part, but not implemented).

Free range poultry farming definition

- This submission states that the definition does not include a maximum bird number, but refers to industry standards, with no reference to what the standard is. This leaves bird numbers and densities open to interpretation and self-regulation by the poultry industry. The submission recommended that either a specific reference to a standard be included or a bird

density figure be added, rather than only relying on the requirement to maintain ground cover. Furthermore, the submission sought to have a reference included that would make anything that is not covered as a free range activity as intensive (Accepted in part).

Other organisations made the following submissions:

Federated Farmers – Definition of intensive pig farming

- This group considered that the numbers included within this definition were too few (2 sows and 20 weaners) to allow for the private supply of pork. They wished to see the numbers increased (20-25 weaners and 2-6 sows) to allow for private production for personal consumption. This change also means that only large operations with the potential for odour nuisance issues would be captured. ECan subsequent accepted this submission and amended the definition by increasing the numbers to six sows and 25 weaners.

New Zealand Pork Industry Board – extensive and intensive pig farming definition

- This organisation supported the 'extensive' definition as proposed, and supported the 'intensive' definition with the inclusion of ground cover provisions, which has been included in the definition.

Poultry Industry Association New Zealand – intensive and free range poultry farming definition

- This organisation supported both of the definitions provided for these activities.

A general submission received sought for the a buffer separation distance to be taken from the land parcel boundary of the sensitive activity rather than the actual sensitive activity.

Consultation with the Canterbury Regional Council:

Discussions occurred on the Canterbury Regional Councils planning framework with Sam Leonard, Lisa Jenkins, and Leo Fietje, from the Policy Team. The following was confirmed:

- That free range poultry farming is permitted unless the activity triggers one of the 'catch-all' rules. However, ECan would try work with the farmer to rectify the issue, rather than require them to obtain a consent in the first instance.
- The degree of an effect (Dust and Odour) being caused will be determined by the provisions within Schedule 2 of the CARP, and guidance from the Ministry for the Environment.
- Buffer distances from intensive farming to sensitive activities were initially considered as part of the permitted activity rules, but were consider too contentious and thus removed.
- With the rise of cow barns within the region, new provisions were drafted which included setback buffers, with the primary conflict expressed in submissions occurring around the actual size of the buffer.

- Whilst the provisions within the CARP control the discharge of contaminants from these types of activities, it was recommend that the Territorial Authority retain some controls within the District Plan to manage residual nuisance effects.
- The buffer distances included in the CARP were drawn out of the NRRP as they were deemed to be working sufficiently well. This included having no buffer distances for intensive pig farms.
- Buffers were brought in for cow barns to try reduce cumulative effects, and would mean that farms would need to be of a reasonable size to allow for effluent spreading.
- The threshold for triggering consent requirements under rule 7.3 is considerably lower for 'adverse effect' than 'offensive and objectionable' which is a significantly higher threshold to meet.
- It was discussed whether it was appropriate for a Territorial Authority to rely on rule 7.3 to manage the effects from intensive farming activities. ECan take the approach that these types of activities occur in a rural area, where it is to be expected that odour and dust discharges occur. However, the District Council may wish to manage any residual amenity effects through its District Plan provisions.
- Although there has been an increase in cow barns in recent times, it was considered that the trend for this form of development was slowing due to low dairy prices, and high capital costs.
- Regarding the maintenance of ground cover, this was to be measured on a common sense approach rather than providing specific guidance as to what this includes (as per the Bates' consent conditions).

7.2 Canterbury Land and Water Regional Plan (LWRP)

From a Territorial Authority point of view, the main effects which are considered for these form of activities is the nuisance effects caused by the discharge of contaminants to air, namely dust and odour. Therefore, the LWRP has a lesser importance when compared to the CARP when considering the required functions and provisions needed in a District Plan.

The LWRP does not specifically deal with intensive livestock production activities as defined by the CARP, but offers a more general approach to these type of activities by defining all pig farming activities as a 'intensively farmed stock'. The LWRP contains general provisions dealing with the management of animal waste storage and discharges. There are also provisions controlling the location of stock holding areas, which would apply in some instances to poultry, pig, and dairy farm operations where an area of land is continual grazed, and ground cover cannot be maintained. These provisions seek to protect water resources, rather than protect sensitive activities such as residential dwellings.

7.3 Canterbury Regional Policy Statement (RPS)

Chapter 5 Land- Use and Infrastructure, Chapter 6 Recovery and Rebuilding of Greater Christchurch, Chapter 14 Air Quality, and Chapter 15 Soils are considered to be the most relevant section of the RPS with the specific provisions included as **Appendix I**.

The provisions within Chapter 5 and 6 seek to ensure the protection of existing intensive livestock production activities from reverse sensitivity effects while managing the location of these types of activities and the potential for significant adverse effects. The objectives and policies seek to avoid incompatible land-uses being based near each other to minimise reverse sensitivity issues. It is noted that the rural economy makes up a significant component of the economic and social well-being of Canterbury, and therefore needs to be protected from incompatible land uses as much as possible.

The provisions in Chapter 14 seek to maintain and improve air quality, and to protect activities with air discharges from encroachment from incompatible development. It is noted that people and communities should be free from unpleasant effects on air quality.

These aspects have been addressed in the current District Plan through setbacks from sensitive activities to intensive livestock production, and through the assessment during the resource consent process of the amenity effects caused by activities of this nature.

The provisions in Chapter 15 deal with the prevention of soil erosion. The main source of soil erosion from intensive livestock production activities is as a result of poor management techniques rendering land bare, which when windy can cause erosion. This aeolian erosion causes amenity effects from dust, and is therefore managed through the resource consent process. This aspect is commonly considered in definitions and rules from other authorities through references to the maintenance of groundcover, which both controls stocking rates (odours) and dust discharges.

Regarding definitions contained with the RPS there are no specific references to intensive agriculture or any associated terms.

8.0 Review of Other Documents

8.1 Mahaanui Iwi Management Plan (2013) (IMP)

In regards to the potential for adverse effects arising from intensive farming activities, the IMP focuses on the effects of discharges to land and air, which are primarily controlled by the Regional

Council. Overall, the relevant policies of the IMP seek to protect the mauri of the land, water, and air by avoiding inappropriate land uses and development.

Those policies from the IMP that are of particular relevance to a Territorial Authority have been summarised below.

R1.1 – To protect the mauri of air from adverse effects associated with discharges to air activities.

R1.4 –The use of indigenous planting to offset air discharges.

P1.1 – The use of land in accordance with Ngāi Tahu principles.

P2.1 – Rural land use must give the protection of resources and environmental health for future generation's priority.
P2.2 – The adverse effects of intensive rural land use on water, soil, and biodiversity resources in the taiwa must be addressed as a matter of priority.

P9.1 – To sustain and safeguard the life supporting capacity of soil.

P9.2 – To appropriately value soil resources as taonga.

P9.3 – To protect against soil erosions as a result of unsustainable land use and development.

P9.4 – to support measures to maintain or enhance the quality of soil and prevent its loss and the loss of mauri. Measures could include but are not limited to, restoring of indigenous vegetation and riparian areas.

In regard to these policies, the main points of concern from intensive livestock production is from the discharge of odour and dust. These discharges primarily occur when poor management techniques are used. In accordance with the IMP these types of discharges should be avoided or at least their resultant effect mitigated. This principle is consistent with the approach taken by the Selwyn District Council of adopting measures to ensure good practice management is implemented by all intensive livestock production activities.

8.2 National Environmental Standards for Air Quality 2007

This NES does not address odour or dust emissions from agricultural sources and is therefore not relevant to this report.

8.3 Ministry for the Environment – Good Practice Guide for Assessing and Managing Odour 2016

This guide sets out the roles and responsibilities of Councils for assessing and managing odour under the Act. Regional Councils have the responsibility to manage air quality, while District Councils are required to manage land uses which have the potential to discharge odours and cause amenity effects, such as intensive farming. Under Section 15 of the Act unless a regional rule specifies that any non-industrial or trade premises discharge requires consent, it is permitted. District Councils also have the responsibility to manage the location of sensitive activities in relation to proximity to discharges.

These requirements can and do lead to regional and district regulation overlap for intensive farming activities. Guidance states that there are two options for exercising these functions, either for the Regional Council to primarily control the effects from odour discharges, or a combined approach where the District Council manages the amenity effects arising from emissions associated with any land use, and the Regional Council dealing with the contaminants of any emissions. To determine the best outcome it is recommended that regional and district authorities collaborate together, as the Ministry encourages that any duplication should be avoided.

Whilst it is recognsied that in the first instance any significant odour effects should be internalised within the site generating the odour, this may not always be practical or reasonable to do so. The guide makes the recommendation that the standard condition for managing odour effect is '*there shall be no noxious, dangerous, offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site'.* There is a key emphasis on the offensive and objectionable component being used in conjunction with the term effect rather than just including offensive and objectionable odour. Separation distances between the discharge point/site and neighbouring land uses can be an effective tool to allow the discharge to dilute to a point when any effect is below the threshold to require action. Whether an odour has an offensive or objectionable effect requires an overall judgement that considers the frequency, intensity, duration, offensive/character, and location of the odour impact (FIDOL factors).

8.4 Ministry for the Environment – Good Practice Guide for Assessing and Managing the Environmental Effect of Dust Emissions 2016

Much like the Guide for odour emissions, this guide sets out the roles and responsibilities of Councils for assessing and managing dust emissions under the Act. Regional Councils have the responsibility to manage air quality, while District Councils are required to manage land uses which have the potential to discharge dust and cause amenity effects, such as intensive farming. Under Section 15 of the Act

unless a regional rule specifies that any non-industrial or trade premises discharge requires consent, it is permitted. District Councils also have the responsibility to manage the location of sensitive activities in relation to proximity to discharges.

The effects from dust nuisance cannot be measured in any meaningful quantitative way, but only through a subjective assessment on its effect on the receiving environment. Dust can lead to the soiling of clean surfaces, with common complaints resulting from dust deposits on windows, gardens, and household washing. Dust may also potentially contaminate roof collected water, and affect the use of outdoor spaces.

As per the above guidance on odour, dust discharges are controlled by the same legislative framework and share similar management techniques, and as such will not be repeated within this section.

9.0 Review of Relevant Environment Court Decisions

9.1 [2014] NZEnvC 32

– *Christopher John Bates, Henry Thomas Bates, Melanie Ruth Bates v Selwyn District Council*.

The Bates' family run an outdoor piggery operation within the Selwyn District. The operators of this farm believed that their activity was permitted under the district plan, and thus did not apply for consent. Upon receiving a conplaint about the activity, the Selwyn District Council requested the operators of the farm to apply for consent. When this was not forthcoming abatement notices were served ordering them to cease the operation.

The Bates family appealed the abatement notices to the Environment Court on the basis that their activity did not constitute an 'intensive livestock production' activity. Therefore, it was the Environment Court's role to determine if consent is required.

The Bates' activity consisted of an outdoor operation with the maximum of 235 pigs, including small animal shelters. A portion of the feed was grown onsite, but the vast majority of feed was brought in from off-site.

The Court was tasked with determining what the Operative District Plan definition meant, and if the Bates' operation was classified as 'intensive livestock production' meaning that resource consent was required.

The Court found that when considering the degree of fertility of an area of land, it should be expressly linked with the activity on that land. For instance a section of land may be fertile enough to support 100 sheep, but not 100 pigs. In regard to the Bates' farm, the Court found that due to the piggery's non reliance on the soil fertility of the land for viability (through the bringing in of feed from off-site) the activity was considered to meet the definition of a 'intensive livestock production'.

Consent was then sought from the Selwyn District Council for the continuation of the activity, which was declined. This decision was appealed to the Environment Court (ENV-2016-CHC-063) and was subsequently granted, subject to strenuous conditions. These conditions have been attached within Appendix L.

Commentary:

While in agreeance with the Court's determination, it does create a problematic situation in that activities which have been previously thought to have been considered as extensive livestock productions could now considered to be intensive, triggering the requirement for resource consent. There a number of outdoor farming activities similar to the Bates farm operating in the District, operating without consent, and could now be subject to enforcement action.

Furthermore, an argument could be made that any farming operation that relies on off-site feed due to the farms inability to provide wholly for the operation is now considered an intensive livestock production activity. For example, it is common for a high country station to bring feed in to supplement what is grown on the farm. Without the supplementary feed the operation may not be viable. When assessing this operation against the determination made by the Court this type of activity may require consent.

However, in saying this, the Court did mention an observation from the Court of Appeal (*Canterbury Regional Council* v *Independent Fisheries Ltd* [2013] 2 NZLR 57) which in summary stated that when considering the meaning of the text, its purpose should be taken account of, and that it should be interpreted in a realistic and practical way. In this case the rule and definition is trying to achieve the management of activity with adverse odour, dust, noise, and traffic issues. Therefore, a high country station which supplements fed, is unlikely to be considered under this definition due to the lack of any of those four issues.

The finding did not extend to making a determination about artificially raising the soil fertility through irrigation and fertilizer. Given this, it may be acceptable to consider then even though the fertility of the land is artificially raised, it is still the fertility of the land.

Additionally it was mentioned that in 2004 the Selwyn District Council had resolved to vary the definition (as part of the previous Proposed District Plan process), with a variation being agreed upon, but for unknown reasons this was never followed through.

9.2 [2016] NZEnvC 51

– Craddock Farms Limited v The Auckland Council

A consent decision to decline an application for an intensive poultry operation was appealed to the Environment Court. The application sought authorisation for ten laying sheds with up to 310,000 hens. The application was initially declined based on the adverse effects on the surrounding sensitive activities.

The Court agreed with the decision of the Auckland Council, and also declined the application. It was deemed that although the site was zoned rural, it was too small for the proposed activity, and the existing surrounding environment contained many sensitive activities, which would be incompatible with the proposed activity, with particular regard on the odour. Furthermore, the surrounding properties that could 'as of right' construct additional dwellings on their land would now need resource consent if this activity was authorised. This is due to the presence of a residential development restriction buffer around activities of this nature.

On a side note, the Auckland Unitary Plan contains a 300 metre buffer from the edge of the building of the activity to the proposed or existing dwelling.

9.3 [2014] NZEnvC 11

- G N and L G Burgess v Selwyn District Council

Selwyn District Council authorised a consent to construct and operate an intensive livestock production activity for up to 80,000 broiler chickens.

This decision to grant the resource consent was appealed by a neighbour to the site. The grounds of appeal related primarily to the potential for significant odour effects on their property, which would also hamper their ability to develop and sell their land at a later date.

Although the Court is required to make a judgement on the receiving environment, which is made up of what is, what is authorised, and what is permitted, when making a judgement on what is permitted, this should only extend to what is likely to be carried out rather than all potential possibilities. Therefore, the majority of the Court made an assessment that the receiving environment

did not include the presence of a potential dwelling as specified by the Appellant. The consent was therefore confirmed and the appeal was dismissed.

10.0 Stakeholder consultation (Internal and External)

10.1 Internal stakeholders

The following relevant themes were found based on discussion with internal Consents and Monitoring staff.

On discussions within Council the following relevant themes were found:

- Based on discussion with the public, the Consents Team found that there was an element of confusion surrounding when and why a consent is required from the Selwyn District Council. There were issues about why a consent is required from the Selwyn District Council and not ECan, or from both authorities. This could potentially indicate that there is a lack of clarity within the current planning framework, or even possibly unnecessary overlap or inconsistencies between the authorities.
- It was found that given the ambiguity and encompassing nature of the current definitions, there may have been situations where consents have been applied for but where the original intent of the plan was for them to be permitted.
- The use of the term or its approximate 'permanent ground cover to be maintained' as currently used in the CARP may cause ambiguity in the understanding of the plan. There were concerns about how this would be measured, and would it be consistently applied.
- Under the matters for discretion for rule 9.10.3, the matter covered in 9.10.4.2 (effectiveness of the proposed mitigation) is typically considered under matter 9.10.4.1 (adverse effects) as when these effects are considered, any mitigation proposed is factored into this assessment. Given this, 9.10.4.2 could be removed.
- Consents would like to see the inclusion of a minimum stock number in rules e.g. 10 pigs, to act as a trigger for the rule or definition to apply. Additionally they would prefer separate rules and definitions for free range poultry to provide clarity, given a recent increase in this type of activity due to the provisions within the CARP being permissive, and Central Government requirements to move away from caged farming.
- It is critical to note that the Selwyn District Council monitoring team currently lacks the technical ability to carry out field assessment to measure odour emissions, meaning that such services need to be out-sourced. Whereas, it was mentioned that ECan's Compliance and Monitoring Team do have this capability and are regularly informed and used to assess odour

emissions. To rectify the current situation, monitoring training and equipment would need to be invested in, and/or greater coordination with ECan would need to occur.

- To further reduce the potential for reverse sensitivity and the likelihood of complaints, an increase in separation distances was desired.
- The Monitoring Team has seen that with a proliferation of lifestyle blocks, and residents with no knowledge about animal husbandry, properties that have been subjected to the uncontrolled breeding of animals, resulting in adverse effects on neighbouring properties.
- The receiving of complaints about an activity can help inform the type of effects that are occurring. Common complaints received about intensive livestock production were from dust, odour from animals and/or effluent, noise from animals and general operations, and vehicle movements.

