KINETIC ENVIRONMENTAL

Lifestyle Chickens Limited – Resource Consent Application

Eight Shed Poultry Breeder Application

Lifestyle Chickens Limited – Resource Consent Application

Eight Shed Poultry Breeder Application

Date	6 September 2024
Kinetic Environmental Ref	Lifestyle Chickens
Version	SDC Relodgement (incl Dwellings)

Prepared by:

[redacted]

Danielle Singh
Planner

Prepared/Reviewed by:

[redacted]

Christian McDean
Principal Planner

Address for Service

Kinetic Environmental Consulting Limited
PO Box 9413
Hamilton 3240

Christian McDean
t: [redacted]
e: christian@kineticenv.co.nz

KINETIC ENVIRONMENTAL

Table of Contents

1 Introduction

Kinetic Environmental Consulting Limited (Kinetic Environmental) on behalf of Lifestyle Chickens Limited (Lifestyle Chickens) seek approval for an eight shed poultry breeder farm and two associated farm worker dwellings, located at 227 Hunters Road, Dunsandel, Canterbury. As part of the proposed development, Lifestyle Chickens are seeking the necessary resource consents from Selwyn District Council (SDC) and Environment Canterbury (ECan).

This report describes the nature of the proposal in detail and assesses it against the relevant provisions of the Selwyn Operative District Plan (ODP), the Selwyn Partially Operative District Plan (PODP), the Canterbury Air Regional Plan (ARP), the Canterbury Land and Water Regional Plan (LWRP) and the Resource Management Act 1991 (RMA). This report and the Assessment of Environmental Effects (AEE) have been prepared in accordance with Section 88 and the Fourth Schedule of the RMA. Note that where there is an inconsistency between this report and an appendix, this report prevails.

2 Site Description

The site is 30.6890ha in area and is legally described as Lot 2 DP 82576 held in Record of Title (RT) CB47D/110. A copy of the title can be seen in **Appendix A**. There are no interests on the RT that restrict the proposal from proceeding. The site is currently used for agricultural purposes and contains a dwelling to the southeastern corner of the site which is accessed via a vehicle entrance off Hunters Road. The dwelling has existing onsite three waters services in place. Additionally, there are also existing connections to electricity and telecommunications services in place. It should be noted that the site has frontage to both Hunters Road and Sharlands Road as seen in Figure 1 below.

Figure 1: Aerial of the Existing Site (subject site highlighted in blue).

As seen in the above figure, the properties surrounding the site are a mixture of rural (namely agricultural activities) and rural-residential lots. The site is located 27.2km southwest of Rolleston and 42.9km northeast of Ashburton as shown in Figure 2 below.

Figure 2: Location Plan.

In respect to the District and Regional Planning Maps, Table 1 below outlines the relevant zoning and overlays within the Selwyn ODP and PODP, while Table 2 outlines the relevant overlays within the Canterbury Maps.

Table 1: ODP and PODP Zoning and Overlays

Selwyn ODP		Selwyn PODP	
Zone:	Outer Plains	**Zone:**	General Rural Zone
Overlays:	Nil	**Overlays:**	• Electricity Transmission Line: Orion 33 to 66kV • Plains Flood Management Area • Liquefaction Damage Unlikely • Rural Density (SCA-RD3)
Designations:	Nil	**Designations:**	Nil

Table 2: Canterbury Regional Mapping Overlays

Canterbury Maps	
Overlays:	• Catchment Boundaries: Selwyn/Rakaia Plains • Soil Map: Silty Loam • Groundwater Well: L36/0887 • Piezometric Contour – Regional • Depth to groundwater greater than 6m • Phosphorus Leaching Vulnerability: Low • Unconfined/semiconfined aquifers • LWRP – Aquifer systems and sediments

Following a desktop search on the Council Planning Maps, the New Zealand Archaeological Association's (NZAA) Site Recording Scheme map and Te Puni Kokiri's Te Kāhui Māngai map, it was found that there were no recorded waahi tapu or sites of significance located on the site. Additionally, the Canterbury Maps confirmed that the site is not within any iwi Statutory Acknowledgement Areas.

As per the Manaaki Whenua Landcare Research (MWLR) Land Use Capability (LUC) maps, the site contains LUC class 4 soils. This means that the property does not contain highly productive soils. Figure 3 below shows that much of the surrounding area also contains class 4 soils.

Figure 3: MWLR LUC Map (blue line is site boundary, light green represents Class 4 soils).

3 Description of Proposal

Lifestyle Chickens are seeking resource consent for the construction and operation of an eight shed poultry breeder operation including two associated farm worker dwellings at 227 Hunters Road, Dunsandel.

As seen in Figure 4 below, the operation including the dwellings will be spilt into two distinct sites, with each site containing:

- Four 1,836m^2 poultry sheds, with a maximum height of 4.1m to the apex of the roof
- An egg packing facility (height 7.2m) which contains:

95.9m^2 egg holding room	18.12m^2 lunch room
20.88m^2 fumigation room	38.98m^2 staff shower/toilet block

15.96m^2 storeroom	6.49m^2 electrical/storage cupboard
15.29m^2 office	13.35m^2 water treatment room
75.4m^2 conveyor room	12m^2 boiler room
17.5m^2 workshop	

- Generator
- 3000 litre diesel tank
- LPG gas storage (90kgs bottles)
- 12 staff carparks

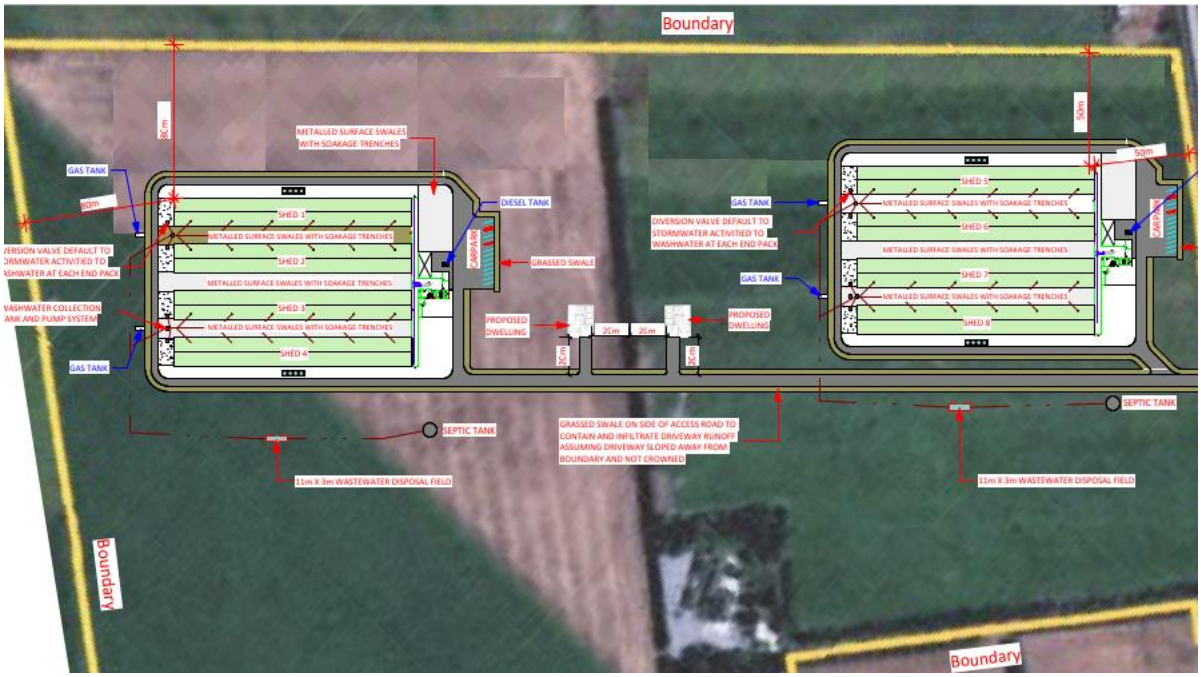

Figure 4: Poultry Breeder Farm Site Plan

The total combined GFA of the eight sheds will be approximately 14,690m^2 and 15,347m^2 with the egg packing facilities. The sheds will be built with a Colorsteel non-reflective product and poly panelling. A full set of plans including a close up of each 'poultry site' can be found in **Appendix B**.

Each site will be managed by an experienced farm manager who will live onsite in the proposed farm worker dwellings, with an additional 5-6 staff assisting in the day-to-day running of the poultry operation. Thus, a total of 13 staff members will likely be employed across the two sites. The management of the sites will be governed by several documents, including the Tegel Breeder Manual, the Ross Breeder Manual, and the Tegel Breeder Standard Operating Procedures.

The cycle includes the point of lay (POL) birds being placed into the shed at 20 weeks old and remaining there for approximately 40 weeks. During this time the birds will be given access to food and water and start the egg production cycle around 24 weeks of age, birds will continue to produce egg for the remainder of the 40-week cycle. At approximately 60 weeks of age, these birds will be caught and processed through the Hornby processing plant. Once the shed is empty, the litter will be removed, the shed will be washed, cleaned, and sanitised, set up and the cycle begins again.

Each shed will house up to 10,000 birds, with a total of 80,000 birds being housed on the property at any one time. The sheds will be walked through by an employee multiple times per day, checking for any floor eggs that have been laid, and to check for any dead or sick birds. Any sick or dead birds will be removed from the sheds and if sick will be culled, placed into a chiller, and collected regularly by a truck to be disposed of off-site.

The loading and unloading of birds, litter removal and shavings delivery will take place on concrete pads located at the end of the sheds using a Bobcat or similar machinery. Each poultry site will have eight 15 tonne feed silos (approximately 6m tall) with meal which will be directed into the sheds by an automatic system to feed the birds. This will ensure that no vermin have access. Water will be supplied through an automatic system through nipple drinkers which the birds peck to get water.

The sheds will incorporate an automated ventilation design, allowing for air to be expelled and drawn into the sheds as required (as per industry specifications). The proposed sheds will have the latest standard of ventilation. The ventilation system is powered by electricity and is backed up by a diesel generator. The ventilation system is the latest design maintaining a consistent temperature within the sheds. This assists in reducing the build-up of odour through ventilation to

keep humidity and temperature within the optimal range and prevents excess moisture in the litter (one of the major causes of odour).

During the cooler periods, heating of the sheds will occur using LPG heaters, the LPG will be stored in 90kg bottles within an appropriately designed enclosure. These bottles will contain a total of 3200 litres of LPG and will be replaced when necessary. Additionally, the 3000 litre diesel tanks (which will be used for the emergency generator) will be located next to the generator for each site to the north-western side of the Egg Packing Facility (with a total of 6000 litres of diesel being stored between the two sites at any one time). Any other hazardous substances that will be used will be locked in a cage or locked in a hazardous substances storage area in the amenities shed.

3.1.1 Cleanout Procedure

The poultry litter will be used on a per cycle basis, meaning no spent litter is reused. The litter will be removed as soon as practical after the shed has been depopulated, using a Bobcat or similar machinery. The sheds will then swept and blown down to remove as much solid matter as possible. Immediately after (and often during), a contractor will load the litter into high sided, covered trucks using a specialised loader. The litter is then transported off site and typically sold to farmers as fertiliser.

Once the litter has been removed, the sheds will be washed out using high pressure water blasters. Any solid matter remaining will be trapped in sumps at the end of the sheds, which are cleaned out by an independent contractor, and all remaining wash water will flow into a dedicated settling tank and will be discharged/irrigated onto surrounding paddocks by K line pod or travelling irrigator . The time taken to push out and remove litter will take no longer than two weeks.

To minimise dust generator, the farm managers will monitor the wind and weather conditions to ensure that sheds can be cleaned in suitable conditions where dust generation is avoided or at least minimised.

3.1.2 Management Practices

Rodent bait stations will be placed around the sheds at 20m intervals. These bait stations will be enclosed stations with standard baits such as brodifacoum. A staff member will regularly check and restock the stations with fresh bait when necessary.

The draft SMP is contained in **Appendix C**. The SMP outlines information regarding the cycle, environmental controls, litter removal procedure and a list of documents which will govern the day-to-day management of the farm in accordance with other Tegel farms. A copy of the draft SMP will be held onsite and will be strictly adhered to by staff and any contractors involved in the site management. The procedures outlined in the draft SMP are consistent with modern practices in the poultry industry and the relevant welfare requirements.

3.1.3 Water

Water will be supplied to the farm from an existing bore (Bore ID L36/0887). The extracted water will be used for bird drinking supply, and within the amenities blocks for staff showers etc. Washdown water will be supplied by water collected from the shed roofs.

As discussed above, water will be used at the end of the cleanout process to wash all internal areas and the equipment. The water used for washdown purposes will be collected from the shed roofs and stored in a tank adjacent to each shed. During this stage of the cleanout process, the wash water will be collected in a dedicated settling tank and will be discharged/irrigated onto surrounding paddocks when the weather and ground conditions allows for irrigation.

Once the sheds are built, an increased area of the site will become impervious (approximately 2.56ha). As detailed in the Courtenay Environmental Consultants Limited (Courtenay Environmental) Stormwater Discharge Assessment (**Appendix H**) stormwater from the rooves "*will discharge into a gravel filled trench which is excavated the full length of each side of the building or gutters and soak pits will be installed*". The gravel fille trench or soak pit will be sized to meet the runoff from all storm events up to 24 hr duration with a 10% chance of occurring in any one year. Additionally, the hardstand areas surrounding the poultry buildings will be sloped to edge of the seal surrounding the buildings where runoff will be discharged by overland flow into infiltration swales that can cater for time of a rainfall depth of 25mm.

Any wastewater produced by the farm workers will be managed by means of an onsite wastewater treatment system.

3.1.4 Transportation

Access to the meat chicken operation will be via a new vehicle entrance off Sharlands Road approximately 290m from the Sharlands Road/Hunters Road intersection, as seen in the site plan (**Appendix B**). The vehicle crossing will be constructed to safely accommodate the traffic resulting from the proposal.

It is expected that the proposal will generate approximately 47 car equivalent movements (CEM) per day, or 338 CEM per week as further specified in the table below.

Table 3: Anticipated Vehicle Movements from Poultry Farm

	Per Day		Per Week		Per Monthly		3 Monthly	
	vdp	CEM	vdp	CEM	vdp	CEM	vdp	CEM
Feed Transfer (10)	0	4	3	30	12	120	36	360
Shavings Delivery (10)	0	1	1	7	3	27	8	80
Egg Collection (6)	1	3	4	24	16	96	48	288
Gas Delivery (6)	0	2	2	12	8	48	24	144
Grass Cutting (6)	0	0	0	2	1	6	2	12
Waste Collection (6)	0	1	1	6	4	24	12	72
Dead Bird Collection (6)	0	2	2	12	8	48	24	144
Intercrop (2)	0	1	2	4	2	4	6	12
POL Transfer (6)	0	1	1	6	4	24	12	72
Depletion (6)	0	2	3	16	11	64	32	192
Manure Removal (6)	0	3	3	18	12	72	36	216
Workers (2)	13	26	91	182	364	728	1092	2184
Contractors (2)	1	1	4	8	16	32	48	96
WEEKLY TOTAL	**17**	**47**	**123**	**338**	**484**	**1341**	**1452**	**4016**

Each site will have a parking area for up to 12 light vehicles located to the east of the egg packing facilities. There is also a perimeter service road where heavy vehicles will be able to move around the site exiting the site without onsite manoeuvring.

3.1.5 Electricity Connections

A connection to the existing electricity system will be provided to both poultry sites. Each site will also have an electricity generator which will be used in the event that there is a power failure.

3.1.6 Earthworks

To enable the construction of the new sheds some earthworks will be required, although the flattest areas of the farm have been chosen to limit the volume of earthworks needed to establish building platforms for the sheds. This will be achieved with a cut-to-fill balance to avoid having to import fill material. Erosion and sediment control measures will be in place during the construction period to retain sediment within the site. The ECan guidelines on erosion and sediment control will be adhered to by the contractor undertaking the site works. This will include measures to retain sediment on the site such as silt fences and clean water diversion channels/bunds.

3.1.7 Landscaping

The site's topography is flat and relatively isolated, with existing screen planting being located along the eastern boundary adjacent to 319 Sharlands Road. In addition to this existing planting, Lifestyle Chickens are proposing to plant Pine Trees as screen planting around the perimeter of the site along all of the boundaries which do not already have screen planting. The trees will be planted at a height of 60cm to 1m and are expected to reach a maximum height of 4-6m within 4 years. The trees will be maintained through regular irrigation and fertilisation. If any trees are found to be diseased or dead, their replacement will occur as and when appropriate for the planting season. A proposed Landscaping Plan can be found in **Appendix D**.

3.1.8 Signage

No signage is proposed detailing that a poultry farm is operated at the site, however biosecurity signage is proposed. These signs will have a total area of no more than 9m^2 and will be attached to the security fencing at the entrance of the site as well as on several farm buildings.

3.2 Farm Worker Dwellings

As noted above the Applicant is proposing to build two new farm worker dwellings on the property to the west of the proposed poultry farm (see Figure 4 above). These dwellings will be occupied by site staff, usually the site manager.

The two dwellings will each be 150m^2 and contain three bedrooms, an open plan lounge/kitchen/dining area, bathroom and double garage with laundry. A set of plans for the dwellings can be seen in the below figure and in **Appendix B**. It is intended that the exterior of both dwellings will be white brick and Ebony coloured Coloursteel roofing. The joinery will be double glazed aluminium joinery in a black colour. Further, each dwelling will have their own outdoor living area which faces west.

Figure 5: Artist Impression

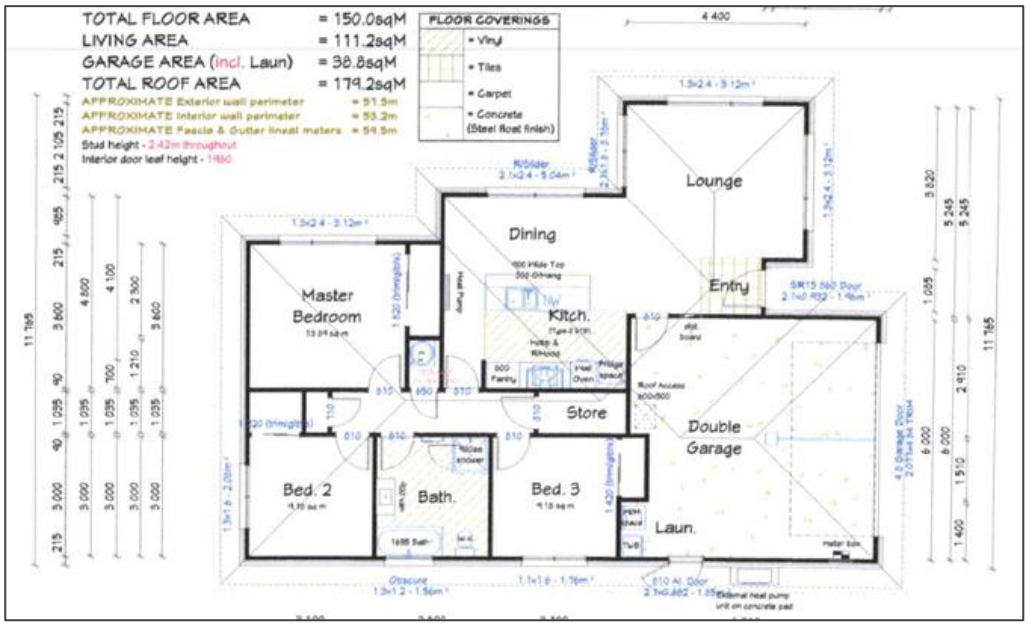

Figure 6: Floor Plan

3.2.1 Transportation

Access to both dwellings will be via the same proposed driveway off Sharlands Road that will be used to access the poultry farm.