10.2 Industry Stakeholders

Beef and Lamb NZ, Dairy NZ, Federated Farmers, and Poultry Industry Association of NZ were all approached for comment, unfortunately no comments were received.

NZ Pork did provide valuable commentary on the current plan and their desired outcomes are discussed below. NZ Pork also provided a follow up report which highlighted their requested amendments which have been included as Appendix J.

Key themes borne out of discussions with this stakeholder were:

- Selwyn is home to the highest number of pork producers in the country, but does not produce the highest volume in New Zealand. This would characterise the industry within the District, as many smaller pig farms, rather than a few large operations.
- That the amount of pig farms in Canterbury are reducing, but the volume produced is being maintained.
- The pork industry have concerns regarding the encroachment of residential development on existing piggeries and the potential for reverse sensitivity.
- Presently there is duplication in processes between ECan and the Selwyn District Council, which can be costly when having to prepare odour modelling reports. Ideally either this duplication in process should be removed, or for any reports created to be universal across authorities.
- There needs to be a clear differentiation between outdoor and indoor operations, given the vastly different aspects of the activities, and their resultant effects. Additionally, the use of 'intensive' should be clearly considered and only used when the effects of any activity would lend itself to being 'intensive'.
- In-depth discussions occurred in regard to conditions 9.10.1.2 and 9.10.1.3 of rule 9.10.1 (Controlled Activity). There was a question about whether 9.10.1.3, which controls the

activity's expansion to a 50% Stock Pig Units (SPU) increase, was necessary as 9.10.1.2 required that there be a nil increase in odour emissions from the site. On this point I would tend to agree with NZ Pork, in that given the Act being an effects based legislation, there should be no concern over the expansion of a pig farm if the effects do not intensify. This could be achieved through the introduction of new management systems, including air filtration measures which could see a nil increase, or even a decrease in odour emissions. However, in saying this this conditions 9.10.1.2 does not address the potential increase in effect from dust, noise and traffic factors. Any amendments to a controlled activity rule which saw the removal of a SPU table would need to be replaced with some form of condition controlling dust, noise and traffic.

- Furthermore, reference to 'international odour emissions rate information and research' is not relevant to New Zealand farms given different farming techniques and conditions. Only specific New Zealand based evidence and management standards should be applied.
- There was a question regarding if an independent expert was required to peer review odour emissions reports (9.10.1.2) if the initial report was compiled by an independent expert in the first instance. This step can lead to a significant consent related cost, which may be unnecessary given the requirement that experts be unbiased and objective.
- The SPU factors contained within rule 9.10.1 were queried, regarding what they are were actually based on, and how accurate were they. The reasoning behind this is as pig numbers have stayed the same on farms, the weights of stock have dramatically increased.
- Moreover, the SPU Table included in this rule is unwieldy and not usable for the industry. Farms have very rigid stock number formulas which do not allow for a flexible approach to pig styles. For instance a farm which has X amount of sows, will need to have Y amount of boars, and will result in Z amount of piglets. There is no opportunity for the farmer to swap and change various types of pigs to other forms to enable them to stay under their SPU allowance.

It should be noted that the amendment report provided by NZ Pork includes a set of amendments to aspects of the District Plan not covered under this Scope of Works but will be addressed in other pieces of work. A summary of the relevant points to this report from the NZ Pork report are included below:

- NZ Pork would like to see a change from the use of word 'intensive' to 'either 'indoor' or 'outdoor'. This differentiation covers the two main forms of pig farming.
- NZ Pork have recommended an indoor/intensive farming definition which includes aspects such as whether the operation occurs in a building or yard, and if the stock density precludes the maintenance of ground cover.
- Additionally, an 'outdoor' (extensive) definition has been included which has the key feature of a requirement to maintain ground cover.

- Given the inclusion of the maintenance of ground cover being a key theme in the proposed definition, a 'ground cover' definition is also proposed, which ties the degree of ground cover to the pork industry's standards.
- The pork industry would like to see the inclusion of a new rule that renders 'outdoor/extensive' pig farming as a permitted activity.
- As previously mentioned above, the pork industry reiterates in this report the need to avoid overlap between District and Regional Authorities, the need to remove references to international standards that have no relevance to New Zealand operations, and the removal of the SPU table contained within the rules.

In supplementary to the above, NZ Pork have provided feedback on the draft version of this report and is attached as Appendix M. Appropriate amendments have been made to reflect these comments.

11.0 Recommendations/ Options

11.1 Status Quo

While being the simplest option, rolling over the suite of existing provisions is not considered to be the most efficient or effective given the issues identified, particularly in relation to the definition of 'intensive livestock production' and the controlled activity rule for the expansion of existing 'intensive piggery production' activities. This review provides an opportunity to make amendments to the Plan, to increase its effectiveness and efficiency.

11.2 Amend the Operative District Plan

11.2.1 Definitions

Given the ambiguity of the existing definition of 'intensive livestock production', amendments are recommended to increase clarity and certainty.

Clarity may come in the form of having a definition for each potential situation, for instance a definition for intensive pig farming, extensive pig farming, intensive poultry farming, etc. However, given the amount of different animals that could be intensively or extensively farmed, this would become unwieldy and may not capture future unexpected land uses. Therefore, ideally there would only be two definitions, one for intensive farming and one for extensive farming. These definitions will need to be broad enough to include the various stock types, while being clear on the type of circumstances that are covered.

On review of the terms used for this form of farming, the most common terms were extensive farming and intensive farming. The Council currently uses the term intensive livestock production. However, this term does change to intensive farming in other parts of the Plan. For the sake of consistency with other authorities, it is recommended that the intensive/extensive farming terms be used.

It is noted that a request from NZ Pork regarding the changing of extensive/ intensive to outdoor/ indoor was received. While it is accepted that in most cases the outdoor/indoor classification tends to be aligned with extensive/ intensive farming, there are situations where this does not align e.g. not all outdoor piggeries or outdoor poultry farms are extensive farms. Some may be considered to be intensive, by the way they are managed and/or the effects being created. Moreover, the indoor/ outdoor terms are rarely used by other councils, so it is recommended that for the sake of consistency they not be used in the Proposed District Plan.

Ground Cover verses Stock Density

It is recommended that any amendment to the definitions include a requirement to maintain ground cover. The reasons for this have been previously discussed, but in short, this aspect controls stock numbers and thus to a certain degree dust and odour discharges. The inclusion of a ground cover clause does however, create an issue as to how to measure the adequacy of 'ground cover', a view shared by Air Quality Scientist Richard Chilton. The term is subjective, and to rectify this, either a common sense approach would need to be relied on; or for the Plan to adopt an approach where measurable details are included as has happened in the recent Bates' resource consent decision. Whilst a common-sense approach is simpler and in many cases would be used without issue, it is left open to interpretation. Whereas, the detailed based approach provides certainty but can be very hard to monitor. For the sake of ease and simplicity, it is recommended that the use of 'maintaining ground cover' within the definition should be linked with a common sense approach, rather than a technical explanation supported by an industry standard or guide which has yet to have been developed. This would allow the Compliance and Monitoring Officer to assess the individual situation on its merits, determine if there is a significant effect, and act if required.

Definitions from neighbouring councils include a stock density number. While recommended by Air Quality Scientist Richard Chilton and there being merit in providing a measure such as this due to its clarity and ease of use for stakeholders, it may not be an accurate measure, or achieve the desired outcome. Firstly, there is no guidance other than what other authorities have used as to what an appropriate stock density is, and if there was a recommended density, this figure would need to be varied depending on soil characteristics, climate conditions, pig type, and management techniques. For instance the stock density rule may be no more than 15 pigs per hectare, but a farm may be operating below this stocking density, but still causing effects, and vice versa. The potential and actual effects from a farm are more complex than a simple density figure and thus should not be reduced to one. Use of a density figure could lead to farms which are operating well with little or no effect being

targeted by consent requirements due to being over an arbitrary density figure. This approach would also expose the Council to being powerless to address a permitted activity causing significant effects due to their compliance with a stock density figure.

Additionally, the use of the term '15 pigs' does not specify the type of pig, which is particularly relevant given the varying degrees of effects that differ depending on the type of pig.

When comparing this option with the previous ground cover option, the ground cover option gives the ability for a Council to manage an effect causing activity which may have been out of reach if the stock density option was adopted. It may result in farms operating within the framework of the Plan, but causing a significant effect due to inappropriate land characteristics and management.

To avoid small scale operations, which primarily grow pork for self-sufficiency, being restricted, it is recommended that a maximum stock number be included to act as a threshold for consent requirements. This threshold has been taken from the CARP, to ensure alignment with the regional council planning framework.

Regarding the inclusion of free range poultry farming as an extensive farming activity, despite the use of buildings as part of the production process, the birds will be required to have access to open air runs, which will be required to maintain ground cover. This requirement will ensure that the size of the land will restrict bird numbers, or else the activity would be considered intensive, triggering resource consent. If flock numbers increase as is the current trend for operations of this nature, then the operator will need to either improve their management techniques or increase the amount of land available to the birds, subsequently increasing the area the effect can be absorbed into. While consideration was given to the potential designation of free range poultry farming as an intensive farming activity given the use of buildings for the production process, it was deemed that if Environment Canterbury have declared, through their permissive stance, there is no significant issue, then it would be inconsistent for the territorial authority to require consent where it was not required at a regional level. There is a layer of protection within the CARP, where if the activity does cause an adverse effect then consent requirement is triggered.

Ideally, to increase the clarity of the definitions, provisions referring to soil fertility, and offsite feed should be removed, for the reasons already discussed in this report, but primarily, as large numbers of farms require off site feed at one time or another, and would not typically be considered 'intensive'. Therefore, to remove this doubt and confusion these terms should not be used.

Finally, cattle housed in herd homes for the majority of their production process, are intended to be captured by the intensive farming definition, and are required to operate with some form of a consent.

<u>Potential definitions</u>

Intensive farming

Means the use of land and/or buildings for the commercial production of animals, where the predominant productive processes are carried out within buildings, or closely fenced outdoor runs where the stocking density, or nature of the activity, precludes the maintenance of pasture or ground cover. Excluding pig production for domestic self-subsistence home use which has no more than 25 weaned pigs or six sows.

Or a similar definition to that used by the ADC and HDC Plans, which includes a stock density number rather than ground cover provisions could be adopted. However, this definition does include mushroom farming, and effluent disposal and storage. The former not needing to be covered within this scope as it will be dealt with elsewhere, and the latter being primarily controlled by the Regional Authority, with no real need to be included in a District Plan. Furthermore, all poultry farming would be included under this definition, including free range poultry farming, as no separate definition has been provided for this farming type. Additionally one of the key determiners of this definition is whether the regular feed source is from off-site rather than produced on the same site. The potential complications involved with this type of determination have already been assessed within this report.

'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 15 pigs or more 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.'

On review of these two potential definition options, the former is the preferred option for reasons already mentioned but primarily due to its simplicity and its allowance for stock rearing for self-sufficiency.

Extensive farming

Based on the research carried out through the baseline assessment the following definition of extensive farming is recommended:

Means the keeping, breeding or rearing of stock for commercial purposes, on pasture at a stocking density that sustains the maintenance of pasture or ground cover, including free range poultry farming where the birds have access to open air runs.

Or with a stock density clause:

Means the keeping, breeding or rearing of stock for commercial purposes, on pasture where the nature of the activity sustains the maintenance of pasture or ground cover including free range poultry farming where the birds have access to open air runs, and for pig farms, and has a stock density rate of less than 15 pigs per hectare.

However, for the aforementioned reasons, this second definition would not be recommended.

11.2.2 Rules

No Rule(s) or Permissive Approach

A potential option open is to remove all rules relating to this activity as per the Hurunui District Council method or having an overall permissive approach to extensive and intensive farming. This would rely on Environment Canterbury to manage the dust and odour discharge. The benefits and costs of this have been covered prior to this, but in summary, there is a balancing axct between duplication of process with Environment Canterbury and Selwyn District Council retaining some form of control over the activity.

While air quality is an important resource management issue and one that requires an integrated approach between regional and local authorities, issues relating specifically to air quality (dust and odour), rather than general amenity or reverse sensitivity effects, are more appropriately addressed by Environment Canterbury. This line of thinking would support a move towards having a permitted ethos to the dust and odour emissions from this type of farming.

It has been highlighted by the review carried out by Mr Chilton that this move in conjunction with Environment Canterbury's stance on free range poultry activities would leave a gap in the planning framework where no provisions expressly deal with free range poultry farming. However, as previously explained, a consistent approach between Environment Canterbury and SDC needs to occur, and this extends to adopting Environment Canterbury's permissive approach to this activity. Furthermore, there are 'catch-all' rules in the Air Plan that can address an activity of this nature if adverse effects do occur, albeit on a retrospective basis.

This method would still retain a 'reverse sensitivity' setback for new sensitive activities locating near existing intensive farms.

Extensive farming

Permitted Activity Rule(s)

As previously discussed, farming activities and their associated effects should generally be expected to occur within the rural zone and therefore there needs to be some tolerance of these types of activities and their associated effects.

One option is that a permitted rule be created for all extensive farming activities, as long as they meet the definition for that activity type. A potential condition of this permitted activity rule could be to obtain a Certificate of Compliance from Environment Canterbury. This would effectively result in the odour and dust discharge component of the activity being assessed, and if it was significant, it would trigger consent requirements from both Environment Canterbury, and the Selwyn District Council. However, this would have an unwanted consequence of capturing all non-intensive farming activities in the District, requiring them to obtain approval in some form from the Regional Authority. For example a high country station would then need to apply for a Certificate of Compliance from Environment Canterbury. This outcome is not desired and therefore another option would be to make all activities that meet the extensive definition as permitted. Other provisions within the Plan would still control among other things building coverage, noise, and traffic movements.

Example of the potential new rule:

Extensive farming shall be a permitted activity.

Expansion of existing intensive farms

Controlled Activity Rule(s)

If a controlled activity rule is to be retained for the expansion of an existing 'intensive piggery production activity' or other types of existing lawfully established intensive farming activities, I would recommend that the rule be rewritten to be more streamlined and easier to use, rather than the current situation where it is unwieldy and seldom used.

A simplified version of the current rule could be along the lines of only having one main condition, being that the expansion did not result in an increase in odour, or dust emissions at the boundary of the property. This would need to be supported by an air quality report. A rule such as this is concise and addresses the main issues of expansion, odour and dust. This could be supplemented by another option for the applicant, by including an 'or' option which would see a controlled activity consent granted without an odour and dust assessment if the farmer already had a consent or certificate of compliance from Environment Canterbury.

The existing controlled activity rule conditions include such provisions as the need to make an assessment against industry standards, and a requirement not to exceed a 50% increase in SPUs. These provisions become redundant if either of the two 'or' options are taken up.

Further to the point, an increase in stock numbers does not necessarily mean an increase in effects. As part of an expansion, management techniques and technology may change, reducing the overall effect occurring within the operation. This approach would support the removal of SPU's increase restrictions and allow a focus on the actual effect being caused be the activity.

It is recommended that the application still produce a management plan to obtain a controlled activity consent for an expansion. NZ Pork have included some useful additions to the required content of a management plan, including addressing aspects of compost management, and the management and maintenance of ground cover.

Additionally, any activity being assessed under this rule would also need to be meet the other relevant rules of the plan, such as for transport and noise.

Example of potential new rule:

The expansion of existing intensive farming operations shall be a controlled activity if all of the following conditions are met:

a) *That the expansion will not result in an increase in odour, or dust discharged at the boundary of the property containing the activity. This shall be demonstrated through either; a report provided by a suitably qualified independent air quality expert; <u>or</u> a Certificate of Compliance or Resource Consent granted by the Canterbury Regional Council for any discharge to air.*

b) *The applicant has prepared a management plan, certified by a suitability qualified independent air quality expert, to deal with activities that have the potential to cause an offensive or objectionable effect from an odour or dust emission. This management plan shall address the following:*
   i. *Management of sheds and barns*
   ii. *Effluent collection and storage systems*
   iii. *Manure application to land systems*
   iv. *Carcass disposal system*
   v. *Compost management*
   vi. *Landscaping and building design*
   vii. *Management and maintenance of ground cover where applicable*
   viii. *Dust suppression measures*
   ix. *The keeping of monitoring and maintenance records*
   x. *Performance review process*
   xi. *Any consultation with the local community and the operation of a complaints system*

With the relevant matters of control being:

The Council shall exercise control over:

a) *Any adverse effects from odour, and dust, on surrounding properties;*
b) *All matters covered by the management plan;*
c) *The location of any buildings to avoid, remedy, or mitigate potential adverse odour effects associated with any relocation of the odour emission source to another part of the site;*
d) *Any positive effects;*
e) *Any monitoring or review conditions*

<u>New and expanding (non-controlled activity) intensive farming activities</u>

Restricted Discretionary Activity Rule(s)

It is recommended that the current activity status of restricted discretionary remain for the Proposed District Plan. This is supported by the industry, however with some amendments to the matters for discretion.

The industry has made a suggestion to remove the ability of the district council to consider odour and dust effects if a regional council consent has been granted for the activity. It is considered unnecessary for the district council to make a reassessment of potential odour and dust emissions, removing a duplication of process and making the consent process easier and cheaper for the application.

However, this does create the risk of removing the ability of the district council to decline a consent based on cumulative effects if no dust or odour assessment can be made. The onus would be on the regional and district council to ensure due process under s91 of the Act is followed, which should allow for a cumulative effects assessment to be made by the single decision maker.

If a resource consent from the Regional Council is required, and has not been obtained, then the district council will still have the ability to assess this aspect by requiring an odour and dust assessment report from a suitability qualified independent expert.

Example of potential new rule:

The establishment of a new intensive farm or the expansion of an existing intensive farm that does not meet the previous (controlled) rule shall be a restricted discretionary activity.

With the relevant matters of discretion being:

The Council shall restrict its matters of discretion to:

a) *Any adverse effects from odour and dust on surrounding properties, unless a Certificate of Compliance or Resource Consent has been obtained for the discharges to air;*
b) *The location of buildings to avoid, remedy, or mitigate potential adverse odour effects associated with any relocation of the odour emission source to another part of the site;*
c) *Any positive effects;*
d) *And monitoring or review conditions*

It is relevant to note that for both the controlled and restricted discretionary rules, noise and traffic have been removed out of the matters of control and discretion due to these aspects being covered by their own dedicated rules. If they trigger the general noise and traffic rules then the potential and actual effects will be dealt with at that stage.

<u>Setbacks</u>

There are two aspects to having setback rules, firstly to control the proximity that a sensitive activity can locate near an intensive farm (reverse sensitivity buffer), and secondly a setback to control the proximity of an intensive farm to a sensitive site or residential zone.

There is an argument that is supported by guidance issued by the Ministry for the Environment that the effects created by an activity, should remain confined to their own property. Rules that are permissive of these effects crossing boundaries, and are managed through setbacks may impact on

the ability for a house to be erected on an otherwise complying allotment or prevent further residential expansion of rural townships.

While separation distances do not directly address specific environmental effects, they can be effective in dealing with odour, dust, spraydrift, and noise effects, effects which diminish with distance. Such measures are simple to enforce, keeping compliance costs relatively low. However, separation distances are inflexible and do not take into account the nature of the topography, wind patterns, vegetation or other features that might influence the intensity or spread of the effect. Additionally they do not address how each individual activity is operated. For instance with a piggery, the strength and character of odours discharged from sheds housing the pigs will depend on building temperature, building design and means of ventilation (passive or active), pig population density, type of feed, method of food and water supply, effluent collection and removal system, shed-flushing arrangements, and age of buildings.

Applying a minimum separation distance raises the issue of fairness of constraining the use of land on one property because another activity on adjoining land has not contained its effects. However, as previously explained, some effects should be expected within the rural environment and rural activities should not be overly restricted. Furthermore, they should not be vulnerable from complaints from newly established sensitive activities.

Potential adverse effects arising from such activities typically include odour, noise, dust and an increase in traffic generation. Any separation distance imposed on new 'sensitive' activities would therefore need to represent a buffer that was sufficient to ensure that cross boundary effects were minor, while not to being so excessive in extent as to unreasonably affect the ease of development on adjoining properties.

Currently the District Plan only contains setbacks controlling the proximity of sensitive sites to existing intensive farms, and not the location of intensive farms in relation to sensitive sites. Whereas other plans have setbacks controlling both the location of the intensive farming activity as well as the location of the sensitive site.

In the matter of implementing a setback buffer for newly establish intensive farm activities as recommended by Mr Chilton to act as an extra layer of protection, there may not be a need to implement a setback buffer, as their effect on the surrounding environment will be assessed as part of the resource consent process. Including a rigid setback requirement introduces a broad tool to try deal with a complex effect such as odour and dust which have effects that can vary in extent depend on variables like wind conditions and terrain. If a setback was introduced, any sensitive activity within that setback buffer would be considered as an affected party, regardless of if there is actually an effect on that party. To progress a consent application, affected parties would need to provide

written approval, and if they didn't, the application would progress to a hearing, which would significantly increase the time and cost of consenting this form of activity. This misdiagnoses of an affected party based on the broad assessment of being within a setback is not fair situation and should be avoided. For these reasons this method of control is not recommended.

Options when assessing reverse sensitivity setback buffers are:

Increasing the size of the setback to 400 metres or 500 metres, as per the Ashburton District Plan or Hurunui District Plan respectively. This would increase the area that any effects could dissipate over, potentially reducing the likelihood of an adverse effect on neighbouring sensitive sites, and subsequently any complaints. However, by increasing this buffer, it has the potential to unreasonably restrict rural township growth, and the legitimate residential development of rural blocks. The use of a setback as a trigger point for the requirement of a more detailed assessment is not a favored result as the breach of the setback would automatically mean that the intensive farming operation would be considered an affected party, making any resource consent process more difficult, which shouldn't happen if there no reverse sensitivity effect is likely to occur. As such, increasing the current 300m reverse sensitivity buffer is not recommended.

Another potential option is to decrease or remove the setback buffer. This option is not recommended as it would be contrary to those RPS provisions that promote the rural environment for rural production and seek to avoid reverse sensitivity effects. While there is the potential for reverse sensitivity effects to arise with any setback distance, the likelihood of conflict between incompatible land uses will increase by either reducing or removing the existing 300 metre buffer. On discussions with Council staff, the 300 metre buffer appears to be adequate for its intended purpose. Furthermore, there does not seem to be a push from the industry involved in this process to change this reverse sensitivity buffer.

Given the above options, recommendations and reasoning, it is recommended that the current 300 metre reverse sensitivity buffer remain. It is also recommended that any buffer be measured from the actual consented area for the intensive farm, rather from the entire property on which the activity is occurring. A matter Mr Chilton agrees with. This amendment is to prevent unnecessary restrictions on the development of adjoining land.

Miscellaneous recommendations

A suggestion has been made by the industry that residential dwellings be allowed to be erected within any reverse sensitivity buffer as a permitted activity if the dwelling is to be located on the same property. It is recommended that this allowance be made as the only person being affected by the

erection of a dwelling within the setback buffer is the owner of the property, who is responsible for any effect being caused.

Although not covered within this scope of works, it has been raised that intensive farming units that operate wholly indoors should be able to locate on contaminated land given that the operation will occur on impervious floors. The National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, controls the use of land that has been subjected to contamination. In this regard, consent may be required for the initial disturbance of the soil to erect the building, but as the soil has been 'capped' by the flooring, no risk should be posed by raising stock within the building.

Appendices

Appendix A: Selwyn District Plan Relevant Intensive Farming and Sensitive Activity Building Position Objectives, Policies, and Rules.

Objectives & Policies

Township Volume

Objective B3.4.1 - The District's townships are pleasant places to live and work in.

Objective B3.4.2 - A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.

Objective B3.4.3 - "Reverse sensitivity" effects between activities are avoided.

Policy B3.4.2 - To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.

Policy B3.4.8 - To recognise parts of the Rural zone around a township as an alternative area to locate certain activities which cannot locate in Living zones due to adverse effects, and there is no appropriate Business zone

Policy B3.4.9 - Where an existing activity, which is not a permitted activity in a zone, applies for a resource consent to alter or expand, consider the effects of the change in the activity on the character, quality of the environment and amenity values of the zone.

Policy B3.4.10 - Ensure noise in all zones does not adversely affect the health or well-being of people.

Policy B3.4.12 - Avoid night lighting and, where practical, glare from reflections shining directly into adjoining sites, in all zones.

Policy B3.4.14 - Avoid nuisance effects caused by dust from stockpiled material or construction work in Living or Business zones.

Policy B3.4.37 - Avoid establishing activities in Business 2, 2A and 2B Zones or the Business 3 Zone at Lincoln, which are likely to be sensitive to the effects of other activities in the zone, unless any potential for 'reverse sensitivity' effects will be minor.

Policy B3.4.39 - Avoid rezoning land for new residential development adjoining or near to existing activities which are likely to be incompatible with residential activities, unless any potential 'reverse sensitivity' effects will be avoided, remedied or mitigated.

Rural Volume

Objective B1.1.1 - Adverse effects of activities on the District's land and soil resources are avoided, remedied or mitigated.

Policy B1.1.6 - Encourage initiatives by Environment Canterbury and landowners to reduce the adverse effects of activities on soil structure and soil erosion.

Objective B3.4.1 - The District's rural area is a pleasant place to live and work in.

Objective B3.4.2 - A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Policy B3.4.1 - Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

Policy B3.4.3 - Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.

Policy B3.4.6 - Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.

Policy B3.4.11 - Avoid night lighting shining directly into houses, other than a house located on the same site as the activity, or from vehicles using roads in the District.

Policy B3.4.13 - Recognise temporary noise associated with short-term, seasonal activities as part of the rural environment, but ensure continuous or regular noise is at a level which does not disturb people indoors on adjoining properties.

Policy B3.4.16 - Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks, or stockpiled material.

Policy B3.4.20 - Ensure new or upgraded road infrastructure and new or expanding activities, which may have adverse effects on surrounding properties, are located and managed to mitigate these potential effects.

Policy B3.4.21 - Protect existing lawfully established activities in the Rural zone from potential for reverse sensitivity effects with other activities which propose to establish in close proximity.

Policy B3.4.22 - Provide for the establishment of rural residential activities within the Greater Christchurch area covered by Chapter 6 of the Canterbury Regional Policy Statement only in locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014 to reduce the risk of potentially adverse reverse sensitivity effects on the productive function of rural zoned land, strategic infrastructure and on established education and research facilities.

Rules

Rule 9.10 Activities and Intensive Livestock Farming

Controlled Activities — Activities and Intensive Livestock Farming

Expansion of Existing Intensive Piggery Production Activity

9.10.1 The expansion of any existing intensive piggery production activity shall be a controlled activity if all of the following standards and terms are met:

> 9.10.1.1 That the applicant has obtained an air discharge consent or if no consent is required a Certificate of Compliance from the Canterbury Regional Council, covering the discharge of odour from the proposed expanded piggery.
>
> 9.10.1.2 The proposed expansion would result in a nil increase in overall odour emission rate from the site. The applicant shall provide an assessment from a suitably qualified expert which demonstrates the nil increase in overall odour emission rate from the site. The assessment shall consider relevant New Zealand and international odour emission rate information and research for the piggery industry. The Council may appoint its own suitably qualified expert (the expert is to be agreed to with the applicant) to peer review the assessment provided by the applicant to confirm compliance with this standard.
>
> 9.10.1.3 The increase in the number of stock pig units (SPUs) shall not exceed 50% of the existing SPUs, where SPU is to be calculated from existing stock numbers as per Table C9.1 below.
> Table C9.1 - Standard SPU multipliers for different classes of pig

	Definition	SPU Factor
Gilt	24-30 weeks	1.8
Boar	100-300kg	1.6
Gestating sow	160-230kg	1.6
Lactating sow	160-230kg	2.5
Sucker	0-4 weeks	0.1
Weaner	4-10 weeks	0.5
Grower	10-16 weeks	1
Finisher	16-24 weeks	1.6
Heavy Finisher	Over 24 weeks	1.8

9.10.1.4 The applicant has prepared a management plan to deal with activities that have the potential to produce an offensive or objectionable odour. This management plan shall address the following:

(a) Management of shed
(b) Effluent collection and storage systems
(c) Manure application to land systems
(d) Carcass disposal system
(e) Landscaping and building design
(f) The keeping of monitoring and maintenance records
(g) Performance review process
(h) Any consultation with the local community and the operation of a complaints system.

9.10.2 In considering any application for a resource consent under Rule 9.10.1 the Council shall, in granting consent and in deciding whether to impose conditions, exercise its control over the following matters:

9.10.2.1 Any adverse effects from odour, dust, noise or traffic on surrounding properties;

9.10.2.2 The effectiveness of any proposed mitigation measures incorporated into the management plan to address potential adverse effects;

9.10.2.3 The location of buildings to avoid, remedy or mitigate potential adverse odour effect associated with any relocation of the odour emission source to another part of the site;

9.10.2.4 Any positive effects which may offset any adverse effects;

9.10.2.5 Any monitoring or review conditions.

Restricted Discretionary Activities — Activities and Intensive Livestock Farming

9.10.3 The establishment of any new site for intensive livestock production or the expansion of any existing intensive livestock production activity shall be a restricted discretionary activity, unless it is a controlled activity under Rule 9.10.1.

9.10.4 Under Rule 9.10.3 the Council shall restrict its discretion to consideration of:

9.10.4.1 Any adverse effects from odour, dust, noise or traffic on surrounding properties;

9.10.4.2 The effectiveness of any proposed mitigation measures to address potential adverse effects;

9.10.4.3 Any positive effects which may offset any adverse effects; and

9.10.4.4 Any monitoring or review conditions.

Rule 3.13 Buildings and Building Position

Permitted Activities — Buildings and Building Position

3.13.1.5 Any sensitive activity is setback a minimum distance of 300m from any existing lawfully established intensive farming activity, except for any sensitive activity located in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 where a setback of a minimum distance of 150m from the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 is required.

The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive farming activity occurs or is permitted by a rule in the Plan (or a resource consent) to the position of the new sensitive activity.

Restricted Discretionary Activities — Buildings and Building Position

3.13.2 Any sensitive activity which does not comply with Rule 3.13.1.5 shall be a restricted discretionary activity.

3.13.3 Under Rule 3.13.2 the Council shall restrict its discretion to consideration of:

3.13.3.1 The potential for reverse sensitivity effects on the existing intensive farming activity;

3.13.3.2 The effectiveness of any proposed mitigation measures to address potential reverse sensitivity effects;

3.13.3.3 Any positive effects which may offset any adverse effects; and

3.13.3.4 Any monitoring or review conditions

Appendix B: Provisions in the Christchurch District Plan

17.2.1.1 Objective - The rural environment

1. Subdivision, use and development of rural land that:
    1. supports, maintains and, where appropriate, enhances the function, character and amenity values of the rural environment and, in particular, the potential contribution of rural productive activities to the economy and wellbeing of the Christchurch District;
    2. avoids significant, and remedies or mitigates other reverse sensitivity effects on rural productive activities and natural hazard mitigation works;
    3. maintains a contrast to the urban environment; and
    4. maintains and enhances the distinctive character and amenity values of Banks Peninsula and the Port Hills, including indigenous biodiversity, Ngāi Tahu cultural values, open space, natural features and landscapes, and coastal environment values.

17.2.2.1 Policy - Range of activities on rural land

1. Provide for the economic development potential of rural land by enabling a range of activities that:
    1. have a direct relationship with, or are dependent on, the rural resource, rural productive activity or sea-based aquaculture;
    2. have a functional, technical or operational necessity for a rural location; or
    3. recognise the historic and contemporary relationship of Ngai Tahu with land and water resources; and
    4. represent an efficient use of natural resources.

17.2.2.2 Policy - Effects of activities utilising the rural resource

1. Ensure that activities utilising the rural resource avoid significant adverse effects on areas of important natural resources and avoid, remedy or mitigate other adverse effects on rural character and amenity values.

17.2.2.3 Policy - Contributing elements to rural character and amenity values

1. Recognise that rural character and amenity values vary across the Christchurch District resulting from the combination of natural and physical resources present, including the location and extent of established and permitted activities.
2. Recognise that the elements that characterise an area as rural, from which desired amenity is derived, include the predominance of:

1. a landscape dominated by openness and vegetation;
2. significant visual separation between residential buildings on neighbouring properties;
3. where appropriate, buildings integrated into a predominantly natural setting; and
4. natural character elements of waterways, water bodies, indigenous vegetation and natural landforms, including the coastal environment where relevant.

3. Recognise that rural productive activities in rural areas can produce noise, odour, dust and traffic consistent with a rural working environment, including farming, plantation forestry and quarrying activities, that may be noticeable to residents and visitors in rural areas.

17.2.2.4 Policy - Function of rural areas

1. Ensure the nature, scale and intensity of subdivision, use and development recognise the different natural and physical resources, character and amenity values, conservation values and Ngāi Tahu values of rural land in the Christchurch District, including:
    1. the rural productive activities, recreation activities, rural tourism activities and conservation activities on Banks Peninsula and their integrated management with maintaining and enhancing landscape, coastal and indigenous biodiversity values;
    2. the rural productive activities and recreation activities in the rural flat land area surrounding the main Christchurch urban area;
    3. the flood management and groundwater recharge functions adjoining the Waimakariri River;
    4. the open character and natural appearance of the rural Port Hills which maintain distinct urban/rural boundaries
    5. the re-use of the site of the former Templeton Hospital;
    6. the historic and contemporary cultural landscapes, sites of Ngāi Tahu cultural significance and the use of land and water resources for mahinga kai; and
    7. the conservation activities undertaken within the Peacock Springs Conservation Area.

17.2.2.5 Policy - Establishment of industrial and commercial activities

1. Avoid the establishment of industrial and commercial activities that are not dependent on or directly related to the rural resource unless they:
    1. have a strategic or operational need to locate on rural land; or
    2. provide significant benefits through utilisation of existing physical infrastructure; and

3. avoid significant, and remedy or mitigate other, reverse sensitivity effects on rural productive activities;
4. will not result in a proliferation of associated activities that are not reliant on the rural resource; and
5. will not have significant adverse effects on rural character and amenity values of the local environment or will not cause adverse effects that cannot be avoided, remedied or mitigated.