It is anticipated that each dwelling will generate up to 30 vehicle movements per week, noting that many of the vehicle movements will be internalised given that the occupiers will be working onsite.

Two carparking spaces per dwelling (total 4 spaces) will be provided within the internal garages of the dwellings. There is ample space within the site for vehicles to manoeuvre to ensure that they enter and exit the site in a forward motion.

3.2.2 Electricity and Telecommunications

In respect to electricity, new connections will be provided to both dwellings. As for telecommunications, no hard telecommunications connections will be provided, however, access to satellite telecommunications connections (ADSL or Rural broadband) are available.

3.2.3 Three Waters

The site is not connected to any Council reticulated systems. As such water will be supply from the existing bore (Bore ID: L36/0887), wastewater will be disposed of via the same wastewater disposal systems used by the poultry farms and stormwater will be disposed of via onsite soakage.

4 Resource Consents Required

4.1 National Environmental Standards

There are ten National Environmental Standards (NES) that have come into effect being:

- *National Environmental Standard for Air Quality;*
- *National Environmental Standard for Sources of Human Drinking Water;*
- *National Environmental Standard for Telecommunication Facilities;*
- *National Environmental Standard for Electricity Transmission Activities;*
- *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;*
- *National Environmental Standards for Plantation Forestry;*
- *National Environmental Standards for Freshwater;*
- *National Environmental Standards for Greenhouse Gases from Industrial Process Heat*
- *National Environmental Standards for Marine Aquaculture; and*
- *National Environmental Standards for Storing Tyres Outdoors*.

In relation to this proposal, there are three NES that is of relevance, of which have been assessed below.

4.1.1 National Environmental Standard for Greenhouse Gas Emissions from Industrial Process Heat

The National Environmental Standard for Greenhouse Gas Emissions from Industrial Process Heat (NES-IPH) came into force on 30 November 2022 and apply if a site discharges greenhouse gases from a heat device, of which will occur as part of this proposal.

Regulation 10(1) states that the discharge of any greenhouse gas from a heat device is a Restricted Discretionary Activity if the device burns any fossil fuel other than coal, is not a back-up device, and is not on a low-emissions site. An assessment of these requirement have been carried out in Section 5.5 and Appendix A of the Air Quality Assessment prepared by Pattle Delamore Partners Limited (PDP), attached as **Appendix F**, whereby it was concluded that the proposal "*is considered a low-emission site under the NES-IPH and does not require consent for discharges of greenhouse gases*".

4.1.2 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) came into force on 1 January 2012 and apply when a person wants to undertake an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8).

As part of the preparation of this consent, a combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) was carried out by Momentum Environmental Limited (MEL) (**Appendix G**) given that the proposal involves the change land use as well as the disturbance and possible offsite removal of soils. Within Section 7.3 of the PSI/DSI it was noted that the subject site was listed in 2014 as a not investigated HAIL site under category 'A10 – Persistent pesticide bulk storage or use' from 1998. However, PSI testing (as detailed in the PSI/DSI) "*determined there was a low risk of heavy metal contamination on part of the subject site from previous horticultural activities…*" and that "*…heavy metal concentrations are at or below expected background concentrations. This indicates that HAIL A10 has not occurred on the site*."

Based on the above, the PSI/DSI concluded that the NES-CS does not apply to the site.

4.1.3 National Environmental Standards for Sources of Human Drinking Water

The National Environmental Standards for Sources of Human Drinking Water (NES-DW) came into force on the 20th of June 2008 and sets out the requirements for protecting sources of human drinking water from being contaminated. In this instance, the relevant regulations (being Regulations 7, 8 and 12) do not apply to this application as it does not have the potential to affect a registered drinking water supply that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year or any larger community supply. The closest downgradient community water supply well is at Dunsandel around 7.2 km away.

4.2 Canterbury Land and Water Regional Plan (LWRP)

4.2.1 Discharge of Wastewater

Rule 5.8 of the LWRP provides for "*the discharge of wastewater from a new, modified or upgraded on-site wastewater treatment system onto or into land in circumstances*" where a contaminant may enter water as a Permitted Activity provided several conditions are met. These conditions have been assessed by Courtenay Environmental (**Appendix I**) and are provided in the table below:

Conditions	Comment
1. The discharge volume does not exceed 2m^3 per day; and	**Complies** – The wastewater discharge flow is estimated to be 720 L/day based on 8 people at 90L/day which is well under the maximum 2m^3 per day allowed for by this condition.
2. The discharge is onto or into a site that is equal to or greater than 4 hectares in area; and	**Complies** – The wastewater will be discharged onto a site that is 30.69ha.
2a. The discharge is not located within an area where residential density exceeds 1.5 dwellings per hectare and the total population is greater than 1000 persons; and	**Complies** – The discharge will be within the rural environment where the residential density is less than 1.5ha per dwelling.
3. The discharge is not onto or into land: *a. where there is an available sewerage network; or* *b. that is contaminated or potentially contaminated; or* *c. that is listed as an archaeological site; or* *d. in circumstances where the discharge would enter any surface waterbody; or* *e. within 20 m of any surface waterbody or the Coastal Marine Area; or* *f. within 50 m of a bore used for water abstraction; or* *g. within a Community Drinking-water Protection Zone as set out in Schedule 1; or* *h. where there is, at any time, less than 1m of vertical separation between the discharge point and groundwater; and*	**Complies** – As detailed below, the proposal can comply with all of the points within this condition: a) There is no available sewerage network available for the subject site. b) As detailed in Section 4.2.2, the subject site is not contaminated. c) There are no archaeological sites on or within close proximity to the subject site. d) & e) Given the large distance between the subject site and the closest surface waterbody and the Coastal Marine Area, it is considered that the discharge will not enter into the water. f) The nearest active bore that is in a downgradient direction is approximately 250m from the site. g) The subject site is not within a Community Drinking-water Protection Zone as set out in Schedule 1 in the LWRP. h) The depth to groundwater is approximately 30m which is in excess of the minimum required separation of 1m.
4. The treatment and disposal system is designed and installed in accordance with Sections 5 and 6 of New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management; and	**Complies** – The wastewater treatment and disposal systems have been designed and will be installed in accordance with Sections 5 and 6 of the AS/NZS 1547:2012 Standards.
5. The treatment and disposal system is operated and maintained in accordance with the system's design specification for maintenance or, if there is no design specification for maintenance, Section 6.3 of New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management; and	**Complies** – The wastewater treatment and disposal system will be operated and maintained in accordance with the system's design specification for maintenance or Section 6.3 of the AS/NZS 1547:2012 Standards.
6. The discharge does not result in wastewater being visible on the ground surface; and	**Complies** – The discharge will not result in wastewater being visible on the ground surface.
7. The discharge does not contain any hazardous substance.	**Complies** – The wastewater discharge will be sediments from the site during earthworks and will not contain any hazardous substances.

In addition to the above conditions, activities that are located within the Selwyn Te Waihora sub-region are also required to comply with the below additional condition outlined in Rule 11.5.1:

1. *The discharge of wastewater from a new on-site domestic wastewater treatment system is not within the Cultural Landscape/Values Management Area.*

In this instance, the subject site is not located within a Cultural Landscape or Values Management Area. Therefore, as the proposed wastewater disposal can comply with all of the relevant requirements, this aspect of the proposal is a **Permitted Activity** as per Rule 5.8.

4.2.2 Stock Holding Areas

Rule 5.31 of the LWRP provides for "*the use of land for a stock holding area*" as a Permitted Activity provided several conditions are met. These conditions have been assessed in the table below:

Conditions	Comment
1. *The stock holding area is not:* a. *within 20 m of a surface water body, a bore used for water abstraction or the Coastal Marine Area; or* b. *within 100 m of a pre-existing dwelling or place of assembly on another property; and*	**Complies** – The stock holding area is well over 20m from the closest surface waterbody, bore used for water abstraction and the Coastal Marine Area. In respect to part b), the closest pre-existing dwelling on another property (being 319 Sharlands Road) is well over 200m from the proposed poultry farm sheds.
1a. *The stock holding area is not located within a Community Drinking-water Protection Zone as set out in Schedule 1; and*	**Complies** – The subject site is not within a Community Drinking-water Protection Zone as set out in Schedule 1 in the LWRP.
2. *All liquid animal effluent, washdown water or stormwater containing animal effluent is collected and disposed of to an animal effluent collection and storage system authorised under Rules 5.33 to 5.37 or an existing discharge permit; and*	**Complies** – As detailed below, any liquid animal effluent, washdown water or stormwater containing animal effluent will be collected and disposed of in accordance with Rules 5.33 to 5.37.
3. *The base of any stock holding area located on land over an unconfined or semi-confined aquifer shall be sealed such that seepage into land does not exceed one millimetre per day.*	**Complies** – The base of all stock holding areas will be sealed to ensure that should seepage into land occur, it does not exceed one millimetre per day.

Overall, the proposed use of land for a stock holding area is a **Permitted Activity** as per Rule 5.31 of the LWRP.

4.2.3 Use of Land for Collection, Storage and Treatment of Animal Effluent

Rule 5.33 of the LWRP provides for "*the use of land for the collection, storage and treatment of animal effluent*" as a Permitted Activity provided several conditions are met. These conditions have been assessed in the table below:

Conditions	Comment
1. *The land used for the collection, storage and treatment of animal effluent is not:* a. *within 20 m of a surface water body (other than a wetland constructed primarily to treat animal effluent), a bore used for water abstraction or the Coastal Marine Area; or* b. *within 50 m of the boundary of the property; or* c. *within a Community Drinking-water Protection Zone as set out in Schedule 1; and*	**Complies** – The area where the collection, storage and treatment of animal effluent is well over 20m from the closest surface waterbody, bore used for water abstraction and the Coastal Marine Area. In respect to part b), the area where the collection, storage and treatment of animal effluent is well over 50m from the boundary of the property. Finally, the subject site is not within a Community Drinking-water Protection Zone as set out in Schedule 1 in the LWRP.
2. *The collection, storage and treatment system is sealed, such that seepage into land does not exceed one millimetre per day.*	**Complies** – The area where the collection, storage and treatment of animal effluent will be sealed to ensure that should seepage into land occur, it does not exceed one millimetre per day.