17.2.2.7 Policy - Density and distribution of residential units

1. Ensure a density and distribution of residential units that:
    1. maintains and enhances the working function of the rural environment;
    2. supports a consolidated urban form, including that of small settlements;
    3. maintains the predominance of larger sites and abundant open space;
    4. supports amalgamation of multiple small sites;
    5. avoids creating new sites less than 4ha;
    6. avoids the expectation of land use change of rural land to urban activities or for rural residential development;
    7. avoids reverse sensitivity effects on strategic infrastructure and rural productive activities; and
    8. retains a low density of built form with a high degree of openness appropriate to the surrounding environment.

17.2.2.10 Policy - Separation of incompatible activities

1. Ensure the design and location of new habitable buildings achieve adequate separation distances or adopt other on-site mitigation methods, including acoustic insulation, to mitigate potential reverse sensitivity effects with lawfully established rural productive activities;
2. Ensure adequate separation distances between new plantation forestry, intensive farming and quarrying activity and incompatible activities are maintained.
3. Protect strategic infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities on rural land by:
    1. avoiding noise sensitive activities and managing the density of residential units within the 50dB Ldn Air Noise Contour and the 50dB Ldn Engine Testing Contour to take into account the impacts of the operation of Christchurch International Airport;
    2. avoiding buildings, structures, new quarrying activity, and sensitive activities on rural land that may compromise the National Grid within an identified buffer corridor; and

3. avoiding vegetation that may result in shading of and buildings in close proximity to the strategic transport network.
4. avoiding new quarrying activity that would have adverse effects on established Radio New Zealand infrastructure

Matters of discretion

17.11.2.3 Intensive farming, equestrian facilities and boarding of domestic animals

1. The extent to which the proposal takes into account:
    1. the number and type of animals;
    2. building design, including soundproofing and ventilation;
    3. effluent management and disposal;
    4. prevailing climatic conditions and topography of the site and surrounding area that may affect odour and noise generation;
    5. existing and proposed landscaping;
    6. the frequency and nature of management and supervision; and
    7. the sensitivity of the receiving environment.
2. The extent to which the scale of the operation and location of associated building/s maintain rural character and amenity values, including relevant zone built form standards.
3. The extent to which buildings, compounds or part of a site used for animals are sufficiently designed and located or separated from sensitive activities, residential activities, identified building areas and residential zone boundaries to avoid adverse effects on residents.
4. The effects of the hours of operation and public visiting the site on the surrounding environment.
5. Any other mitigation proposed including visual screening.
6. For intensive farming located in the Birdstrike Management Area (within 3 km of the thresholds of the runways at Christchurch International Airport) as shown in Appendix 6.11.7.5:
    1. the scale and significance of birdstrike risk likely to be created at the location proposed.
    2. Mitigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and/or monitoring.

Appendix C: Provisions in the Ashburton District Plan

Objectives and Policies:

Objective 3.1: Rural Primary Production

To enable primary production to function efficiently and effectively in the Rural A and B Zones, through the protection and use of highly versatile and/or productive soils and the management of potential adverse effects.

Policy 3.1A
Provide for the continued productive use through farming activities and protection of highly productive and/or versatile soils, and their associated irrigation resources, by ensuring that such land is not developed for intensive residential activity and/or non-rural activities and the extent of coverage by structures or hard surfaces is limited.

Policy 3.1C
Avoid the establishment or expansion of intensive farming or other rural activities in close proximity to settlement boundaries and residential activities; to manage any adverse effects created by such activities for example noise, odour and dust.

Policy 3.1D
Avoid the establishment of residential activities or the expansion of urban boundaries in close proximity to intensive farming or other rural activities, to manage reverse sensitivity effects that can be created by such activities i.e. noise, odour and dust.

Rules:

3.10.2 Setback of Residential Units from Intensive Farming Activities and similar activities
a) The minimum setback for new residential units from the following activities shall be 400m:

- existing feedpads;
- existing dairy/milking sheds;
- existing buildings designed and/or used for the housing and/or shelter stock;
- existing buildings designed and/or used for any intensive farming activity; and
- existing areas used for farm-related effluent storage or disposal.

Note: The standard does not apply to buildings on the same site.

3.10.3 Setback of Buildings from Residential Units
a) The following activities shall be setback at least 400m from existing residential units on a site held in a separate title:

- feedpads;
- dairy/milking sheds;
- buildings (over 100m² in area) designed and/or used for the housing and/or shelter of stock;
- buildings designed and/or used for any intensive farming activity;

- areas used for farm-related effluent storage or disposal.

Note: The standard does not apply to buildings on the same site

3.10.7 Intensive Farming and Disposal or Storage of Effluent

a) There shall be no intensive farming and/or disposal or storage of any farm-related effluent:

- within 1500m of Residential A, B and C Zones and/or
- within 1200m of the Residential D Zone and/or
- within 20 metres of any water body or an Area of Significant Nature Conservation Value.

The relevant matters of discretion to an intensive farming activity include the following:

- Building coverage
- Building height
- Setback from the road
- Setback from neighbours
- Setback from quarries
- Setback from stopbanks
- Flood risk
- Indigenous vegetation clearance
- Tree planting, earthworks, deposition of clean fill and buildings
- Riparian management

Appendix D: Provisions in the Waimakariri District Plan

Objectives and Policies:

Objective 14.1.1
Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:
a. the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;
b. separation between dwellinghouses to maintain privacy and a sense of openness;
c. a dwellinghouse clustered with ancillary buildings and structures on the same site;
d. farm buildings and structures close to lot boundaries including roads;
e. generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;
f. clean air –but with some significant short term and/or seasonal smells associated with farming activities; and
g. limited signage in the Rural Zone

Policy 14.1.1.1
Avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.

Policy 14.1.1.2
Maintain the continued domination of the Rural Zones by intensive and extensive agricultural, pastoral and horticultural land use activities.

Policy 14.1.1.3
Maintain and enhance the environmental qualities such as natural features, air and noise levels, including limited signage and rural retail activities that contribute to the distinctive character of the Rural Zones, consistent with a rural working environment.

Rules:

31.17 – Permitted activity

Conditions:
31.17.1.1 The notional boundary of any dwellinghouse shall be set back from any established intensive farming activity, except for any intensive farming activity on the same site or in the same

ownership or within the Residential 4A Zone, Bradleys Road, Ohoka, identified on District Plan Map 169, in accordance with Table 31.4.

31.17.1.2 Any intensive farming activity shall be set back from the Mapleham Rural 4B Zone or any Residential Zone and the notional boundary of any legally constructed dwellinghouse except for any dwellinghouse on the same site or in the same ownership, in accordance with Table 31.4.

31.17.1.3
Distances from any intensive farming activity shall be measured from the edge of any permanent building, enclosure or yard in which animals or poultry are held, or in which any compost is produced, stored or used.

31.17.1.4
Compliance with the separation distances as set out in Table 31.4 shall be met for all new dwellinghouses, located within 750 metres of a piggery, 300m of a poultry operation or 100 metres of a cattle operation, from intensive farming operations detailed in the Council's 'Intensive Farming Operation' database

Table 31.4: Separation Distances Between Intensive Farming Activities, and Dwellinghouses or the Residential Zones/Mapleham Rural 4B Zone

Intensive Farming Activity	Units of Production (see Chapter 1: Definitions)	Separation Distance from the Notional Boundary of any Dwellinghouse or Residential Zone/Mapleham Rural 4B Zone (m)
Piggery (P value)	150 to 500	200m
	501 to 3000	500m, or unit of production to the nearest 50 x 0.25m, whichever is the greater, to a maximum of 750 metres
Poultry – including egg and broiler production (number of birds)	500+	300m
Cattle (number)	50 to 100	100m

Matters of discretion

In considering any application for a resource consent under Rule 31.19.3, the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

i. conditions for permitted activities (Rule 31.17.1);
ii. management practices, and design and siting of building, structures and landscaping to mitigate anticipated environmental effects;
iii. effects on the characteristics of adjoining zones as set out in Objective 14.1.1 and Policies 12.1.1.5, 12.1.2.1 to 12.1.2.3,16.1.1.1,16,1.1.3, 16.1.1.5 and 17.1.1.1;
iv. effects on the characteristics of the zone within which the activity occurs as set out in Objective 14.1.1 and Policies 12.1.1.5, 12.1.2.1 to 12.1.2.3, 16.1.1.1, 16,1.1.3, 16.1.1.5 and 17.1.1.1;
v. effects on surface and groundwater quality;
vi. land use in the surrounding area;
vii. provision of esplanades;
viii. effects arising from localised flooding;
ix. effects on wahi taonga and mahinga kai; and
x. reverse sensitivity effects.

Appendix E: Provisions in the Hurunui District Plans

Operative

A1.2.4 Separation distances between residential & intensive farming activities
Note: Refer to Section D for the definition of 'intensive farming'

(a) No new residential activity, minor dwelling unit or visitor accommodation sited on an adjoining property other than new residential activity or visitor accommodation within the property on which the intensive farming activity is located, may be established within 500m of the boundary of a site which has an intensive farming activity listed in Appendix A1, "Schedule of Intensive Farming".
(b) No intensive farming activity may be established less than 500m from the boundary of a residential or open space zone or from the boundary of a site which has an existing residential activity or visitor accommodation other than an existing residential activity or visitor accommodation within the property on which the intensive farming activity is proposed.

Note: Residential and open space zones are located within Section B1 – Urban Areas

Proposed

Objectives and Policies:

Objective 3.2
Rural areas are managed so that primary production activities are able to be carried out efficiently and effectively

Policy 3.1
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

Policy 3.5
To enable a variety of activities to occur within rural areas while managing adverse effects on character and amenity values by seeking that the scale and siting of development:

1. Maintains a dominance of open space and plantings over buildings, especially when viewed from public places such as roads;
2. Maintains privacy and rural outlook for residential activities;
3. Protects access to light for sensitive activities and primary production

4. Achieves an appropriate level of compatibility with existing development within the surrounding area
5. Avoids unduly affecting the amenity of existing sensitive activities being exposed to noise and adverse light emissions at night; and
6. Avoids, mitigates or remedies adverse visual effects if sited on prominent ridges or immediately adjacent to strategic arterial roads, district arterial roads and collector roads, or to Lake Sumner Road
7. Is appropriate to the location, including recognising the need for activities reliant on a natural resource to be located where the resource is available.

Policy 3.6
To manage potential conflict between incompatible activities in the rural environment so that:

1. Residential and other sensitive activities are located away from incompatible rural, and rural based industrial activities and other activities that have a functional or locational need to locate in the Rural Zone;
2. The continued use and development of existing primary production activities, rural based industrial activities and other activities that have a functional or locational need to locate in the Rural Zone are not unreasonably inhibited by the establishment of new sensitive activities; and
3. The location of activities likely to generate effects beyond the property boundary are controlled.

Rules:

4. Separation distances for sensitive activities
(a) No new sensitive activity may be established within 500 m of the operational area of a lawfully established mineral extraction activity or where an existing intensive farming activity is situated or 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 activity is located.

(c) No new sensitive activity may be established within 2000 metres of an existing or consented commercial scale energy activity.

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

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

Appendix F: Rule Provisions in the Canterbury Air Regional Plan

7.65 The discharge of contaminants into air from *intensive poultry farming*, *intensive pig farming* or mushroom farming that was established at a permanent location on or before 1 June 2002, and where the CRC did not require a resource consent for the discharge of contaminants into air from that activity on or before 1 June 2002, is a permitted activity provided the following conditions are met:

1A The discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with Schedule 2; and

1. From 1 June 2002 there has been no increase in the scale of the farming activity.

7.66 The discharge of contaminants into air from *intensive poultry farming*, *intensive pig farming* or mushroom farming, established prior to 1 June 2002 and that does not comply with condition 1 of Rule 7.65 is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The quantity, quality and type of the discharge into air and any effects arising from that discharge, including cumulative effects; and
2. The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including the odour and/or dust management plan; and
3. The location of the discharge, including proximity to sensitive activities; and
4. The efficient use and development of the physical resources of the existing farm; and
5. The matters set out in Rule 7.2; and

6 Any effect on the environment of not meeting the condition or conditions of the particular rule contravened; and

7 Whether the conditions of the rule, when considered as a package, remain effective; and

8 Mitigation methods available to minimise any actual or potential environmental effects on the efficacy of the package of conditions.

7.67 The discharge of contaminants into air from *intensive poultry farming*, established on or after 1 June 2002 where the discharge is located at least 200m from a *sensitive activity* is a restricted discretionary activity provided the following condition is met:

1A The discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with Schedule 2.

The exercise of discretion is restricted to the following matters:

1. The quantity, quality and type of discharge and any effects arising from that discharge, including cumulative effects; and
2. The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including the odour and/or dust management plan; and

3. The location of the discharge, including proximity to sensitive activities, wāhi tapu, wāhi taonga or sites places of significance to Ngāi Tahu; and
4. The matters set out in Rule 7.2; and
5. Any effect on the environment of not meeting the condition or conditions of the particular rule contravened; and
6. Whether the conditions of the rule, when considered as a package, remain effective; and
7. Mitigation methods available to minimise any actual or potential environmental effects on the efficacy of the package of conditions.

7.68 The discharge of contaminants into air from *intensive poultry farming* established on or after 1 June 2002 where the discharged is located less than 200m from a *sensitive activity* is a discretionary activity provided the following condition is met:

1A The discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with Schedule 2.

7.69 The discharge of contaminants into air from *intensive pig farming*, established on or after 1 June 2002, is a restricted discretionary activity provided the following condition is met.:

1A The discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with Schedule 2.

The exercise of discretion is restricted to the following matters:

1. The quantity, quality and type of the discharge into air and any effects arising from that discharge, including cumulative effects; and
2. The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including the odour and/or dust management plan; and
3. The location of the discharge, including proximity to sensitive activities, wāhi tapu, wāhi taonga or places of significance to Ngāi Tahu; and
4. The matters set out in Rule 7.2; and
5. Any effect on the environment of not meeting the condition or conditions of the particular rule contravened; and
6. Whether the conditions of the rule, when considered as a package, remain effective; and
7. Mitigation methods available to minimise any actual or potential environmental effects on the efficacy of the package of conditions.

7.70 The discharge of contaminants into air, the accommodation of more than 30 cattle (excluding calves) in a barn or other roofed structure, whether enclosed or not, is a permitted activity provided the following conditions are met:

1A. The discharge does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin, when assessed in accordance with Schedule 2; and

1. The discharge is located:

(a) at least 200m from the *property* boundary; and
(b) 500m from a *sensitive activity* on another *property*; and
(c) 1000m from any land zoned for urban residential use at the date the discharge commenced; or

2. Where the discharge does not comply with condition 1:
(a) the discharge was existing on the 28th of February 2015; and
(b) a record of the number of cattle housed in that structure as at 28th February 2015 is provided to the CRC on request; and
(c) where the number of cattle has increased compared to the number of cattle present prior to 28 February 2015; an odour management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air.

7.71 The discharge of contaminants into air from, the accommodation of more than 30 cattle (excluding calves) in a barn or other roofed structure, whether enclosed or not, that does not comply with conditions 1 or 2 of Rule 7.70 is a restricted discretionary activity.
The exercise of discretion is restricted to the following matters:

1. The quantity, quality and type of discharge into air and any effects arising from that discharge, including cumulative effects; and
2. The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including plant and equipment; and
3. The quality of, compliance with and auditing of any Odour Management Plan; and
4. The location of the discharge, including proximity to sensitive activities, wāhi tapu, wāhi taonga or places of significance to Ngāi Tahu; and
5. The matters set out in Rule 7.2; and
6. Any effect on the environment of not meeting the condition or conditions of the particular rule contravened; and
7. Whether the conditions of the rule, when considered as a package, remain effective; and
8. Mitigation methods available to minimise any actual or potential environmental effects on the efficacy of the package of conditions.

7.72 The discharge of contaminants into air from mushroom farming, established after 1 June 2002, is a restricted discretionary activity provided the following condition is met.:

1A The discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the *property* of origin when assessed in accordance with Schedule 2.

The exercise of discretion is restricted to the following matters:

1. The quantity, quality and type of the discharge into air and any effects arising from that discharge, including cumulative effects; and
2. The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including the odour and/or dust management plan; and

3. The location of the discharge, including proximity to sensitive activities, wāhi tapu, wāhi taonga or places of significance to Ngāi Tahu; and
4. Any effect on the environment of not meeting the condition or conditions of the particular rule contravened; and
5. Whether the conditions of the rule, when considered as a package, remain effective; and
6. Mitigation methods available to minimise any actual or potential environmental effects on the efficacy of the package of conditions.

Definitions:

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.

Free range poultry farming
means the keeping, rearing or breeding of poultry, whether for the purpose of production of poultry for human consumption or for the purpose of egg production, 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.

Intensive pig farming
means the keeping, rearing or breeding for any purpose of more than 25 pigs that have been weaned, or more than six sows, where the predominant productive processes are carried out within buildings or closely fenced outdoor runs or where the stocking density precludes the permanent maintenance of or vegetation cover but excludes extensive pig farming.

Intensive poultry farming
means the keeping, rearing or breeding of 10,000 or more birds, whether for the purpose of the production of poultry for human consumption or for the purpose of egg production, where the predominant productive processes are carried out primarily within buildings, and includes (but is not limited to) intensive breeder poultry farming, intensive rearer poultry farming, intensive broiler poultry farming and intensive layer poultry farming, but excludes free range poultry farming and hatcheries.

Appendix G: Rule Provisions in the Canterbury Land and Water Regional Plan

Definitions:

Land Water Regional Plan

Intensively farmed stock means:

1. cattle or deer grazed on irrigated land or contained for break-feeding of winter feed crops;
2. dairy cattle, including cows, whether dry or milking, and whether on irrigated land or not; or
3. farmed pigs.

Appendix H: List of Potential Intensive Livestock Production Activities in the Selwyn District.

Type	Location	Resource Consent	Zone
Piggery	174 Cryers and Jollies Road, Southbridge	R301315, 13/01/95	Outer Plains
Piggery	198 Cryers and Jolies Road, Southbridge	R3000013, 25/03/92	Outer Plains
Poultry	375 Lower Lake Road, Leeston	Building permits only	Outer Plains
Piggery	543 & 559 Drain Road, Doyleston	Building permits only	Outer Plains
Poultry	298 Burts Road, Leeston	Building permits only	Outer Plains
Piggery	(596) NE crn Leeston Dunsandel Road/ Drain Rd, Leeston	095031, 09/06/09	Outer Plains
Piggery	820 Irwell Rakaia Road, Leeston	R303218, 09/04/98	Outer Plains
Piggery	482 Glasseys Road, Dunsandel	R307043, 05/11/04	Outer Plains
Piggery	382 Knyvetts Road, Dunsandel	R304944, 03/07/01	Outer Plains
Calves	226 Northbank Road, Rakaia	R307299, 03/08/05	Outer Plains
Piggery	134 Sandersons Road, Leeston	Building permits only	Outer Plains
Piggery	372 Irvines Road, Dunsandel	125225, 31/07/12. R304165, 26/11/99.	Outer Plains
Poultry	675 Days Road	095312, 10/02/10.	Outer Plains
Poultry	2 Carters Road, Lincoln	075040, 26/01/12. R300343, 04/11/92. R301009, 21/06/94.	Inner Plains
Piggery	642 Tai Tapu Road	R301180, 01/12/94.	Inner Plains
Poultry	292 Collins Road, Lincoln	R306874, 30/06/05. R306375, 21/11/03	Outer Plains
Poultry	63 Springston Rolleston Road, Springston	155569, 24/12/15. 115351, 12/12/11, R304599, 20/10/00. R301587, 01/08/95	Inner Plains
Poultry	483 Selwyn road	R303714, 23/03/99. R301371, 30/01/95	Inner Plains
Poultry	160 Birchs Road, Prebbleton	Building permits only	Inner Plains
Poultry	262 Marshs Road, Prebbleton	R303184, 17/03/98. R301619, 31/05/95	Inner Plains
Poultry	516-518 Shands Road	Building permits only	Inner Plains
Poultry	58 Selwyn Road, 7676	Building permits only	Inner Plains
Poultry	660 Robinson Road, 7678	R301138, 29/11/94	Inner Plains
Poultry	162 Selwyn Road, 7678	R306894, 10/08/04. R305919, 13/02/03. R304419, 23/08/00. R303346, 13/07/98. R303275, 14/04/98. R302816, 29/08/97. R301608, 30/05/95. 075037, 02/05/07.	Inner Plains
Poultry	82 Bellam Road, Broadfield	R305493, 06/05/02. R303732, 17/01/00. R301172, 06/10/94.	Inner Plains
Poultry	969 Waterholes Road, 7378	R303910, 23/07/99	Inner Plains
Poultry	21 Manion Road	Building permits only	Inner Plains
Poultry	1308 Main South Road	155545, 10/11/15. 155163, 14/05/15. R305488, 17/05/02. R303660, 24/03/99. 075246, 03/09/07. 075388, 02/10/07.	Inner Plains
Poultry	243 Dunns Crossing Road	R303895, 05/07/99	Outer Plains

Piggery	270 Burnham Road, Burnham	R305245, 18/12/01	Outer Plains
Piggery	542 Burnham School Road, Burnham	Building permits only	Outer Plains
Poultry	90 Thomsons Road, Burnham	125218, 20/08/12. R305694, 21/02/03. 075294, 31/07/07.	Outer Plains
Piggery	2282 Tramway Road, Sheffield	155117, 04/07/16. 165001, 04/07/16. 115215, 19/09/11. R304516, 26/07/00. R306207, 21/07/03.	Outer Plains
Piggery	84 Roecombe Road, Sheffield	R305393, 27/02/02. R306388, 13/10/03. R307584, 22/12/05.	Outer Plains
Piggery	36 Thwaites Road, Hororata	R300265, 16/07/92.	Outer Plains
Piggery	2427 & 2443 Bealey Road, Hororata	Building permits only	Outer Plains
Piggery	623 Saunders Road, Hororata	095099, 20/11/12. R300697, 26/10/93. R307000, 18/10/04.	Outer Plains
Poultry	678 Ardlui Road	R305680, 07/03/03.	Outer Plains
Piggery	715 Mitchells Road	Building permits only	Outer Plains
Piggery	28 Essendon, Greendale	R305870, 14/05/03	Outer Plains
Poultry	151 Hororata Dunsandel Road, Dunsandel	R305453, 02/05/02.	Outer Plains
Poultry	15 Horndon Street, Darfield	R305087, 17/09/01. R300344, 23/10/92, R307805, 19/12/05.	Business 2
Piggery	2208 Old West Coast road	R303394, 21/12/99	Outer Plains
Poultry	71 Tramway road, Kirwee	R305421, 20/05/02	Outer Plains
Poultry	51 Tramway Road, Kirwee	R304171, 14/12/99. R300007, 31/03/94.	Outer Plains
Poultry	2214 West Coast Road	R305435, 12/04/02. R304029, 02/03/00. R301079, 16/06/95.	Outer Plains
Piggery	2204 West Coast Road	Building permits only	Outer Plains
Piggery	125 Bealey Road, Darfield	R306114, 16/05/03.	Outer Plains
Poultry	908 Two Chain Road, 7677	R304628, 13/10/00. R301398, 03/03/95.	Outer Plains
Piggery	68 Sandy Knolls Road	R306000, 21/10/03.	Outer Plains
Poultry	450 Two Chain Road	105374, 24/12/10. R305975, 21/07/04. R305031, 02/08/01. R303499, 10/11/98. R306169, 21/07/03. R306338, 29/09/03.	Inner Plains
Piggery	182 Kerrs Road	R304894, 28/06/01.	Inner Plains
Piggery	522 Hoskyns Road	R302304, 09/06/98.	Inner Plains
Poultry	61 Stackhouse Road, 7671	125428, 17/01/13.	Inner Plains
Poultry	929 Old West Coast Road, 7671	R307064, 18/11/04. 095219, 03/09/09.	Inner Plains
Poultry	924 Weedons ross Road, 7671	R307618, 19/09/05.	Inner Plains
Piggery	237 Jowers Road, 7676	Building permits only	Inner Plains
Piggery	2/636 Newtons Road	065127, 11/04/06. R300096, 16/12/91.	Inner Plains
Poultry	586 Weedons Ross Road, 7676	115191, 29/07/11. R305095, 01/08/06. R301973, 12/01/96. R300581, 16/12/93.	Inner Plains
Poultry	461 Dawsons Road, 7676	R305072, 03/09/01. R303725, 13/12/99. R301586, 23/05/95	Inner Plains
Poultry	285 Dawsons Road, 7676	075044, 06/06/07. R305145, 20/12/01. 065221, 20/09/06	Inner Plains
Poultry	383 Newtons Road, 7675	135682, 11/02/14. R304224, 15/05/00. R301068, 31/08/94.	Inner Plains

Poultry	592 Maddisons Road, 7675	Building permits only	Inner Plains
Piggery	218 Knights Road	Building permits only	Inner Plains
Poultry	78 Weedons Ross Road, 7675	125021, 03/05/12. 065352	Inner Plains
Piggery	524 Jones Road, Rolleston	Building permits only	Inner Plains
Piggery	528 Jones Road, Rolleston	R305508, 06/09/02. 065154, 14/08/06.	Inner Plains
Poultry	661 Maddisons Road, 7675	155721, 19/02/16	Inner Plains
Poultry	35 McClelland Road, Weedons	R303589, 18/12/98. R300331, 27/11/92.	Inner Plains
Poultry	87 Alston road, Weedons	R305262, 11/03/02.	Inner Plains
Poultry	125 Alston Road, Weedons	115141, 14/07/11. R305262, 11/03/02.	Inner Plains
Poultry	145 Alston Road, Weedons	R305249, 04/12/01. R305177, 12/11/01. R301790, 14/08/95. R306639, 23/03/04.	Inner Plains
Poultry	439 Maddisons Road, 7675	145166, 09/04/14. R304786, 13/02/01. R300462, 10/02/93.	Inner Plains
Poultry	1735 Wards Road	175350, 20/07/17	Outer Plains
Calves	5635 West Coast Road, Springfield	RC165318 was applied for but not required	Outer Plains
Piggery	Kerrs Road	165259, 11/07/16	Outer Plains
Poultry	168 Southbridge Dunsandel Road	135012, 23/01/14	Outer Plains
Ostrich	902 Leeston Dunsandel Road	R305394, 07/05/02	Outer Plains
Poultry	Kings Road	R304216, 08/03/00	Outer Plains
Poultry	227 Langdales Road	R302570, 18/04/97	Inner Plains
Piggery	Drain Road	R302265, 20/06/96	Outer Plains
Poultry	108 Dunns Crossing Road	R301938, 21/09/95	Inner Plains
Poultry	556 Glasseys Road, Dunsandel	155589	Outer Plains
Poultry	736 Tramway Road, Darfield	165147	Outer Plains
Poultry	177 Grange Road, Burnham	165127	Outer Plains
Poultry	270 Hollands road, Greendale	145536	Outer Plains
Piggery	28 Thomsons Road, burnham	125415, 165108	Inner Plains

Appendix I: Relevant Provisions of the Canterbury Regional Policy Statement

Objective 5.2.1 Location, design and function of development (Entire Region)

2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:

(e) enables rural activities that support the rural environment including primary production;

Policy 5.3.2 Development conditions (Wider Region)

To enable development including regionally significant infrastructure which:

1. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose :

(c) the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land;

2. avoid or mitigate:

(b) reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas;

Policy 5.3.12 Rural production (Wider Region)

Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:

1. avoiding development, and/or fragmentation which;

(a) forecloses the ability to make appropriate use of that land for primary production; and/or

(b) results in reverse sensitivity effects that limit or precludes primary production.

2. enabling tourism, employment and recreational development in rural areas, provided that it:

(a) is consistent and compatible with rural character, activities, and an open rural environment;

Policy 6.3.9 Rural residential development

In Greater Christchurch, rural residential development further to areas already zoned in district plans as at 1st January 2013 can only be provided for by territorial authorities in accordance with an adopted rural residential development strategy prepared in accordance with the Local Government Act 2002, subject to the following:

1. The location and design of any proposed rural residential development shall:
   (g) avoid significant reverse sensitivity effects with adjacent rural activities, including quarrying and agricultural research farms, or strategic infrastructure;

Objective 14.2.1 Maintain or improve ambient air quality

Maintain or improve ambient air quality so that it is not a danger to people's health and safety, and reduce the nuisance effects of low ambient air quality.

Objective 14.2.2 Localised adverse effects of discharges on air quality

Enable the discharges of contaminants into air provided there are no significant localised adverse effects on social, cultural and amenity values, flora and fauna, and other natural and physical resources.

Policy 14.3.1 Maintain and improve ambient air quality

In relation to ambient air quality:

1. To set standards to maintain ambient air quality in Canterbury based on concentrations of contaminants that cause adverse health effects and nuisance effects.

Policy 14.3.3 Avoid, remedy or mitigate localised adverse effects on air quality

To set standards, conditions and terms for discharges of contaminants into the air to avoid, remedy or mitigate localised adverse effects on air quality.

Policy 14.3.5 Relationship between discharges to air and sensitive land-uses

In relation to the proximity of discharges to air and sensitive land-uses:

1. To avoid encroachment of new development on existing activities discharging to air where the new development is sensitive to those discharges, unless any reverse sensitivity effects of the new development can be avoided or mitigated.

2. Existing activities that require resource consents to discharge contaminants into air, particularly where reverse sensitivity is an issue, are to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment.
3. New activities which require resource consents to discharge contaminants into air are to locate away from sensitive land uses and receiving environments unless adverse effects of the discharge can be avoided or mitigated.

Objective 15.2.2 Prevention of soil erosion

Prevention of new significant induced soil erosion, and the reduction of significant existing induced erosion.

Policy 15.3.2 Avoid and remedy significant induced soil erosion

To avoid significant new induced soil erosion resulting from the use of land and as far as practicable remedy or mitigate significant induced soil erosion where it has occurred. Particular focus is to be given to the desirability of maintaining vegetative cover on non-arable land.

Appendix J: Pork NZ rule amendment request sheet

Definitions	
Existing Definition	**Feedback**
INTENSIVE PIGGERY PRODUCTION ACTIVITY *means the use of land and buildings for the commercial rearing and management of pigs where the viability of the activity is not dependent upon the soil fertility of the land on which that activity is undertaken.*	~~*INTENSIVE PIGGERY PRODUCTION ACTIVITY*~~ *INDOOR PIG FARMING* ~~*means the use of land and buildings for the commercial rearing and management of pigs where the viability of the activity is not dependent upon the soil fertility of the land on which that activity is undertaken.*~~ *means breaking or rearing of pigs where the predominant productive processes are carried out within buildings or closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover.* There are a range of different farming styles used in pork production activities. These styles fall under two main styles 'indoor' and 'outdoor'.
New definition proposed *OUTDOOR PIG FARMING*	*OUTDOOR PIG FARMING* *means the keeping, breeding or rear for any purpose, of pigs on pasture (but including areas used for access to shelter) at a stocking density that sustains the maintenance of pasture or ground cover.* NZ Pork recommends a new definition be added for outdoor pig farming. This definition is offered as an alternative to an 'extensive' farming definition.
New definition proposed *GROUND COVER*	*GROUND COVER* *means the minimum ground cover requirements outlined in the Industry Agreed Good Management Practices: Outdoor Pigs.* NZ Pork recommends a new definition be added for ground cover. NZ Pork specifies the following ground cover levels. These levels will be reviewed as part of ongoing work on the GMPs. Therefore, it is recommended that the definition refer to the GMPs as opposed to prescribe limits which may change periodically based on improved research and data.

	The GMP definition of ground cover is: For all dedicated outdoor pig units, or those in a pastoral rotation, the minimum ground cover is: • For Dry and lactating sows (40% cover on 75% of land, < 40 % cover permissible of 25% land. Each paddock to have on average >10% cover) and for farrowing sows (at least 70 %). • For all outdoor pig units that form part of an arable operation the minimum ground cover is: for dry and lactating sows (25 % (100% to 0 % in 2 years)) and for farrowing sows (at least 70 %)

Rural Chapter Rules	
Existing Rules	**Feedback**
9.2 *ACTIVITIES – LISTED ACTIVITIES* *Discretionary Activities — Listed Activities* *9.2.1.2* *Any activity which involves the composting of organic material, where that material is brought on to the site except where additional material such as saw dust or straw is required as part of the process of composting pigs;*	NZ Pork supports rule 9.2.1.2 as the composting of pigs within saw dust or straw is the preferred method of carcass disposal.
9.6 *ACTIVITIES AND CONTAMINATED LAND* *Permitted Activities: Activities and Contaminated Land* *9.6.1.4* *Growing or rearing of food crops or livestock;*	*9.6.1.4* *Growing or rearing of food crops or livestock (raised outdoors);* There should be no issue with having an indoor pig farm with an impervious floor situated on contaminated land.
9.8 *ACTIVITIES AND THE KEEPING OF ANIMALS* *Permitted Activities — Activities and the Keeping of Animals* *9.8.1* *The keeping of animals shall be a permitted activity if all of the following conditions are met:* *9.8.1.1* *Any keeping of animals does not include:* *(a)* *The boarding of animals, including catteries and kennels; and* *(b)* *Intensive livestock production;*	*9.8* *ACTIVITIES AND THE KEEPING OF ANIMALS* *Permitted Activities — Activities and the Keeping of Animals* *9.8.1.1* *(b)* *~~Intensive~~ livestock farming ~~production~~;* NZ Pork would like to see the term 'intensive' removed from the plan and consistency in language either farming or production.
9.10 *New rule*	*9.10. x* *The establishment and operation of outdoor farming is a permitted activity.* NZ Pork recommends that outdoor farming is a permitted activity.