Overall, the proposed use of land for the collection, storage and treatment of animal effluent is a **Permitted Activity** as per Rule 5.33 of the LWRP.

4.2.4 Discharge of Washdown Water Containing Animal Effluent

Rule 5.35 of the LWRP provides for "*the discharge of animal effluent or water containing animal effluent and other contaminants originating from a stock truck holding tank*" as a Permitted Activity provided several conditions are met. These conditions have been assessed in the table below:

Conditions	Comment
1. *The maximum volume discharged does not exceed 100m^3 per property in any 12 month period; and*	**Complies** – The proposal will involve the discharge of no more than 80m^3 (10m^3 per shed) of washdown water per year.
2. *The discharge of animal effluent or water containing animal effluent and other contaminants:* a. *is not within 20 m of a surface water body (other than a wetland constructed primarily to treat animal effluent); or* b. *within 20 m of a bore used for water abstraction, the Coastal Marine Area, or the boundary of the property.*	**Complies** – The location of the discharge will be well over 20m from the closest surface waterbody, bore used for water abstraction, the Coastal Marine Area and the property boundary.

While, the proposal can comply with the conditions of the rule, an email from ECan on the 26th of June confirmed that the application of this rule was not correct despite the proposed washdown water holding tank having the same or less effect as a stock truck holding tank (just not on wheels). As such an assessment of the other relevant rules has been carried out below.

Rule 5.36 of the LWRP provides for "*the discharge of animal effluent or water containing animal effluent and other contaminants originating from a stock holding area*" as a Restricted Discretionary Activity provided several conditions are met. These conditions have been assessed in the table below:

Conditions	Comment
1. *The discharge of animal effluent or water containing animal effluent and other contaminants:* a. *is not within 20 m of a surface water body (other than a wetland constructed primarily to treat animal effluent), a bore used for water abstraction or the Coastal Marine Area; and* b. *does not occur beyond the boundary of the property on which the animal effluent is generated unless the written approval of the property owner where the discharge occurs has been obtained; and* c. *is not within a Community Drinking-water Protection Zone as set out in Schedule 1; and* d. *has backflow prevention installed if the animal effluent or water containing animal effluent is applied with irrigation water; and* e. *is not to contaminated or potentially contaminated land; and*	**Complies** – As detailed below, the proposal can comply with all of the points within this condition: a) The location of the discharge will be well over 20m from the closest surface waterbody, bore used for water abstraction, and the Coastal Marine Area. b) The discharge will not occur beyond the property boundary. c) The subject site is not within a Community Drinking-water Protection Zone as set out in Schedule 1 in the LWRP. d) The discharge equipment will have backflow prevention measures installed. e) As discussed above in Section 4.2.2, the site does not contain contaminated land.
2. *The discharge is the subject of a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A.*	**Does not comply** – No Farm Environment Plan has been prepared for the proposed poultry farm based on the very low volumes of washwater being discharged to land over a 12 months period. .

Given the above non-compliance, the proposed discharge of washdown water falls to be assessed as a **Non-Complying Activity** as per Rule 5.37 of the LWRP.

4.2.5 Construction Phase Stormwater

Rule 5.94A of the LWRP provides for "*the discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, to a surface waterbody, or onto or into land*" where a contaminant may enter groundwater or surface water as a Permitted Activity provided several conditions are met. These conditions are assessed in the table below:

Conditions	Comment
1. *The area of disturbed land from which the discharge is generated is less than:* a. *1000m^2 for any construction-phase stormwater generated as a result of work carried out in an area shown as High Soil Erosion Risk on the Planning Maps; or* b. *two hectares in any other location; and*	**Does not comply** – While the site is not in an area shown as High Soil Erosion Risk, the sheds and surrounding hardstand area exceeds the permitted 2ha area outlined in part b) of this condition.
2. *The concentration of total suspended solids in the discharge shall not exceed:* 1. *50g/m^3 where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50g/m^3 in which case the Schedule 5 visual clarity standards shall apply; or* 2. *100g/m^3 where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m^3 in which case Schedule 5 visual clarity standards shall apply; and*	**Not applicable** – The construction phase discharge will be to ground. Therefore there will be no discharge to surface water.
3. *The discharge does not result in an increase in the flow in the receiving waterbody at the point of discharge of more than*	**Not applicable** – The construction phase discharge will not be to a watercourse but rather to ground.

1% of a flood event with an Annual Exceedance Probability of 20% (one in five year event); and	
4. *The discharge is not from, into or onto contaminated or potentially contaminated land; and*	**Complies** – As discussed above in Section 4.2.2, the site does not contain contaminated land.
5. *The discharge does not contain any hazardous substance; and*	**Complies** – Any construction phase discharge will be sediments from the site during earthworks and will not contain any hazardous substances.
6. *The discharge does not occur within a Community Drinking-water Protection Zone as set out in Schedule 1.*	**Complies** – The subject site is not within a Community Drinking-water Protection Zone as set out in Schedule 1 in the LWRP.

Given that the construction phase stormwater discharge cannot comply with all of the conditions outlined in Rule 5.94A, the proposal requires a **Restricted Discretionary Activity** consent as per Rule 5.94B of the LWRP.

4.2.6 Stormwater Discharge

Rule 5.96 of the LWRP provides for "*the discharge of stormwater, other than into or from a reticulated stormwater system to a surface waterbody, or onto or into land*" where a contaminant may enter groundwater as a Permitted Activity provided several conditions are met. These conditions are assessed in the table below:

Conditions	Comment
1. *The discharge is not from, into or onto contaminated or potentially contaminated land; and*	**Complies** – As discussed above in Section 4.2.2, the site does not contain contaminated land.
2a. *The discharge does not cause stormwater from up to and including a 24 hour duration 10% Annual Exceedance Probability rainfall event to enter any other property; and*	**Complies** – As detailed in the Stormwater Discharge Assessment prepared by Courtenay Environment (**Appendix H**), the proposed stormwater management measures will ensure that events of these durations and return periods will be managed on site.
2b. *The discharge does not result in the ponding of stormwater on the ground for more than 48 hours, unless the pond is part of the stormwater treatment system; and*	**Complies** – The stormwater treatment and disposal will be of sufficient size that when meeting 2(a) no long-term ponding will result.
2c. *The discharge is located at least 1m above the highest groundwater level that can be reasonably inferred for the site at the time the discharge system is constructed; and*	**Complies** – All bores are at least 60m deep with highest groundwater at greater than 30m below ground level.
2d. *The discharge is only from land used for residential, educational or rural activities; and*	**Does not comply** – While the discharge from the two farm worker dwellings comply with this condition, the breeder farm itself does not meet the definition of a rural activity in the Regional Policy Statement and therefore cannot comply with this rule.
2e. *The discharge does not occur where there is an available reticulated stormwater system, except where incidental to a discharge to that system; and*	**Complies** – The subject site is in the Rural Zone and therefore there is no reticulated stormwater system.
2f. *The discharge is not from a system that collects and discharges stormwater from more than five sites.*	**Complies** – The discharge is from a single site.

Given that the stormwater discharge cannot comply with all of the conditions outlined in Rule 5.96, the proposal requires a **Discretionary Activity** consent as per Rule 5.97 of the LWRP.

4.2.7 Earthworks

Rule 5.175(2) of the LWRP provides for earthworks over an unconfined or semi-confined aquifer as a Permitted Activity provided that either:

a. The volume of material excavated is less than 100 m^3; or
b. the volume of material excavated is more than 100 m^3 and:
  i. there is more than 1 m of undisturbed material between the deepest part of the excavation and the highest groundwater level; and
  ii. the excavation does not occur within 50 m of any surface waterbody.

In this instance, the volume of earthworks proposed will be well over 100m^3, however as per part b) there will be at least 27m of undisturbed material between the deepest part of the excavation and the highest groundwater level (which is 30m). Additionally, the earthworks will occur well over 50m from the closest surface waterbody. As such, the earthworks aspect of the proposal will be a **Permitted Activity** as per Rule 5.175(2) of the LWRP.

4.2.8 Storage of Hazardous Substances

Rule 5.181 of the LWRP provides for "*the use of land for the storage, other than in a portable container, and use of a hazardous substance listed in Part A of Schedule 4*" as a Permitted Activity provided several conditions are met. In this instance, the proposal involves the use and storage of LPG and diesel which are both listed in Part 4 of Section 4. As such, the relevant conditions are assessed in the table below:

Conditions	Comment
1. *The substance is approved under the Hazardous Substances and New Organisms Act 1996 and the storage and use of the substance is in accordance with all conditions of the approval; and*	**Complies** – Diesel and LPG are approved under the Hazardous Substances and New Organisms Act 1996 (HSNOA). The storage and use of both substances is in accordance with all of conditions outlined in the HSNOA.
2. *A current inventory of all hazardous substances on the site is maintained, and a copy of the inventory shall be made available to the CRC or emergency services on request; and*	**Complies** – An up-to-date inventory of all of the hazardous substances stored/used on the site will be maintained and available for Council to review on request.
3. *For hazardous substances stored or held on or over land, all areas or installations used to store or hold hazardous substances are inspected at least once per month or annually if the site is outside of any area or zone identified in a proposed or operative district plan for residential, commercial or industrial purposes and is unstaffed, and repaired or maintained if any defects are found that may compromise the containment of the hazardous substance; and*	**Complies** – The storage areas for the LPG and diesel will be inspected on a monthly basis and will be repaired or maintained if any defects are found that may compromise the containment of the hazardous substance.
4. *For hazardous substances stored or held in a container located in or under land:* a. *if there has been any physical loss of product, then the Canterbury Regional Council shall be notified within 24 hours of confirmation of the loss; and* b. *records of stock reconciliations over the past 12 months shall be made available to the CRC upon request. If requested, a copy of the stock reconciliation and the most recent certification of the container shall be provided to the CRC within five working days; and*	**Not applicable** – The LPG and diesel will not be stored in a container in or under land.
5. *For substances stored within a Community Drinking-water Protection Zone as set out in Schedule 1:* a. *all hazardous substances on a site are stored under cover in a facility which is designed, constructed and managed to contain a leak or spill and allow the leaked or spilled substance to either be collected or lawfully disposed of; and* b. *spill kits to contain or absorb a spilled substance are located with the storage facility and use areas at all times; and*	**Not applicable** – The subject site is not within a Community Drinking-water Protection Zone.
6. *Except where the storage was lawfully established before 4 July 2004 and the maximum quantity stored has not increased since that date, or the storage relates to transformers and other equipment associated with electricity infrastructure, the substances shall not be stored within:* a. *20 m of a surface waterbody or a bore used for water abstraction; or* b. *250 m of a known active fault that has a recurrence period of less than 10,000 years, and the land is:* i. *over an unconfined or semi-confined aquifer; or* ii. *within 50 m of a permanently or intermittently flowing river or a lake.*	**Complies** – The hazardous substances will be stored well over 20m from a surface waterbody or a bore used for water abstraction, over 250m from any known fault lines, over an unconfined or semi-confined aquifer and is well over 50m from a river or lake.

Overall, the proposed storage of hazardous substances is a **Permitted Activity** as per Rule 5.181 of the LWRP.

4.3 Canterbury Air Regional Plan (ARP)

4.3.1 Combustion of Fuel for Heating

Rule 7.20 of the ARP provides for "*the discharge of contaminants into air from the external combustion of fuel in any large-scale fuel burning devices*" as a Permitted Activity provided several conditions are met. An assessment of these conditions was carried by Pattle Delamore Partners Limited (PDP), and have been summarised in the table below:

Conditions	Comment
All Devices	
1. *The discharge is directed vertically into air and is not impeded by any obstruction above the emission stack which decreases the vertical efflux velocity below that which would occur in the absence of such obstruction; and*	**Does not comply** – Emissions from the eight heaters (which are LPG fired) will not be directed vertically into the air.
2. *Except for a period not exceeding two minutes in each hour of operation, the opacity of the discharge is not darker than Ringelmann Shade No. 1, as described in Schedule 6; and*	**Complies** – the opacity of the discharge will not be darker than Ringelmann Shade No. 1.
3. *The emissions are discharged through an emission stack which meets the requirements set out in Schedule 5; and*	**Does not comply** – The eight heaters will have an individual output of 78.5kW, or a combined output of 628kW. Schedule 5 requires gas fired heaters that create an output of 501-5000kW to have an emissions stack height that is greater than "*7m above ground level within 25m of the stack, or 3m above any building or structure within 35m of the emission stack"* however the proposed eight heaters will not have an emissions stack and therefore does not comply with this condition.
4. *The fuel burning equipment is maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment, a copy of each maintenance report is held for three years and made available to the CRC on request, and the annual maintenance includes adjustment, as required, of the fuel to air mix and testing of the ratio of combustion gases discharged to optimise efficiency; and*	**Complies** – the heaters will be maintained in accordance with the manufacturer's specifications and any reports/ maintenance logs will be held for a minimum of three years. Should Council request a copy of the reports/ maintenance logs, these will be provided.
Gas Fired	
5. *Where the discharge is from the combustion of liquefied petroleum gas or compressed natural gas, the combined net energy output capacity of all gas-fired devices is less than or equal to 5MW;*	**Complies** – The combined net energy output capacity of all eight gas-fired heaters is 628kW (or 0.628MW) which is well below the maximum 5MW.

Given that the proposal cannot comply with Condition 3, the proposal falls to be assessed as a Restricted Discretionary Activity as per Rule 7.21 of the ARP. Additionally, the proposal also does not comply with Condition 1, meaning that a consent as a **Discretionary Activity** is required as per Rule 7.24 of the ARP.

4.3.2 Discharges from Emergency Generators

Rule 7.29 of the ARP provides for the discharge of contaminants into air from the internal combustion of LPG in any stationary large scale fuel burning device with a combined net electrical output capacity of 301kW to 2mW outside of a Clean Air Zone for the purpose of emergency electricity generation as a Controlled Activity provided several conditions are met.

Conditions	Comment
1. *Emergency electricity generation occurs on the same property as it is used and the electricity is not distributed to any external network electricity grid; and*	**Complies** – The emergency generators will be used as part of the continued operation of the Breeder Farm as and when required of which will all occur on the same property. Further the electricity will not be distributed to any external network electricity grid
2. *The discharge is from an emission stack with a height of at least 7m above ground level, and 3m above the roof of any building, land or structure within 15m of the stack, unless the building or structure is on a different property to the stack and was not established nor had building consent or resource consent granted at the time the stack was established; and*	**Does not comply** – The discharge will not be from an 7m high emission stack.
3. *The discharge is directed vertically into air and is not impeded by any obstruction above the emission stack which decreases*	**Does not comply** – The emissions will not be directed vertically into the air.

	the vertical efflux velocity below that which would occur in the absence of such obstruction; and	
4.	*The sulphur content of the fuel burnt does not exceed 0.005% by weight; and*	**Complies** – PDP have determined that the sulphur content from the emissions will be 0.00058g/s.
5.	*The discharge can occur for maintenance and peak electricity network load management for a total of 500 hours per calendar year; and*	**Not applicable** – the use of the emergency generators will only occur when no electricity is provided by through the national electricity network.
6.	*Within the 500 hours per calendar year set out above, no more than 300 hours per calendar year can be for the purpose of peak electricity network load management; and*	
7.	*Except for a period not exceeding two minutes in each hour of operation, the opacity of the discharge is not darker than Ringelmann Shade No. 1, as described in Schedule 6; and*	**Complies** – the opacity of the discharge will not be darker than Ringelmann Shade No. 1.
8.	*The fuel burning equipment is maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment and a copy of each maintenance report is held for three years and made available to the CRC on request.*	**Complies** – the heaters will be maintained in accordance with the manufacturer's specifications and any reports/ maintenance logs will be held for a minimum of three years. Should Council request a copy of the reports/ maintenance logs, these will be provided.

Given that the proposal cannot comply with all of the conditions outlined in Rule 7.29, the proposal requires a **Discretionary Activity** consent as per Rule 7.30 of the ARP.

4.3.3 Discharge to Air

Rule 7.67 of the ARP provides for "*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*" as a Restricted Discretionary Activity provided that "*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*" of the ARP.

Section 6.4.2 of the PDP Air Quality Assessment concludes that the discharge of odour from the proposed Breeder Farm is unlikely to cause an offensive or objectionable effect. Therefore, the proposal complies with this rule and the activity status in relation to the discharge of air is **Restricted Discretionary**.

4.4 Selwyn Partially Operative District Plan (PODP)

The Selwyn District Council (SDC) publicly notified the 'Proposed Selwyn District Plan' on 5 October 2020, with hearings of submissions and further submissions being held between August 2021 and May 2023 and the decisions being publicly notified on 19 August 2023. Since August 2023, the Proposed District Plan was renamed as the 'Partially Operative Selwyn District Plan' or PODP. The majority of the PODP is now operative a part those rules that are still under appeal. Those rules under appeal have been underlined and coloured blue.

Rule #	Rule Name	Activity Status	Comment
Section EW – Earthworks			
EW-R1	Earthworks subject to a Building Consent	Permitted Activity	The earthworks associated with the construction of the poultry farm buildings and two farm worker dwellings will be subject to a building consent and will occur within 2m of the outer edge of the exterior wall of the buildings.
EW-R2	Earthworks	**Does not comply – Restricted Discretionary Activity**	All of the earthworks beyond the construction of the buildings are subject to this rule – this include the earthworks for the onsite wastewater system and the vehicle crossing and vehicle accessway/service lanes. These earthworks can comply with the majority relevant requirements as detailed below: • EW-REQ1(1) and (2) – The total volume of earthworks is in excess of 10,000m^3, of which exceeds the 7,500m^3 allowed for by this rule. • EW-REQ2(1) – The earthworks will occur on a flat site. • EW-REQ3(1) – The depth of the earthworks will be less than 2m when 1.5m or more from the boundary of a site in separate ownership and less than 0.5m when within 1.5m of the boundary of a site in separate ownership. • EW-REQ4(1) – The earthworks will be completed well within a 12-month period and any bare soil will either be sealed with hardstand material, landscaped, or recontoured and replanted. • EW-REQ5 – Not applicable, no bunding will occur. • NH-REQ4 – The proposal will not exacerbate flooding on any other