9.10 *Activities and Intensive Livestock Farming* *Controlled Activities — Activities and Intensive Livestock Farming* *Expansion of Existing Intensive Piggery Production Activity* *9.10.1* *The expansion of any existing intensive piggery production activity shall be a controlled activity if all of the following standards and terms are met:* *9.10.1.1* *That the applicant has obtained an air discharge consent or if no consent is required a Certificate of Compliance from the Canterbury Regional Council, covering the discharge of odour from the proposed expanded piggery.* *9.10.1.2* *The proposed expansion would result in a nil increase in overall odour emission rate from the site. The applicant shall provide an assessment from a suitably qualified expert which demonstrates the nil increase in overall odour emission rate from the site. The assessment shall consider relevant New Zealand and international odour emission rate information and research for the piggery industry. The Council may appoint its own suitably qualified expert (the expert is to be agreed to with the applicant) to peer review the assessment provided by the applicant to confirm compliance with this standard.* *9.10.1.3* *The increase in the number of stock pig units (SPUs) shall not exceed 50% of the existing SPUs, where SPU is to be calculated from existing stock numbers as per Table C9.1 below.* *Table C9.1 - Standard SPU multipliers for different classes of pig* *Definition* / *SPU Factor* *Gilt* — *24-30 weeks* — *1.8* *Boar* — *100-300kg* — *1.6* *Gestating sow* — *160-230kg* — *1.6* *Lactating sow* — *160-230kg* — *2.5*	*9.10* *Activities and ~~Intensive~~ Livestock Farming* *Controlled Activities — Activities and ~~Intensive~~ Livestock Farming* *Expansion of Existing Indoor Pig Farm ~~Intensive Piggery Production Activity~~* *9.10.1* *The expansion of any existing indoor pig farm ~~intensive piggery production~~ activity shall be a controlled activity if all of the following standards and terms are met:* *9.10.1.2* *The proposed expansion would not result in an ~~nil~~ increase in overall odour emission rate ~~from the site~~ beyond the boundary. In the absence of a Canterbury Regional Council Consent or a Certificate of Compliance the applicant shall provide an assessment from a suitably qualified expert which demonstrates the nil increase in overall odour emission rate from the site. The assessment shall consider relevant New Zealand ~~and international~~ odour emission rate information and research for the piggery industry. The Council may appoint its own suitably qualified expert (the expert is to be agreed to with the applicant) to peer review the assessment provided by the applicant to confirm compliance with this standard.* NZ Pork's preference is that the Environment Canterbury rules are recognised within the plan so that farmers compliant with the Environment Canterbury rules regarding odour are not required to undergo another assessment. NZ Pork is not aware of any international odour emission rates which would be relevant to the pork production systems in New Zealand. NZ Pork has committed to develop an odour management plan template that will be sent to both Selwyn District Council and Environment Canterbury for feedback. *~~9.10.1.3~~*

Sucker	*0-4 weeks*	*0.1*
Weaner	*4-10 weeks*	*0.5*
Grower	*10-16 weeks*	*1*
Finisher	*16-24 weeks*	*1.6*
Heavy Finisher	*Over 24 weeks*	*1.8*

9.10.1.4
The applicant has prepared a management plan to deal with activities that have the potential to produce an offensive or objectionable odour. This management plan shall address the following:
(a) Management of shed
(b) Effluent collection and storage systems
(c) Manure application to land systems
(d) Carcass disposal system
(e) Landscaping and building design
(f) The keeping of monitoring and maintenance records
(g) Performance review process
(h) Any consultation with the local community and the operation of a complaints system.
9.10.2
In considering any application for a resource consent under Rule 9.10.1 the Council shall, in granting consent and in deciding whether to impose conditions, exercise its control over the following matters:
9.10.2.1
Any adverse effects from odour, dust, noise or traffic on surrounding properties;
9.10.2.2
The effectiveness of any proposed mitigation measures incorporated into the management plan to address potential adverse effects;
9.10.2.3
The location of buildings to avoid, remedy or mitigate potential adverse odour effect associated with any relocation of the odour emission source to another part of the site;

~~*The increase in the number of stock pig units (SPUs) shall not exceed 50% of the existing SPUs, where SPU is to be calculated from existing stock numbers as per Table C9.1 below.*~~
~~*Table C9.1 - Standard SPU multipliers for different classes of pig*~~

-	~~*Definition*~~	~~*SPU Factor*~~
~~*Gilt*~~	~~*24-30 weeks*~~	~~*1.8*~~
~~*Boar*~~	~~*100-300kg*~~	~~*1.6*~~
~~*Gestating sow*~~	~~*160-230kg*~~	~~*1.6*~~
~~*Lactating sow*~~	~~*160-230kg*~~	~~*2.5*~~
~~*Sucker*~~	~~*0-4 weeks*~~	~~*0.1*~~
~~*Weaner*~~	~~*4-10 weeks*~~	~~*0.5*~~
~~*Grower*~~	~~*10-16 weeks*~~	~~*1*~~
~~*Finisher*~~	~~*16-24 weeks*~~	~~*1.6*~~
~~*Heavy Finisher*~~	~~*Over 24 weeks*~~	~~*1.8*~~

NZ Pork recommends that rule 9.10.1.3 is removed from the plan. The SPUs listed above are consistent with those published by Australian Pork Limited, however, the use of SPUs is outdated in New Zealand. SPUs are infrequently used to calculate effluent volumes then the expected nutrient content of that effluent in the absence of actual test results.

There are two categories of stock finishing systems in pork production 1) farrow to wean and 2) farrow to finish. It would be reasonable that a farrow to wean farm could decide to finish those pigs. In a typical farm this would result in an 134% increase in SPUs as grower and finishing pigs have a much higher SPU (see accompanying spreadsheet SPU Check for SDC.xlsx). There is no option to reduce other classes of pig to stay under a 50% increase as the farm requires a certain ratio of pig classes to deliver the weekly volume that leaves farm for processing. It is expected that the control on the effects

9.10.2.4
Any positive effects which may offset any adverse effects;
9.10.2.5
Any monitoring or review conditions.

of increased livestock numbers will take place through rule 9.10.1.2 and the need to have a consent if ground cover requirements are not meet.

9.10.1.4
The applicant has prepared a management plan to deal with activities that have the potential to produce an offensive or objectionable odour. This management plan shall address the following:
(a) Management of sheds and barns
(b) Effluent collection and storage systems
(c) Manure application to land systems
(d) Carcass disposal system
(e) Compost management
(f) Landscaping and building design
(g) Management and maintenance of ground cover at an outdoor farm
(h) The keeping of monitoring and maintenance records
(i) Performance review process
(j) Any consultation with the local community and the operation of a complaints system.

NZ Pork recommends the above items are included in the plan which would allow alignment with the NZ Pork Farm Environment Plan template.

~~*9.10.2.2*~~
~~*The effectiveness of any proposed mitigation measures incorporated into the management plan to address potential adverse effects;*~~

NZ Pork recommends that rule 9.10.2.2 is deleted from the plan.

9.10.2.3

	The location of ~~buildings~~ infrastructure to avoid, remedy or mitigate potential adverse odour effect associated with any relocation of the odour emission source to another part of the site; NZ Pork recommends that the word 'buildings' is replaced with 'infrastructure' to capture other structures.
Restricted Discretionary Activities — Activities and Intensive Livestock Farming *9.10.3* *The establishment of any new site for intensive livestock production or the expansion of any existing intensive livestock production activity shall be a restricted discretionary activity, unless it is a controlled activity under Rule 9.10.1.* *9.10.4* *Under Rule 9.10.3 the Council shall restrict its discretion to consideration of:* *9.10.4.1* *Any adverse effects from odour, dust, noise or traffic on surrounding properties;* *9.10.4.2* *The effectiveness of any proposed mitigation measures to address potential adverse effects;* *9.10.4.3* *Any positive effects which may offset any adverse effects; and* *9.10.4.4* *Any monitoring or review conditions.*	*Restricted Discretionary Activities — Activities and Indoor or High Density Livestock Farming* *9.10.3* *The establishment of any new site for ~~intensive livestock production~~ indoor or high density farming or the expansion of any existing ~~intensive livestock production activity~~ indoor or high density farm shall be a restricted discretionary activity, unless it is a controlled activity under Rule 9.10.1.* NZ Pork's preference is to have the term 'intensive' removed from the plan. *9.10.4* *Under Rule 9.10.3 the Council shall restrict its discretion to consideration of:* *9.10.4.1* *Any adverse effects from odour or dust in the absence of a Canterbury Regional Council air discharge permit or a Certificate of Compliance,* *9.10.4.2* *Any adverse effects from noise or traffic on surrounding properties;* NZ Pork's preference is that the Environment Canterbury rules are recognised within the plan so that farmers compliant with the Environment Canterbury rules regarding odour are not required to undergo another assessment. *~~9.10.4.2~~*

	~~The effectiveness of any proposed mitigation measures to address potential adverse effects;~~ NZ Pork recommends that rule 9.10.4.2 is deleted from the plan
9.13 *ACTIVITIES AND VEHICLE MOVEMENTS* *Permitted Activities — Activities and Vehicle Movements* *9.13.1* *Any activity which does not exceed the following maximum number of vehicle movements shall be a permitted activity:* *9.13.1.1* *Road Unformed and, or not maintained by Council:* *(a)* *For any commercial or industrial related activity where access is required off an unformed and un-maintained road, excluding normal farming activities: Nil.* *(b)* *For any individual property access off an unformed and un-maintained road: 15 equivalent car movements per day(ecm/d) per site.* *9.13.1.2* *Road Formed, Sealed and maintained by Council:* *(a)* *State Highway and Arterial Roads (as identified in Appendix 9): 30 ecm/d per site averaged over any one week period).* *b)* *Local and Collector Roads: 60 ecm/d per site (averaged over any one week period).* *9.13.1.3* *Road Formed, Unsealed and maintained by Council:* *(a)* *60 ecm/d per site (averaged over any one week period).* *Note:* *1*	*9.13* *ACTIVITIES AND VEHICLE MOVEMENTS* *9.13.1.1* *(b)* *For any individual property access off an unformed and un-maintained road: ~~15~~ 20 equivalent car movements per day(ecm/d) per site.* NZ Pork recommends that equivalent car movements per day increased from 15 to 20 ecm/d per site on unformed roads. This is based on feedback from individual farms regarding their vehicle movements. Pig farms have a variety of regular vehicle movements including employees, stock in and out, effluent trucks, straw in, compost out, feed in etc. Pig farms are not seasonal and operate 365 days a year and run on a weekly cycle which frequent traffic movements.

Rule 9.13.1 *does not apply to vehicle movements between sites within a property; relocating of premises; or any other temporary activity.* *2* *For the purposes of* Rule 9.13.1.2, *Local roads are those roads which are not listed in* Appendix 9 *as State Highways, Arterial Roads, or Collector Roads.* *3* Rule 9.13.1 *does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere – refer to the provisions in* Appendix 21 *(Terrace Downs) or* Appendix 22 *(Grasmere).* *4* Rule 9.13.1 *does not apply to existing plantations.* *5* Rule 9.13.1 *does not apply to roads within the Porters Ski and Recreation Area.* *6* *The Selwyn District Council Traffic and Parking Bylaw 2009 (and subsequent versions) applies to both permanent and temporary activities and may require the preparation of a Traffic Management Plan in certain circumstances. Please refer to the Bylaw for further details.* *Discretionary Activities — Activities and Vehicle Movements* *9.13.2* *Any activity which does not comply with Rule 9.13.1 shall be a discretionary activity. The Council's discretion may include but shall not be limited to:* *9.13.2.1* *Any works required to the road to upgrade it to the standards set out in the Council's Engineering Code of Practice;* *9.13.2.2*	

Any potential adverse effects of traffic on the amenity values of surrounding residents and on other uses of the road, including (but not limited to) stock droving; *9.13.2.3* *In respect to the integration of land use and transport, the appropriateness of the location within the existing and planned road network.* *9.13.2.4* *The position and design of any vehicle crossing or vehicle access and egress;* *9.13.2.5* *Any positive effects which may offset any adverse effects; and* *9.13.2.6* *Any other relevant matters including relevant objectives and policies.* *9.13.2.7* *Any monitoring or review conditions.*	

Appendix K: Recently granted resource consent application (Pork and Poultry)

Poultry

175350 – Consent for a 25,000 free range laying hen operation. The application was assessed as a discretionary activity, due to contravening Rule 4.5.4 (vehicle access and crossings), and 9.10.3 (intensive livestock production).

155721 – Consent for the demolition of three existing laying sheds, and the erection of a new shed to house upwards of 46,000 birds. The proposal is deemed to be covered by Rule 9.10.3 as a restricted discretionary activity.

165127 – Consent to establish a free range chicken area for the production of eggs for up to 2000 chickens. The activity is captured by 9.10.3 and as such is a restricted discretionary activity.

155589 - Consent to establish and operate a chicken broiler farm comprising eight sheds and up to 472,000 birds, and associated buildings, earthworks and LPG storage. The activity contravened Rule 1.7.6 (earthworks), 3.10.6 (residential density), 3.11.2 (site coverage), 7.1.2 (storage of hazardous substances), 8.1.2 (waste), 9.13.2 (vehicle movements), and 9.10.3.

Pork

165108 – Consent to retrospectively operate an intensive livestock production involving upwards of 235 pigs in an outdoor pork production operation. It was deemed that the activity was captured under Rule 9.10.3 and therefore is a restricted discretionary activity.

155117 & 165001– Consent to retrospectively increase stock rate to 3760 SPU, and to allow for a further expansion up to 4853 SPU. Consent to undertake earthworks in excess of 5,000m^3 to excavate piggery effluent treatment ponds. This activity breached Rules 1.7 and 9.10.3 rendering it a discretionary activity.

165259 – Consent to establish and operate an intensive pig farm with upwards of 1860 SPU. The activity is covered by Rule 9.10.3 and is therefore a restricted discretionary activity.

Appendix L: Bates' resource consent conditions.

Schedule A

Conditions

Resource Consent 165108 for an outdoor intensive pig farm at 28 Thomsons Road, Burnham (Lot 1 DP 55238) ("the property") is granted pursuant to sections 104 and 104C of the Resource Management Act 1991 subject to the following conditions imposed under section 108 of the Act.

General

1) The activity shall be undertaken in accordance with the details included within the application lodged with the Council 1 March 2016, except where varied by the following conditions of consent.

2) The number of livestock kept on the property shall not exceed 235 pigs over weaner age, including a maximum of 200 sows.

3) No pigs shall be held within the following areas of the property, as illustrated on **Annexure A** to these conditions:

   a. Within 100 m of dwellings existing at the date of issue of this consent;

   b. Within 30 m of the western boundary of the site; and

   c. Within 10 m of all other boundaries.

Odour

4) The activity shall not cause objectionable or offensive odour beyond the boundary of the site, as determined by a Council Enforcement Monitoring Officer.

5) Any composting of pig carcasses shall be conducted in accordance with best practicable options, including Chapter 15 of the Australian Pork Limited "National Environmental Guidelines for Piggeries" 2010 2nd edition.

6) No pig farming, composting or disposal of bedding material shall occur within the buffer distances specified in Condition 3.

7) All pig shelters shall be maintained with clean dry bedding.

8) Any wallows and other wet areas created by the pig farming activity shall be remediated immediately should they become odorous.

Dust

9) The activity shall not cause objectionable or offensive dust beyond the boundary of the site, as determined by a Council Enforcement Monitoring Officer.

10) The consent holder shall install and maintain a dust suppression sprinkler system in accordance with the Waterforce plan attached as **Annexure B** to these conditions. The system shall be utilised and moved around the property as needed during each day of operation for the purposes of suppressing dust from exposed ground surfaces.

11) The dust suppression sprinkler system shall be:

   a. capable of applying water to any area on the property that is stocked with pigs, and

   b. capable of applying water at an application rate of at least 2.1 mm per hour to an area of at least 0.6 ha at any time; and

c. capable of applying a water application depth of at least 4.2 mm over at least 1.8 ha per day.

12) A water-tanker shall be used to apply water to farm tracks and access ways on the property to suppress dust as necessary during dry weather.

13) The dust suppression sprinkler system and water tanker shall be monitored on a daily basis to ensure the requirements of condition 9 to 12 are met, with the following information to be recorded by the consent holder in a log book on a daily basis:

a. those areas watered by the dust suppression sprinkler system;

b. the duration of such watering;

c. whether any additional water from the water-tanker is used, and if so the approximate quantity used and the area watered.

A copy of the log book records shall be provided to the Planning Manager of Selwyn District Council no later than 30 June each year, and at any other time on request.

14) The rotation of pigs on the property shall be managed strictly in accordance with all of the sub paragraphs listed (a) to (e) below:

a. All pigs (except sows and piglets located within the farrowing area) shall be rotated annually, with the rotation completed within four weeks of commencing that rotation; and

b. The area of the property onto which the pigs will be rotated shall have full ground cover with a minimum of 6 months growth since re-sowing before pigs are stocked on the area, as determined by a Council Enforcement Monitoring Officer; and

*Advice note: **Figures 1 and 2, Appendix D** provide an indication as to what acceptable ground cover is and **Figures 3 and 4, Appendix D** provides an indication of what constitutes insufficient ground cover.*

"Full ground cover" acknowledges that there will be spaces between the individual plants both down row and between drilled rows and which provides a coverage of at least 80% when viewed from above before pigs are stocked on the area.

c. Within four weeks of pigs being rotated off an area of the property, any bare ground shall be resown with suitable ground cover species; and

d. Any areas that have been de-stocked of pigs shall be managed to ensure:

i. rapid re-establishment of ground cover, including watering to encourage seed strike where necessary; and

ii. that any grazing of the de-stocked area is controlled to ensure compliance with condition 14(b) when pigs are rotated back onto that area; and

e. The consent holder shall maintain a log book with all information necessary to demonstrate compliance with the above requirements, including photographs, which shall be provided to the Planning Manager of Selwyn District Council within two weeks of completion of rotation.