			property by displacing or diverting floodwater on surrounding land. • ECO-REQG – Not applicable, the earthworks are not within an area of indigenous biodiversity. • NFL-REQ9 – Not applicable, the site is not within an ONL or VAL. • CE-REQ5 – Not applicable, the site is not in the coastal environment.
Section NH – Natural Hazards			
NH-R2(3)	New Buildings and Structures in Natural Hazard Overlays	Permitted Activity	The subject site is within the Plains Flood Management Overlay and involves the establishment of two new residential units. a. The dwellings themselves will not located in a high hazard area; b. The dwellings will not be located in between a surface water body and a stop bank; and The finished floor levels of the dwellings will be as required in NH-SCHED1, being 400m above ground level.
Section EI - Energy and Infrastructure			
EI-R4(2)	Structures near Significant Electricity Distribution Line	Permitted Activity	The proposal involves the establishment of new buildings near a Significant Electricity Distribution Line (SEDL); however, the buildings will be well over 5m of the centreline and/or foundation of a support structure of the SEDL and therefore falls to be assessed as a Permitted Activity.
EI-R4B(1) and (6)	Earthworks near Significant Electricity Distribution Line	Permitted Activity	The majority of the earthworks associated with the proposal will be well over 10m from the SEDL. However, the earthworks associated with the creation of the vehicle crossing/accessway off Sharlands Road will be within 5m of the SEDL. In respect to the vehicle crossing earthworks, these: a. Will have a depth of 300mm deep within 2.2m metres of the SEDL foundation; b. Will not compromise the stability of the SEDL support structure; and c. Will not result in a reduction in ground to conductor clearance distances below what is required in the NZ Electrical Code of Practise for Electrical Safe Distances (NZECP 34:2001).
Section TRAN – Transport			
TRAN-R4	Vehicle Crossings	Permitted Activity	The proposed vehicle crossing is not in close proximity to an intersection with a State Highway or arterial road and can comply with the relevant requirements as detailed below: • TRAN-REQ2(10) – Not applicable as the proposal will be accessed via a local road. • TRAN-REQ3(7) – The site will have two vehicle crossings (one being the proposed access off Sharlands Road and the other being the existing vehicle crossing off Hunters Road used by the existing dwelling). Both roads are classified as local roads. • TRAN-REQ4(1) – The vehicle crossing will have a distance of over 400m from the intersection with Hunters Road. This rule also requires a sight distance of 282m for a 100km/hr road, of which this can be achieved in both directions. • TRAN-REQ5(5) – The vehicle crossing will be designed in accordance with the requirements set out in Diagram 5. • TRAN-REQ6(1) – The vehicle crossing will be sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary.
TRAN-R5	Vehicle Accessways	Permitted Activity	The vehicle access can comply with requirements as detailed below: • TRAN-REQ7(1) – The accessway is to be designed in accordance with the specified legal lengths and widths outlined in Table 3 and will be separated well over 80m from the closest neighbouring accessway. It will also have a maximum height clearance of 4.5m and will not have access to any roads outlined in point c) of the requirement. • NH-REQ4 – The proposal will not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land.
TRAN-R6	Vehicle Parking, Manoeuvring and Loading Areas	Permitted Activity	The vehicle access can comply with requirements as detailed below: • TRAN-REQ9(1) – The proposed carparks will be formed in accordance with the dimensions outlined in table 10 and diagram 13. • TRAN-REQ11(1) – While no cycle parking will specifically be provided for given the location and type of activity the proposal is. There will be ample space around the Egg Packing Facility show a staff member choose to cycle to work.

			• TRAN-REQ14(1) – The gradient of the parking area will be flat and comply with the required gradients outlined in this REQ. • TRAN-REQ16(1) – Sufficient onsite manoeuvring can be provided to ensure that all vehicles can leave the site in a forward motion. • TRAN-REQ28 – Landscaping around the entire poultry operation is proposed. This will be between each site and the road boundaries and will grow to at least 3m within 3 years.
TRAN-R7	Rural Vehicle Movements and Associated Parking	Permitted Activity	Vehicle movements associated with the rural activity can comply with the requirements outlined in TRAN-TABLE1 in that there will be no more than 60ECM/day accessing the site via a formed and sealed local road (being Sharlands Road) which is maintained by SDC.
Section HAZS – Hazardous Substances			
HAZS-R1	Use and/or Storage of Hazardous Substances, excluding a Major Hazard Facility	Permitted Activity	The proposal involves the storage and use of LPG and diesel. Given their volumes the proposal is not classified as a Major Hazard Facility and therefore the proposal is a Permitted Activity.
Section NOISE - Noise			
NOISE-R1(1)	Activities Not Otherwise Specified	Permitted Activity	As detailed in Section 5 of the Marshall Day Limited (Marshall Day) Acoustic Assessment (**Appendix K**), the proposal can comply with the below requirement: • NOISE-REQ1 – Any noise emitted from the poultry farm will be within the limits of: ○ 55dB L_{Aeq} (15min) during the hours of 0700 to 2200; and ○ 45 dB L_{Aeq} (15min) / 70 L_{AFmax} during the hours of 2200 and 0700 at the notional boundary of any noise sensitive activity within any site receiving noise.
NOISE-R2	Construction Activities	Permitted Activity	As detailed in Section 6 of the Marshall Day Assessment, any noise created during the construction period will not involve the use of explosives and can comply with the below requirement: • NOISE-REQ2 – Any noise emitted as a result of the construction activities will be within the limits specified within the table (NOISE-TABLE6) in the noise section of the PODP.
Section GRUZ – General Rural Zone			
GRUZ-R1	Residential Activity	Permitted Activity	The establishment of two farm worker dwellings are residential activities and provided for in the General Rural Zone.
GRUZ-R2	Structures	**Does not comply – Restricted Discretionary Activity**	The erection of the poultry farm structures cannot comply with all of the following requirements: • GRUZ-REQ1(1) - Once the Breeder Farm complex and two farm worker dwellings are constructed; the total site coverage will be 5.3% which exceeds the permitted coverage by 0.3%. • GRUZ-REQ2 - The height of the two single story farm workers dwellings will be well under 8m and the buildings associated with the poultry farm will be less than 12m tall. • GRUZ-REQ3 – The poultry farm buildings do not encroach into any HIRB recession planes. • GRUZ-REQ4 – The poultry farm buildings will be setback more than 5m from the properties boundaries and well over 10m from the two roads that boarder the site (being Sharlands Road and Hunters Road). • GRUZ-REQ4B – Not applicable as the site is not in PREC11 • GRUZ-REQ5 – Not applicable, none of the buildings are relocatable. • GRUZ-REQ16 – Not applicable as the site is not within close proximity of the Springfield Airfield. EI-REQ23 – Not applicable as the site is not within close proximity to the West Melton Aerodrome.
GRUZ-R5	Residential Unit on an Undersized Site	**Does not comply – Non Complying Activity**	The site does not meet the minimum site size of 40ha (SCA RD3), nor does the proposal provide any balance land to offset the two new dwellings.

GRUZ-R18	Intensive Primary Production	**Does not comply – Restricted Discretionary Activity**	The proposal involves the establishment of an intensive primary production activity and cannot comply with all of the following requirements: • GRUZ-REQ8 – the buildings, impervious areas and wastewater treatment systems associated with the poultry farm are setback less than the required 300m from the notional boundary of the lawfully established sensitive activities at 319 and 375 Sharlands Road. • GRUZ-REQ9 – A site plan (attached as **Appendix B**) shows the location of all paddocks, structures/buildings, paved/impervious areas and the wastewater treatment systems associated with the poultry farm activity.
GRUZ-R25	Shelter Belts	Permitted Activity	The proposal involves the establishment of screen planting around the poultry farm and can comply with the following requirements: • GRUZ-REQ16 – Not applicable as the site is not within close proximity of the Springfield Airfield. • EI-REQ23 – Not applicable as the site is not within close proximity to the West Melton Aerodrome. • EI-REQ24 – All screen planting will be setback at least 5m from the centreline of any SEDL. • NH-REQ7 – The proposed screen planting will be well over 30m from any dwellings on the adjoining properties and 5m from the buildings on the subject site.
Section SIGN – Signs			
SIGN-R1	General Signs	Permitted Activity	The erection of the biosecurity signage on the fencing and poultry farm buildings complies with all of the following requirements: • SIGN-REQ1 – Not applicable, there will be no freestanding signs. • SIGN-REQ2 – The subject site is not a gazetted recreation reserve, held by the Council as a public place, or is subject to a designation. Additionally, the signage will be no more than 9m^2 in area and less than 6m in height. • SIGN-REQ3 – Not applicable, the signage will not be affixed to a verandah or overhanging a road reserve. • SIGN-REQ4 – Not applicable, any signage will not project from the face of a building. • SIGN-REQ6 – The signage will not have any distracting features such as illuminated lights, moving components, sound effects, etc. • SIGN-REQ7 – The signage will not be of a colour or design resembling traffic signage or be in a position which obscure any traffic sign or signal from a road user's view.

4.5 Selwyn Operative District Plan (ODP)

Those rules within the PODP that are currently under appeal are not operative and do not have legal effect. Therefore, the corresponding rule in the ODP has been assessed below.

Rule #	Rule Name	Activity Status	Comment
Section C1 – Earthworks			
1.7.1.2	Earthworks and Setbacks, Volume and Site Rehabilitation	**Does not comply - Discretionary Activity**	The maximum cut face will be less than 5% and a depth below 2m. However, it is anticipated that a total volume in excess of 10,000m^3 will be required as part of the construction of the whole project which is well above the permitted 5,000m^3.
Section C2 – Tree Planting			
2.1.1	Shelterbelts and Amenity Planting	Permitted Activity	Firstly, Conditions 2.1.1.1 to 2.1.1.3 and 2.1.1.7 to 2.1.1.11 are not applicable to this proposal given that the site is not located in the respective policy overlays. The trees will be planted well over 20m from the edge of the waterbodies listed in Appendix 17 and 10m from any other waterbody. Based on a review of the Sun Tracker App, we anticipate that the trees (which will have a mature height of 4-6m) will not shade over the carriage way or property boundary during the hours of 1000 and 1400 hours (inclusive) on the shortest day of any calendar year. Finally, once mature, the trees will not encroach within the line of sight for any railway crossing or road intersection.
Section C3 – Buildings			