15) Ground cover on that part of the property that can be stocked with pigs (namely the shaded areas illustrated on **Annexure A** to these conditions) shall be managed to minimise the risk of dust generation. During the drier-months of October to March inclusive the area of exposed bare soil within the area stocked with pigs, shall be limited to no more than the area that can be effectively watered through the combined use of the dust suppression sprinkler system specified in conditions 10 and 11 and the water tanker specified in condition 12, namely a total area of exposed bare soil of no more than 2 ha.

16) The amount of ground cover shall be monitored and recorded at weekly intervals by the consent holder during the drier months (October to March inclusive) and otherwise monthly in accordance with the dust and stock rotation management plan required by condition 18. At a minimum, this monitoring shall include the following:

    a. At least 2 representative sites within the area de-stocked of pigs;

    b. At least 2 representative sites within the farrowing area;

    c. At least 2 sites in the areas containing dry sows, gilts and boars;

    d. Vertical photographs taken from a standing position looking down with a suitable indication of scale; and

    e. A log book recording date, location on the property, photos taken and any comments plus an electronic folder of photos.

    Additional monitoring of ground cover shall be undertaken at any other time at the request of the Council.

17) The Consent Holder shall establish, supplement and maintain (including trimming to maintain vegetative cover) shelterbelt planting along the eastern, northern and north-western boundaries of the site. Planting shall include:

    a. Planting of Pinus Radiata (or similar) within the "Eastern Boundary Gap" identified in **Annexure C**

    b. Planting of Pinus Radiata (or similar) within any gaps in the existing shelterbelt in the location marked as Supplementary Planting Area A in **Annexure C**

    c. Planting of a single row of Pinus Radiata (or similar) with 1.5m centre spacing along the area marked as Supplementary Planting Area B in **Annexure C**

    d. All planting referred to in this condition shall be undertaken during the first planting season (01 June – 01 September) following commencement of consent.

    Should any trees required by Condition 17 die or become diseased, they shall be removed and replaced as soon as practicable with the same or similar species that would achieve equivalent screening on maturity.

18) Within 20 working days of the commencement of consent, a dust management plan (or a chapter within an existing farm management plan dedicated to air quality management) shall be submitted to the Planning Manager of Selwyn District Council for certification that the plan complies with the conditions of this consent and achieves the objective specified in condition 9.

19) The dust and stock rotation management plan shall as a minimum detail the following matters:

a. A description of key components of the farm operation;

b. Pig numbers and maximum stocking density;

c. Stock rotation cycles for all pigs and farrowing pens, including:

i. timing of rotation cycles, in particular that rotation shall occur, where possible, in autumn (01 March – 31 May);

ii. duration of rotation.

d. the areas available for stock rotation including:

i. that such areas must have full ground cover with a minimum of 6 months growth since re-sowing prior to pigs being stocked on that area.

e. How the consent holder intends to provide and maintain full ground cover on the property and re-establishment practices following stock rotation.

f. The design, maintenance and operation of the dust suppression sprinkler system for suppressing dust from exposed ground.

g. The use of a water-tanker for suppressing dust from farm tracks.

h. Measures for minimising odour.

i. Procedures for monitoring ground cover and its adequacy and dust generation which shall include:

i. the Council undertaking a site visit to the property each year during the months of September and October to assess the adequacy of ground cover;

ii. vertical photographs to be taken by the consent holder showing ground cover of the area pigs are to be rotated to, such photos to be taken from at least 2 representative sites across that area and taken from a standing position looking down with a suitable indication of scale prior to rotation of the pigs; and

iii. the use of Figures 1-4 as set out in **Annexure D** as a reference for determining what constitutes acceptable ground cover.

j. Actions to be taken if ground cover is likely to be ineffective in suppressing dust, such as reducing stocking densities and watering to encourage growth

k. Contingency measures for controlling dust and odour emissions.

The consent holder shall implement and comply with the certified dust management plan at all times.

20) The dust management plan may be amended at any time. Amendments shall be:

a. only for the purpose of improving the efficacy of the dust suppression and shall not result in an increase in dust effects;

b. consistent with the conditions of this resource consent; and

c. submitted in writing to the Planning Manager of Selwyn District Council, for further certification, prior to any amendment being implemented.

Noise

21) The feeding of pigs shall be limited to between the hours of 7.30am and 8.00pm daily.

Complaints

22) All complaints made to the Consent Holder regarding odour and dust impacts shall be recorded in a log. The complaint details shall include:

a. The date, time, position and nature of the complaint;

b. The name, phone number and address of the complainant, unless the complainant elects not to supply these details;

c. Identification of the on-farm source of the odour or dust;

d. A record or description of the wind speed and direction when detected by the complainant;

e. Any remedial actions undertaken.

The log shall be made available to the Selwyn District Council upon request, and shall be kept for the duration of this consent.

Review of Condition

23) That pursuant to section 128 of the RMA the consent authority may, at any time within the first 12 months of the exercise of the consent and at one year intervals thereafter, review the conditions on this consent to deal with any adverse effect on the environment which may arise from the exercise of the consent.

Charges

24) The consent holder shall pay to Selwyn District Council:

a. All required administration charges fixed by the Selwyn District Council pursuant to section 36 of the Resource Management Act 1991 in relation to the administration, monitoring and inspection of this resource consent; and

b. All other charge authorised by regulations.

Notes to the Consent Holder

a) The consent holder is advised that they must comply with all Regional Council requirements or additional resource consent(s) may be required.

b) Except as otherwise stipulated by the conditions of consent, the pig farming operations are expected to be undertaken in accordance with industry good practice, as outlined in the New Zealand Best Practice Guidelines for Free Range Pork Production 2012 and EnviroPork™ V1.0, 2005.

ANNEXURE A

Paddock 1
Paddock 2
Paddock 3
Paddock 4
Paddock 5
House
Thomsons Road
Selwyn Road
Harwood Road

ANNEXURE B

CJ & HT Bates - Dust Suppression System
WaterForce
Designed by: GB
Date: 24 Jan 2017
Pipe key
Sprinkler / Valve key
Exclusion Area
Google Earth
Please Note: Dust Suppression Only
Design is based on a maximum daily allowance of 100m3/day or flows under 5l/sec for dust suppression purposes only. During extended hot weather soil moisture deficit may occur.
Stages 1 & 2 Dry Saws should not be watered simultaneously with the allocation of 100m3/day. The mainline design allows for either option to be irrigated independently with flows up to 5l/sec.

ANNEXURE C – SHELTERBELT PLANTING

ANNEXURE D – GROUND COVER

Figure 1 – Sufficient ground cover

Figure 2 – Sufficient ground cover

Figure 3 – Insufficient ground cover

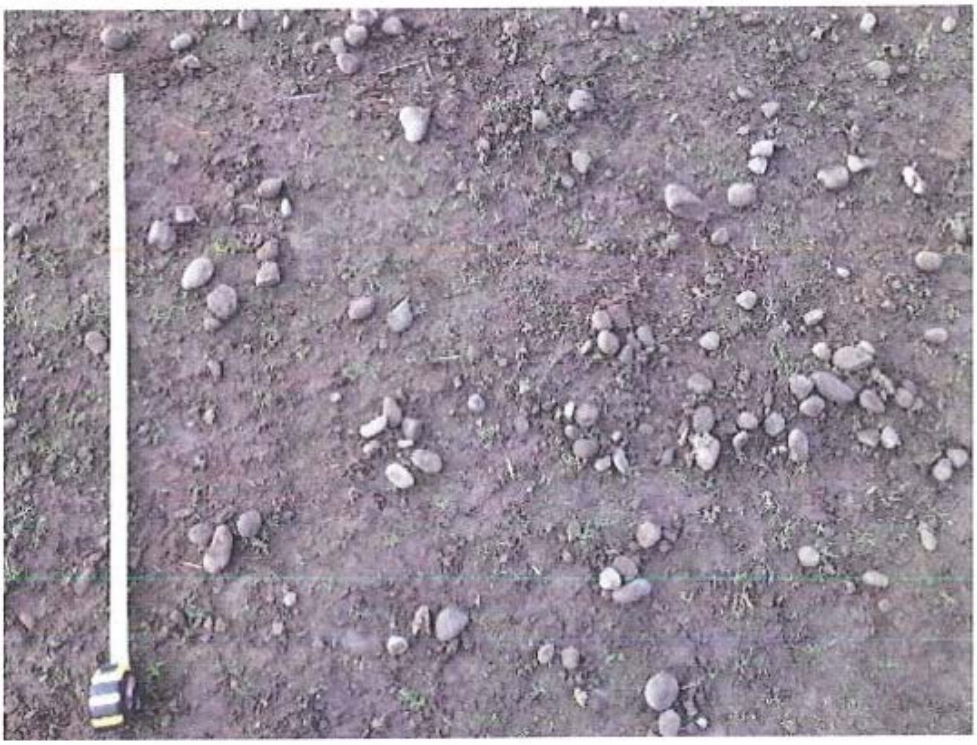

Figure 4 – Insufficient ground cover

Appendix M: New Zealand Pork Draft Report Feedback

New Zealand PORK

8 JANUARY 2018

Dear Robert,

Selwyn District Plan- Baseline Assessment Intensive Livestock Production (RU007)

Thank-you for the opportunity to provide feedback on the draft Baseline Assessment Intensive Livestock Production (RU007) Report (dated 22 November 2017). I really appreciate the time you took to consider our feedback on the current district plan rules relevant to pork production, and consider alternatives.

NZ Pork is generally supportive of the recommendations/options provided in this report. However, we would like to communicate a few points of clarification. Please find the feedback from NZ Pork in the tables that follow.

Kind regards,

Jeska McHugh
Environmental Advisor
Phone: 021 453 752, email: jeska.mchugh@pork.co.nz

Section of Report, Page #	Feedback
Section 3.0 Review of provisions in the Operative District Selwyn District Plan *Page 10* *'For piggery activities seeking to expand there is a controlled activity status that was developed through Environment Court mediation with the Pork Industry Board'.*	Our understanding is that NZ Pork was involved in the NZ Pork appeal decision on the plan in 2004. However, NZ Pork was not involved in the Bates case or mediation with the Environment Court. We have checked this with Barry Loe (Consultant) as there are no current NZ Pork team members in the office from this time.
Section 5.0 Extent of consistency across boundaries *Page 17*	Just for your information only the Waimakariri District Council setback distances of 200-750m were developed by the council based on the recommendations from pig farming working group. The farmers are very happy with the outcome. However, this does not necessary represent the views of our farmers in other regions. NZ Pork has commissioned an environmental advisory group (farmers) from all regions of NZ and in February 2018 will work on establishing some agreed buffer distances which we will communicate to Selwyn District Council.
Stocking rates for pigs per hectare *Various pages*	Hurunui District Council uses a '15 pigs per hectare' stocking rate for outdoor farms and some other councils use a stocking rate figure too. The preference of NZ Pork is that a council does not specify a specific stocking rate number and instead references the stocking rate is that contained within the latest version of the NZ Pork Good Management Practices: Outdoor Pigs (GMPs). The GMPs are being reviewed and updated this year and will be updated at minimum every two years. NZ Pork now has improved information on the impact of stocking rate (and other on farm management practices) on groundcover. Farmers have been collecting groundcover data for OVERSEER nutrient budget purposes.
7.0 Review of Canterbury Regional Council Documents *7.1 Canterbury Air Regional Plan October 2017 (CARP)* *Page 19* *'Whereas an intensive farm would primarily consist of an indoor high stock density operation, which depending on management techniques may result in larger odour and dust discharges'.*	An indoor farm should not have any external dust discharges. There are no activities or surfaces within the buildings that could generate dust and leave via any ventilation systems. There is also limited dust generation from an ecobarn situation which has a deep straw bedding floor. Potential odour generated from an indoor farming operation is generally not from the housing of pigs within the building and potentially occurs during the effluent management stage.

	If the effluent is stored in a tank which is then collected by a tanker and is exported from the farm, then the potential to generate odour from the effluent is very low.
11.0 Recommendations/Options *Page 32* *Paragraph 4*	NZ Pork is supportive of a requirement to maintain groundcover. Groundcover maintenance an important part of the Industry Agreed Good Management Practices: Outdoor Pigs and we have research projects underway to establish an improved method of our farmers and nutrient budget advisors to calculate ground cover levels as this is an important input to OVERSEER. To calculate a nutrient budget for outdoor pig's a % ground cover figure is required for Spring, Summer, Autumn, Winter for each stock class which are usually located on separate blocks: lactating sows, dry sows-mating, dry sows- gestating, acclimatisation (gilts and boars), growers and finishers.
11.0 Recommendations/Options *Page 33* *11.2.1 Definitions* *Potential definitions* *Intensive farming*	Suggested amendments as follows: *'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 that does not exceed the latest version of the Good Management Practices: Outdoor Pigs stocking rates. ~~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.'
11.0 Recommendations/Options *Page 34* *11.2.1 Definitions* *Potential definitions* *Extensive Farming*	It is the preference of NZ Pork that the extensive farming definition option that does not include a stock density clause is used. *Means the keeping, breeding or rearing, of stock on pasture at a stocking density that sustains the maintenance of pasture or ground cover and excludes intensive farming.*
11.0 Recommendations/Options *Page 34* *11.2.2 Rules* *Transfer of Powers to the Canterbury Regional Council*	NZ Pork is supportive of the 'No Rule(s)' approach whereby the Canterbury Regional Council manages dust and odour discharge.
11.0 Recommendations/Options *Page 35* *11.2.2 Rules* *Extensive farming- Permitted Activity Rule(s)*	NZ Pork is supportive of a permitted activity below for extensive pig farming activities subject to a Certificate of Compliance from Environment Canterbury.
11.0 Recommendations/Options *Page 35* *11.2.2 Rules* *Expansion of existing intensive farms- Controlled Activity Rule(s)*	NZ Pork is supportive of the controlled activity rule for the expansion of existing intensive farms being retained but streamlined and recognition of the compliance with Environmental Canterbury rules included.
11.0 Recommendations/Options *Page 35* *11.2.2 Rules* *Restricted Discretionary Activity Rule(s)*	NZ Pork is supportive of the example potential new rule provided including the materials of discretion listed.
11.0 Recommendations/Options *Page 39* *Options when assessing reverse sensitivity setback buffers*	NZ Pork would like to provide SDC with further information on setback buffer distances once the NZ Pork Environmental Advisory Group has convened.
11.0 Recommendations/Options *Page 39*	NZ Pork would like to reiterate the importance to the industry of being able to provide worker accommodation. NZ Pork is therefore supportive that

Miscellaneous recommendations	residential dwellings be allowed to be erected within any reverse sensitivity buffer as a permitted activity when the dwelling is located on the same property.
11.0 Recommendations/Options *Page 40* *Summary of Options*	Overall, except for any comments made previously in this document NZ Pork is supportive of Option C presented in the report.

Appendix M: Air Quality Scientists Peer Review Comments on draft RU007 report

GOLDER

REPORT

Baseline Assessment - Intensive Livestock Production (RU007)

Air Quality Peer Review

Submitted to:

Selwyn District Council
PO Box 90
Rolleston, 7643

Submitted by:

Golder
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January 2018

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APPENDICES

APPENDIX A
Report Limitations

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1.0 INTRODUCTION

This report provides an air quality peer review of the draft Baseline Assessment – Intensive Livestock Production (RU007) report (the Report). The Report was prepared by Selwyn District Council (SDC) as part of its review of measures within the Operative District Plan (ODP) for managing the potential amenity effects arising from intensive livestock production activities.

Golder Associates (NZ) Limited (Golder) has been commissioned by Selwyn District Council (SDC) to undertake this review. The scope of this review is to generally review the Report in terms of the effectiveness of managing odour and dust discharges from intensive farming activities and the reverse sensitivity effects that can arise as a result of those activities.

The first stage of the scope ahead of the peer review report was liaison with the Report author on the following three matters:

(1) consider the effectiveness of the current ODP provisions;

(2) consider the effectiveness of the current 300 m setback provision; and

(3) consider the effects of free-range intensive farming.

To a large degree these three matters have been largely addressed in the Report, and consequently this review comments on the findings of the Report, with considerations on these three matters as they arise.

2.0 PEER REVIEW

2.1 Overview

The following sections provide review feedback on the Report, with each heading identifying the relevant section of the Report for which comments relate. Reference is then made in the text to the relevant page and paragraph number in question.

2.2 Section 2 - Background

The second paragraph on Page 6 notes that *"chickens bred only for meat production will tend to be wholly indoors"*. Golder notes that this may reflect the current state of the industry in the Selwyn district, but elsewhere in New Zealand large scale free range broiler farms exist or are being proposed. Consequently, this statement may not be helpful in the context of this report.