3.10.1.1	Buildings and Residential Density	**Does not comply – Non Complying Activity**	This rule allows for 1 dwelling per 20ha within the Outer Plains Zone, this proposal would introduce two additional dwellings to the single dwelling that already exists on the 30ha site.
3.11.1 and 3.11.2	Buildings and Site Coverage	**Does not comply – Discretionary Activity**	This rule requires a maximum site cover of 5% where the allotment is more than 1ha. Once the Breeder Farm complex and two farm worker dwellings are constructed, the total site coverage will be 5.3% which exceeds the permitted coverage by 0.3%.
3.12.1	Buildings and Building Height	Permitted Activity	The height of the two single story farm workers dwellings will be well under 8m. The height of the sheds is 4.1m to the apex of the roofs, while the height of the egg packing facilities is 7.2m to the apex of the roofs.
3.13.1	Buildings and Building Position	Permitted Activity	The two farm worker dwellings will be setback more than 5m from the properties boundaries and over 10m from the two roads that border the site (being Sharlands Road and Hunters Road). In respect to the buildings associated with the Breeder Farm, these buildings will be setback well over the required 30m from the property and road boundaries for buildings housing animals.
Section C4 – Roads and Transport			
4.5.1.1	Vehicle Accessways and Vehicle Crossings	Permitted Activity	The proposed vehicle access/crossing will be located on a flat site meaning that the gradient will be well below 1:6 vertical/1:20 horizontal.
4.5.1.2		Permitted Activity	The vehicle access will be formed to the relevant design and formation standards set out in Appendix E10.2 being 4.5m wide with a carriageway width of 3.0m. Additionally, the site will have ample space for vehicle to turn onsite.
4.5.1.3		Permitted Activity	A local road with a posted speed limit of more than 50km/hr requires a minimum separation distance of 60m from another local road. In this instance, the accessway will have a distance of over 290m from the intersection with Hunters Road. This rule also requires a sight distance of 282m for a 100km/hr road, of which this can be achieved in both directions.
4.5.1.4		Permitted Activity	The gate at the roadside of the accessway will open inwards towards the property and will be setback 10m from the road.
4.5.1.5		Permitted Activity	The vehicle crossing will provide access to Sharlands Road which is a sealed road. This vehicle entrance will be sealed for at least the first 10m of its length.
4.5.1.8		Permitted Activity	The subject site has frontage to two roads (Sharlands Road and Hunters Road) of which are both Local Roads. Nevertheless, access to the site will solely be off Sharlands Road.

4.6 Resource Consent Summary

In summary, the resource consents are required:

- **LWRP**
  - The construction phase stormwater discharge non-compliance is a **Restricted Discretionary Activity** as per Rule 5.94B.
  - The discharge of washdown water containing animal effluent is a **Non-Complying Activity** as per Rule 5.37.
  - The stormwater discharge from the poultry farm themselves is a **Discretionary Activity** as per Rule 5.97.
- **ARP**
  - The combustion of fuel for heating is a **Discretionary Activity** as per Rule 7.24.
  - The discharge from the emergency generators is a **Discretionary Activity** as per Rule 7.30.
  - The discharge of contaminants to air is a **Restricted Discretionary Activity** as per Rule 7.67.
- **PODP**
  - The earthworks beyond the construction of the buildings are a **Restricted Discretionary Activity** as per Rule EW-R2 and requirement EW-REQ(1) and (2).
  - The construction of the poultry farm buildings/structures are a **Restricted Discretionary Activity** as per Rule GRUZ-R2.
  - The erection of two additional dwellings on undersized sites without providing any balance land to offset this proposal is a **Non Complying Activity** as per Rule GRUZ-R5.5
  - The operation of the poultry farm as an intensive primary production activity is a **Restricted Discretionary Activity** as per Rule GRUZ-R18.
- **ODP**
  - The earthworks are a **Discretionary Activity** as per Rule 1.7.1.2.
  - The number of dwellings is a Non Complying Activity as per Rules 3.10.1.1 and 3.10.6
  - The site coverage exceedance is a **Discretionary Activity** as per Rules 3.11.1 and 3.11.2.

Overall, the proposal falls to be assessed as a **Non-Complying Activity** under all of relevant plans as the most onerous activity status provided for.

5 Assessment of Environmental Effects

Section 88 and Schedule 4 of the RMA require Lifestyle Chickens to assess any actual or potential effects that the proposal may have on the environment and the ways in which any adverse effects may be mitigated. Schedule 4 of the RMA requires that the assessment is in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have had on the environment.

5.1 Permitted Baseline

Pursuant to Section 95D, a Council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect (i.e. the Council may consider the 'permitted baseline'). The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan or have been consented to with regard to who is affected and the scale of the effects.

In respect to the SDC ODP and PODP, the proposal complies with all of the relevant transportation, building height/location, and screen planting rules meaning that any effects in relation to these aspects must be disregarded.

In terms of the ECan ARP and LWRP, the proposal complies with discharge of wastewater, stock holding area, hazardous substances storage and earthworks rules meaning that any effects in relation to these aspects must be disregarded. Additionally, the proposal can technically comply with LWRP Rule 3.35 (discharge of washdown water) albeit that the proposal does not involve a stock truck holding tank. As further detailed in Section 5.11 below, the permitted baseline concept is relevant to this aspect of the proposal as well.

Accordingly, the "permitted baseline" has been applied to this proposal as specified above.

5.2 Dust and Odour

5.2.1 Dust

The dust expelled from the sheds comprises of fragments of wood, excreta, and feather matter, and like odour emissions these potential dust emissions are generated by bird movement within the sheds that disturb the litter and creates airborne dust particles and feathers that are expelled through the ventilation fans.

Anecdotal evidence indicates that dust generated by chicken farming tends to settle out in close proximity to the ventilation fans. However, the largest amount of dust emissions is likely to occur when spent litter is removed off-site at the end of each cycle. This will occur at the end of each 40 week cycle and all practicable measures are taken to minimise the amount of dust during this process, including monitoring localised weather conditions to ensure that the clean out of the sheds is carried out in suitable conditions. The dust particles generated by the chicken farm are relatively large in size, therefore it is considered that the potential for dust from the chicken litter to travel long distances from the site is very low. Considering that the distance between the sheds and the closest neighbouring dwelling (being 319 Sharlands Road) is greater than 200 metres, it is unlikely that dust from the shed could travel to this property.

5.2.2 Odour

Odours generated by chicken farms are a combination of ammonia and sulphide compounds together with wet mash or feed odours. These odours are disturbed when the birds move causing the emission of airborne dust particles, resulting in an increase in odour. These odours are then expelled through ventilation fans.

As detailed in Section 6.1 of the Air Quality Assessment, PDP compared odour observations taken at a similar breeder farm (which also has eight sheds arranged in two sets of four and uses the same fans for ventilation) with the modelling results they had produced. The outcome of this comparison concluded that "*the odour observed would have been distinct to strong, whereas the actual odour observed was very weak to weak, and was only observed intermittently. Therefore, the model appears to over-predict odour concentrations*." Therefore PDP concluded that it is "*unlikely that the proposed farm will result in odours that are considered offensive or objectionable*."

5.2.3 Meteorology

The dispersion pattern of any fugitive dust and odour is determined by the local meteorology, topography, and the presence of windbreaks such as the proposed screen planting, neighbouring pine forest and undulating topography. The meteorology determines how a contaminant plume disperses and dilutes in the atmosphere as the plume moves away from the site.

The highest potential for dust and odour emissions is when the birds are removed, and the sheds are cleaned out. During these weeks it is essential that wind and weather conditions are suitable to ensure that any fugitive odours or dust are as limited as possible.

The perfect meteorological conditions for the removal of spent litter is during a calm day with low wind speeds.

5.2.4 FIDOL Factors

The possible odour effects associated with the proposal and the potential for odour to create an adverse effect can be considered in terms of FIDOL factors. An assessment of the FIDOL factors has been carried out in Section 6.4 of the PDP Air Quality Assessment whereby it was concluded that:

- The **frequency** at which odour could be detected at the neighbouring property will be a combination of the odour emissions from the farm and the meteorological conditions. PDP's modelling results "*indicate that the receptors will experience odour less than 5 OU 98.9% of the time*" which implies a low frequency of conditions with the potential to cause off-site odour nuisance effects.
- The **intensity** of odour events will increase due to the site being a greenfield site. However, "*based on the modelling results, there is potential that some off-site receptors could experience an odour concentration above the guidance criteria of 5 OU, however based on the odour observations this would correlate to weak to very weak odour*."
- The **duration** of odour being noticed is most likely to be at the end of the run for each shed, during the depopulation and clean out phase of the 40-week cycles. However, as this will occur on only one shed at a time staggered throughout the year the frequency and duration of these events will not be constant.
- If undiluted odours associated with chicken farming were to be experienced off-site, they would generally be considered **offensive**. However, it is important to note that the closest neighbouring receptor is over 220m away from the closest shed. PDP noted in Section 6.4.4 that "*the odour modelling results and observations at a similar site indicate that, for the majority of the time, the intensity of the odour will be weak, and would not be considered offensive*."
- The **location** of the site is such that the topography (being flat in nature) offers minimal shelter from possible plumes. However, as the site is located in a rural setting and the surrounding "*pastoral areas will have a low sensitivity to odour given the infrequent and transient human occupation and the potential background agricultural odours*" it is considered that the surrounding area "*will not be particularly sensitive to odours that may arise*".

5.2.1 Summary

Having regard to the FIDOL factors and the meteorological conditions in the area, together with the use best practice farm management methods and the PDP assessment, it is considered that the proposed development is unlikely to result in off-site odour and/or dust effects that are more than minor.

5.3 Heating System

The site will have eight 78.5 kW ATLX85 LPG-fired heaters (one per shed). These heaters require a resource consent as a Discretionary Activity as detailed in Section 4.1.1. The below Figure shows what the heater look likes from inside and outside of the sheds.

Figure 8: External view of heater (left) and internal view (right).

An in-depth analysis of the heaters in terms of the relevant requirements within the ARP has been carried out within the PDP Air Quality Assessment, with the following conclusions being made:

- The heaters will only be used when required and as such, "*the emission rates from the heaters will fluctuate as a result of temperature change*."
- It is estimated that the poultry farm will "*produce 60.2 ± 0.3 tonnes of carbon dioxide equivalent per year*".
- The following emission rates from the LPG-fired heaters have been determined:
  - NO_x – 0.0064 g/s
  - CO – 0.0037 g/s
  - PM – 0.00035 g/s
  - SO^2 – 0.00058 g/s

  These pollutant concentrations are well below the health guideline values for all contaminants assessed.