The third paragraph of Page 6 states: *"These types of activities [herd homes] have greater control over their environmental effects that a typical dairy farm"*. This may be the case in terms of some environmental effects, but it is unlikely to be true when it comes to odour and dust discharges from such activities. Given the focus of this report is odour and dust effects, it is recommended that this statement be removed.

The ninth bullet on Page 8 should be corrected to say *"… cause objectionable or offensive effects* <u>*beyond*</u> ~~*at*~~ *the boundary."* This would make it consistent with standard terminology including that used by Environment Canterbury (ECan).

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2.3 Section 3 - Review of the Provisions in the Operative Selwyn District Plan

This first paragraph under the subheading "Reverse Sensitivity Buffer" in Section 3.3 of the report (Page 10) describes the manner in which a buffer distance is measured between the discharge source and a sensitive activity. In particular it notes that the buffer applies between the *"… boundary of the intensive livestock production operation and any new residential dwelling…"* In the subsequent paragraph it similarly notes this method has been used in the Council's GIS layers, where 300 m buffers are placed around properties containing livestock production, rather than placing the 300 m buffer around the actual activity. The discussion in the report, and the manner in which it is applied in the Council's GIS system, appears to differ from the guidance given in Rule 3.13.1.5, which states:

> *"The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive farming activity occurs or is permitted by a rule in the Plan (or a resource consent) to the position of the new sensitive activity".*

The above guidance provided with Rule 3.13.1.5 is consistent with Golder's understanding of how buffer distances should be applied. Accordingly, the discussion in the Report should reflect that the rules require that the distance is measured between the activities in question and not from the property boundaries as implied.

2.4 Section 4 – Cross Boundary Assessment

Section 4 of the report provides a useful and comprehensive discussion of the similar intensive farming provisions that neighbouring councils include in their district plans. There is a distinction in the general terminology which Golder considers would be useful to highlight. This is the distinction between 'intensive livestock farming' as used by SDC and 'intensive farming' used by several other councils including ECan. Not referring to 'livestock' in the definition enables farming practices that do not involve livestock to be considered, such as mushroom farming.

The second to last paragraph on Page 16 notes that the *"regional council does not have jurisdiction to consider all amenity-related effects … e.g. dust nuisance, noise and traffic generation."* The Regional Council does have jurisdiction for the discharges of dust from activities and this statement should be amended to reflect this.

2.5 Section 8.0 Review of Other Documents

Section 8.2 on Page 25 covers the National Environmental Standards for Air Quality. The text here should say that the *"NES does not address odour or dust emissions from agricultural sources."*

Section 8.3 on Page 25 reviews the Ministry for the Environment (MfE) Good Practice Guide for Assessing and Managing Odour (MfE 2016a). In relation to the second paragraph of this section, which deals with the MfE's advice concerning the overlap in regulation of odours between regional and territorial authorities, Golder notes that the MfE expresses a view that *"Ideally, duplication between district and regional plans should be avoided"*. It would be useful for this preference from MfE to be noted in this paragraph of the Report.

The third paragraph in this section discusses the use of separation distances and the key considerations concerning the assessment of odours. This text does not align well with advice given in the MfE GPG and Golder suggests the following alternative wording be adopted.

> *"… Separation distances between the discharge point/site and neighbouring land uses can be an effective tool to the discharge to dilute to a point when any effect is below the threshold to require action.* ~~*The location of any odour causing activity should be considered. Most importantly, the shape of the land,*~~

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~~*prevailing winds, and the location of sensitive activities need to be considered. Where these factors cannot be controlled, then the management of the activity should be assessed, and amended where odour reducing improvements can be made.*~~ *Whether an odour has an offensive or objectionable effect requires an overall judgement that considers the frequency, intensity, duration, offensive/character, and location of the odour impact (the FIDOL factors).*

Section 8.4 on Page 26 refers to a now outdated version of the MfE Good Practice Guide relating to dust assessment. This guide was updated in 2016 (MfE 2016b) and is similar in its content to the odour guide. The information provided in the first paragraph of section 8.4 appears to reflect the 2001 GPG but is not consistent with the 2016 GPG. Accordingly, it is recommended that the report addresses this matter.

2.6 Section 10 – Stakeholder Consultation (Internal and External)

Section 10.1 on page 29 continues a list of themes raised by internal SDC stakeholders. The fifth bullet point notes that the *"…Selwyn District Council monitoring team currently lacks the technical ability to measure odour emissions, meaning such services need to be out sourced." [emphasis added]*. Odour emissions measurement is a complex technical procedure carried out by a limited number of specialist firms. It is unlikely that the Report intends to convey that SDC does not have the ability to measure odour emissions. Rather, it is more likely meant to convey that SDC does not have the technical ability to carry out field assessments of odour impacts. It is recommended that this is confirmed with the relevant SDC staff and the text is changed to reflect this.

2.7 Section 11 – Recommendations/Options

Definitions

The discussion on the recommended options in Section 11 recommends shifting away from the term intensive livestock farming to use the terms intensive farming and extensive farming. This recommendation is supported for the reasons given in the Report but also as it is less restrictive to just livestock and enables non-livestock farming to be included.

The fourth paragraph on page 32 provides requiring maintenance of 'ground cover' as part of the definitions for extensive farming. The justification for this relates to controlling stock numbers and therefore odour and dust effects. The discussion highlights the challenges with this approach, especially in terms of interpretation concerning the 'common sense approach' or alternatively coming up with a practical way to measure it. How this matter would be addressed is not resolved in the recommendation and Golder considers this needs to be addressed should the Report keep this recommendation.

In Golder's experience, using a requirement of 'maintaining permanent ground cover' is highly subjective, interpreted differently by stakeholders and difficult to implement in practice by the Council and stakeholders. This issue was highlighted by the consultation feedback from SDC staff (given in Page 29), where it was noted that the consents team would prefer a minimum stock number to a requirement for maintaining permanent ground cover.

From an odour and dust effects perspective, a requirement to maintain permanent ground cover may be more effective in controlling dust impacts, but would be less effective when it comes to controlling odour impacts. Conversely, a requirement related to the density of animals is likely to be more effective in terms of odour impacts. The Report (page 32, paragraph 5) notes that *"while there is merit in providing a measures such as this [stocking density] due to the ease of use for stakeholders, it may not be an accurate measure."* From an odour and dust impacts perspective, Golder considers that the criterion of maintaining permanent ground cover is no more or less accurate a measure than using a stocking density approach. Furthermore, given that odour

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is expected by Golder to be the more significant effect than dust impacts in the context of intensive farming, it would be more appropriate to adopt the stocking density approach.

Given the above, Golder recommends that the Report reconsiders the recommendation concerning the use of a criteria for maintaining permanent ground cover versus a stocking density requirement, the latter which may be more effective at managing odours and more readily implemented and understood by stakeholders.

Potential definitions – intensive farming

Two potential definitions are provided for intensive farming on Page 33. The first is based around a criterion of maintenance of pasture or ground cover and the second relates to the use of a stocking density criteria. The report makes no clear recommendation about which definition is ultimately recommended, although the preference for the first definition is alluded to given the Report's commentary on perceived issues with the second definition. For the reasons outlined above and expanded on below in relation to free range poultry farming, Golder considers the second definition would be more appropriate, readily implemented and understood by stakeholders.

If the second definition given on Page 33 is promoted in the Report, the following changes are recommended to ensure a continuum in the stocking density provisions with subsequent related provisions:

'means the use of land and/or buildings for commercial plant or animal production where the regular feed source is predominantly provided other than from the site concerned, and includes:

(a) The farming of pigs outdoors at a stocking rate ~~exceeding~~ of 15 pigs or more per hectare (stocking rate in relation to pig farming means the number of pigs …)

Free Range Poultry Farming

One of the arguments presented in the Report against the second intensive farming definition is that the definition includes all types of poultry farming, including free-range poultry farming. This may be a beneficial outcome for the reasons explained below.

Free range poultry farming (either egg layers or broilers) is an industry that has experienced significant nationwide growth, with increasingly larger farms. While many free range operations are still small, Golder has experience with a number of new large operations with scales comparable with new non-free-range operations. The nature of free range farms is such that when at a similar scale in bird numbers to non-free range farms, the potential odour emissions and impacts may not be dissimilar Therefore, free range poultry operations have a comparable or possibly greater risk of odour and dust effects than other non-free range poultry operations.

The Canterbury Air Regional Plan (CARP) excludes free range farming from its intensive farming definition and there are consequently no activity-based rules in the CARP that require consent to be obtained for free range poultry operations. The only provision is the general rule (Rule 7.3) that requires that there be no adverse odour and dust effects. This is arguably a more stringent requirement than not causing offensive or objectionable odour effects, but in practice this rule is likely to be only applied in retrospect once an activity has been established unless a certificate of compliance with Rule 7.3 is sought. The overall consequence of this is that ECan is unlikely to be actively requiring a resource consent to discharge contaminants into air for free range poultry operations, despite the potential air quality effects being not dissimilar to non-free range farms. ECan's rules appear to reflect the historic basis that free-range farms have been comparatively small with limited potential for odour and dust nuisance. However, this small scale may not be the case in the future with significantly larger farms becoming the trend.

In summary, the situation with free range poultry farming is that new farms are tending to be significantly larger and the potential for odour and dust effects are not dissimilar to non-free-range farms. The CARP does not directly require free-range farms to hold an air discharge permit and the general provisions of that plan are only likely to be used retrospectively. Given this situation, it would be prudent for the new district plan to address

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this gap in the regulation of air discharges from free range farms by drafting its definition for intensive farming so that it includes all poultry farming as set out in the second alternative definition given in the Report.

Potential definition - extensive farming

For the reasons outlined in the above discussion on the definition for intensive farming, Golder supports the second definition discussed in the report in relation to 'extensive farming' on Page 34. This is despite the Report stating that the *"second definition would not be recommended"*.

Transfer of Powers to the Canterbury Regional Council

An option presented on Page 34 concerns the transfer of powers to the Canterbury Regional Council regarding consideration of activities with odour and dust emissions. This would lead to the removal of all rules relating to intensive farming activities in term of odour and dust nuisance. This approach is generally supported by Golder, but as discussed it would leave a gap in the regulation of dust and odours from free-range poultry farms. Accordingly, if this approach is pursued then it would be useful for the Report to identify this matter and consider options for assessing it.

Expansion of existing intensive farms

The second paragraph of this section on page 35 discusses the concept of a simplified controlled activity rule for the expansion of existing intensive farms. It recommends a condition that requires no increase in or dust emissions at the boundary of the property. This simplification of the existing rule is supported by Golder.

The fourth paragraph on page 37 discusses restricted discretionary activity rules in relation to the intensive farms that do not meet the previous controlled activity rules. The discussion notes that *"If no regional council resource consent has been granted then the district council will still have the ability to assess this aspect by requiring ad odour and dust assessment…"* It is considered that it would be more appropriate to phrase this as the regional council 'requiring' consent rather than 'granting'.

In the list of 'matters for discretion' on page 37, Golder considers that clauses (a) and (b) could be combined to say the following: *"Any adverse effects from odour or dust on surrounding properties, unless a Certificate of Compliance or Resource Consent has been obtained for the discharges to air."*

Setbacks

The third and fourth paragraphs on page 38 discusses what the Report considers as being the inflexibility of setback provisions to account for site specific matters that would influence the generation of odours and the potential impacts of odours from an intensive farm, and the potential unfairness of applying them in all cases. It is reasonable to highlight these limitations in the context of using setbacks as a means of assessing odour and dust effects. However, setbacks in the context of rule triggers in a district plan rules are used as effective criteria that may trigger or change a land use activity status. This does not necessarily preclude or restrict the use of land as indicated, but would instead require a more detailed assessment to support and justify the land use. Consequently, Golder recommends that this matter is addressed in these two paragraphs of the Report.

Paragraphs 5 and 6 discuss the application of a reciprocal buffer for intensive farms from sensitive activities and highlight that the current plan only has setbacks controlling the proximity of sensitive sites to existing intensive farms. Golder notes that the SDC in practice often applies the existing setback provisions in a reciprocal manner, using the setback provisions as a rationale for limited notification of intensive farming activities. Given this, it would be appropriate and clearer for stakeholders if the provisions were formalised so as to be reciprocal for both intensive farms and sensitive land uses. This approach is used by several other district councils as discussed in the Report.

Paragraph 6 states that *"Any separation distance imposed on new 'sensitive' activities would therefore need to represent a buffer that was sufficient to ensure that the overlapping effects were minor, while not being so excessive as to render the adjoining property incapable of reasonable use."* [emphasis added]. This sentence

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appears to present an argument against the use of setbacks as simple criteria for rules in a plan. If the intended use of setback criteria in the plan is to trigger a more detailed assessment of an activity this would not necessarily render the adjoining property of incapable of reasonable use, rather it would mean that an assessment needs to be undertaken. Accordingly, it is recommended that this statement is revisited and amended.

The last paragraph of page 38 ultimately recommends against using setbacks as a method of control, although it is unclear whether this recommendation relates to applying setbacks in a reciprocal basis or just for sensitive land uses. The justification given in the report is that *"Including a rigid setback requirement introduces a blunt tool to try deal [sic] with a complex effect such as odour and dust…"* This is accepted if setbacks are used as a tool for assessing the adverse odour and dust effects of an activity, but in in the context of a district plan rule provisions Golder considers them to be an effective and appropriate means of developing rule criteria. If an activity triggers a setback requirement then this should simply be a means for requiring a more detailed assessment of the odour and dust effects.

Options when assessing reverse sensitivity buffers

The first paragraph under the heading 'options when assessing reverse sensitivity setback buffers are' on page 39 states that:

"…by increasing this buffer, it would restrict either rural townships growth, or the legitimate residential development of rural blocks. As such, increasing the current 300m reverse sensitivity buffer is not recommended. Furthermore, if an intensive farm were causing adverse effects over a significant buffer distance (beyond 300 m) then they would most likely either need to apply for consent, or be in breach of their consent conditions."

Golder considers that neither of the two points made in this statement are correct. Firstly, the use of separation distances as a means of controlling residential encroachment on existing discharge activities is a recognised and effective method for controlling reverse sensitivity effects (MfE 2016a, MfE 2016b) and is consistent with the policy direction of the Canterbury Regional Policy Statement 2013 – Revised February 2017. Furthermore, the use of separation distances as a simple trigger in district plan rules does not preclude a detailed assessment in support of a land use consent to support residential development.

With regard to the second point, an intensive farm could legitimately be causing odour up to and beyond 300 m from the envelope of the operation without necessarily causing an adverse odour effect that would breach consent conditions as this depends on the nature of the receiving environment. For example if the land is unoccupied rural land then it is possible odour and dust emissions would not cause an adverse effect.

Given the above, it is recommended that the first paragraph on Page 39 of the Report is revisited to address these comments.

The second paragraph on Page 39 notes that the *"… 300 metre buffer appears to be adequate for its intended purpose. Furthermore, there does not seem to be a push from the industry involved in this process to change this reverse sensitivity buffer."* Consequently, the report recommends retaining the current 300 m reverse sensitivity buffer. Golder generally supports the retention of at least a 300 m separation distance requirement, although we note that there may be justification for an increase in the buffer distance. Justifications for this are as follows:

- Intensive piggeries are tending to increase in size in the district as noted in the Report (Page 29).
- New intensive poultry farms (broilers and layer farms) being established are generally significantly larger than the farms established ten years ago in Golder's experience. Ten years ago, most new broiler farms were in the order of 80,000 to 150,000 birds and at that scale a 300 m buffer distance was generally appropriate and the plan provisions effective. However, the trend of new broiler farms being established is that they are in the order of 300,000 to 500,000 birds. This is a significant increase in scale, and while

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the environmental controls are such that odours may be controlled to a greater extent, it is likely that a greater separation distance would be appropriate.

Given the above, Golder considers that there is justification to increase the separation distance to at least 400 m as used by Ashburton District Council.

Finally, the report recommends that any buffer is measured from the actual consented area for the intensive farm, rather than from the entire property on which the activity is occurring. Golder supports this approach, noting that it is consistent with most separation distance guidance documents.

3.0 CLOSING

The Report provides a comprehensive and well considered commentary of planning considerations for odour and dust effects associated with intensive farming. The comments and recommendations of the above review are intended to further strengthen the Report and the basis for the recommendations made in relation to the replacement district plan. Two key areas of notable difference in relate to the recommendation concerning the definition for intensive farming, and the use of separation distances.

4.0 REPORT LIMITATIONS

Your attention is drawn to the document, "Report Limitations", as provided in Appendix A. The statements presented in that document are intended to advise you of what your realistic expectations of this report should be, and to present you with recommendations on how to minimise the risks to which this report relates which are associated with this project. The document is not intended to exclude or otherwise limit the obligations necessarily imposed by law on Golder Associates (NZ) Limited, but rather to ensure that all parties who may rely on this report are aware of the responsibilities each assumes in so doing.

5.0 REFERENCES

MfE 2016a. Good Practice Guide for Assessing and Managing Odour. Ministry for the Environment. Publication Number: ME 1278.

MfE 2016b. Good Practice Guide for Assessing and Managing Dust. Ministry for the Environment. Publication Number: ME 1277.

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