PDP have concluded that any potential effects from the heating system will be no more than minor and we have adopted this conclusion as our own.

5.4 Noise

5.4.1 Construction Activities

There will be a small change to the noise effects produced from the site, this will consist of noise from the earthworks and construction stage, as well as traffic and ventilation noise. However, as detailed in Section 6 of the Marshall Day Assessment, any construction noise created is unlikely to be higher than approximately 60dB L^{Aeq} due to the large separation distances between the construction activity and the nearest dwellings. As such, any construction noise effects will be less than minor.

5.4.2 Poultry Activity

The sources of noise from a chicken breeder operation includes noise from the ventilation and feed systems, traffic noise, mechanical noise and noise from the birds. In terms of ventilation noise, each shed will have six fans (with a total of 24 fans per poultry site or 48 fans over the whole subject site). With this in mind and Marshall Day have assumed that the fans will operate "*at 100% capacity during the day, reducing to 50% at night*"... where the "*fan noise levels will be approximately 8dB quieter at 50% capacity*".

Additionally, Marshall Day have assumed that any traffic noise will be generated by the use of vehicles such as heavy trucks, light vehicles and forklifts will occur for a period of 15 minutes, 7 times a days at peak times (when there are 26 movements per hour).

When considering the above, and noting that noise disperses as the distance from the source increases, Marshall Day have concluded that any noise experienced at the notional boundaries of the closest neighbouring properties will be no higher than 46dB $L^{Aeq(15min)}$ during the daytime or 38 dB $L^{Aeq(15min)}$ (being at 375 Sharlands Road) during the nighttime which complies with the requirements of the PODP.

As such, any noise effects associated with the poultry activity are deemed to be less than minor, particularly when considering that this is a rural environment where some level of noise associated with rural activities are anticipated.

5.4.3 Farm Worker Dwellings

In respect to noise effects on neighbouring properties and the wider environment from the two proposed farm worker dwellings, given their proposed residential use any noise will be no more than expected from a typical dwelling.

5.4.4 Summary

Overall, any noise created by the proposal is considered to be less than minor.

5.5 Transportation

5.5.1 Trip Generation

Chicken breeder operations contribute relatively low vehicle numbers to the local roading network over the course of the 40-week cycle. When fully developed, there is expected to be approximately 16 trips per day, or 110 trips per week generated. It is important to note that a trip is the in and out movement of the vehicle. Vehicle trips produced by breeder operations occur in peaks and troughs, with bird delivery/removal and shavings delivery/removal being the busiest time of a cycle. This busy patch occurs at the beginning and end of the 40-week cycle.

Whilst truck and trailers are used for the live bird transport it is interesting to note that they do not carry the maximum weight of 42 or 44 tonnes (depending on the axle configuration) which is permissible for a typical truck and trailer unit. This is because the carrying capacity is limited by the volume of birds rather than their weight. The gross weight of the loaded truck and trailer will thus typically be around 29 tonnes, carrying about 12 tonnes of birds.

Vehicles will access the site via a proposed new access road off Sharlands Road which will be designed and constructed to an appropriate standard to accommodate trucks and truck and trailer units associated with the poultry farming operation. It is anticipated that all vehicle movements generated by the proposal will come from and exit towards State Highway 1 to the east of the site. Furthermore, the intersection of Sharlands Road/Hunters Road is located on a flat section of road with the sightlines in either direction in excess of 200m, thus providing good lines of vision for trucks turning out onto the local roads.

In respect to the farm worker dwellings, any effects experienced are considered to be minimal given some of the occupiers will be living and working on the site, therefore many movements will be internalised. Nevertheless, it is anticipated that the two dwellings will create no more than 18 CEM/d onto Sharlands Roads, which is similar to what is created by other residential activities in the area.

Based on the above, it is considered that the proposed development will have less than minor effects on Sharlands Road and the surrounding transportation network.

5.5.2 Parking and Manoeuvring

As detailed above, dedicated parking areas for 13 vehicles will be provided at each 'poultry site', with a total of 26 carparks being provided. This will provide for enough parking for all staff members as well as visitors at both sites. In respect to the heavy vehicles, these vehicles will only be onsite for a short amount of time during the loading and unloading of the birds, litter, feed and packed eggs etc whereby specified loading areas are provided for. In terms of manoeuvring, the two 'sites' have been designed to allow for vehicles to enter and exit the subject site in a forward motion using a ring road configuration. Thus, ensuring the safe ingress and egress from the site.

In respect to the two farm worker dwellings, two carparks per dwelling are provided in the double garage, with ample space onsite to manoeuvre and allow for vehicles to enter and exit the subject site in a forward motion.

Therefore, any parking and manoeuvring effects will be less than minor.

5.5.3 Summary

Overall, given the assessment above it is concluded that transportation effects will be less than minor.

5.6 Visual Effects/Character and Amenity

5.6.1 Landscape Assessment Introduction

A Landscape Assessment Report has been prepared by Greenwood Associates and can be found within Appendix J. The methodology of this assessment uses the Te Tangi A Te Manu Aotearoa New Zealand Landscape Assessment Guidelines to determine the significance of effects. As per section 6.2.1 of the Guidelines the following ranking system was used for the assessment of landscape effects.

The guidelines also provide comparison to the RMA rating scale as follows:

5.6.2 Summary of Landscape Effects

The proposal will see the erection of two (2) groups of four (4) chicken sheds totalling eight (8) total sheds ,their associated infrastructure and two (2) dwellings across the two paddocks of the site.

These paddocks are separated by an existing internal shelter belt and thus, outside of the private dwelling at 375 Sharlands Road, the two groups of sheds and dwellings will be not be viewed in conjunction with one another from both the nearby public and private realms.

The physical modification required to accommodate the proposed chicken sheds, associated infrastructure and proposed dwellings is considered to be negligible.

The applicant is proposing to plant shelter belts at the external boundaries of the site to obscure the chicken sheds and dwellings from view from the adjacent public and private realms, based on the proposed staging of construction it is estimated that the westernmost group of sheds and dwelling will be visible for a period of approximately eight (8) months and the easternmost group of sheds for a period of thirty-two (32) months.

Thus, the 'window' for any adverse effects upon visual amenity is effectively limited to thirty-two (32) months, after which time the views towards the site will be dominated by shelter belts in an analogous manner to the surrounding landscape patterning.

The proposed chicken sheds have been designed in such a manner that their form can be readily associated with rural activity. The applicant has proposed an external colour palette for the sheds that will allow for a degree of absorption with the existing shelter belt and other planting that will act as a backdrop when viewed from various locations in both the public and private realms.

Whilst the proposed dwellings do not have an external colour palette that is recessive as the sheds, Greenwood Associates are of the opinion that the presence of the dwellings in near proximity to the sheds is an expectant outcome within a rural environment.

In relation to public viewpoints along Hunter Road, these will occur when approaching from the west and will be limited when approaching from the east during the establishment of the proposed shelter belts (being a period of approximately 4 years). Additionally views points of varying degrees are also likely from within the Sharlands Road in both directions. It is noted that *"the potential viewing audience on Sharlands Road will be larger than that on Hunters Road as Sharlands Road is a sealed road that serves as main local link to State Highway 1, whereas Hunters Road is a gravel road that would predominantly serve residents whose properties are access off Hunters Road*".

During the establishment of the proposed shelter belt, there will be a temporary effect given that the facility will be visible to some degree from both roads. However, Greenwood Associates have noted that "*the presence of a chicken shed can be considered to the prevailing rural character due to its profile and its ready visual association with a rural amenity building. The presence of a dwelling in near proximity can be also be considered an expectant outcome in a rural environment and thus also consistent with the prevailing rural character*" and that "*The position of the sheds combined with their proposed dark green external finish allows for a degree of absorption with the existing background of shelter belts across the site which will make the sheds less noticeable within the landscape than if they were viewed against a sky backdrop or were located in an elevated position. Whilst the dwellings will be finished in a colour (white) that does not readily absorb into the landscape as the green colour of the sheds, the presence of a white dwelling within the landscape can be considered an expectant outcome and as outlined in the preceding paragraphs this dwelling will likely be obscured from view by the sheds and the presence of a dwelling near a rural amenity building can be considered an expectant outcome in a rural environment."*

With respect to private viewpoints, Greenwood Associates have provided commentary in regard to the two closest properties to the subject site (being 179 Hunters Road and 375 Sharlands Road). In particular, they have concluded that:

- The owners and occupiers of 179 Hunters Road will have temporary views of the western group of chicken sheds and farm workers dwelling to the south-west prior the maturity of the shelter belt that is proposed to be planted along the common boundary with the site. While views of the facility will be temporarily visible, the presence of the chicken sheds and dwellings are similar to other rural buildings within the area and will therefore maintain the rural character to some extent. Additionally, they have noted the 300m separation distance between the facility and the boundary with this property is not considered to be 'in close proximity' and "*that this degree of separation is analogous to that afforded to other elements of residential and rural amenity-built form across the landscape*."

- The owners and occupiers of 375 Sharlands Road, whose dwelling is approximately 250m from both groups of sheds and associated dwellings and 175m from the common boundary, will have temporary views of both sets of chicken sheds and associated dwellings prior to the maturity of the shelter belts to the north-west. While the sheds

and associated dwellings will be temporarily visible, (for an estimated 32 months from the construction of the first set of sheds), any effects are considered to be very low given that existing shelter belts that are located between the subject site and western-most group of sheds and that the dwelling on 375 Sharlands Road does not have any major windows orientated towards the chicken sheds. In respect to long term effects, Greenwood Associates consider that any views from this property will be appropriately obscured to ensure that any effects are very low.

Overall, the proposed shelter belts will take on an analogous appearance to other established shelter belts within the landscape upon maturity and will obscure the site from both public and private (neighbouring) views and as such will complement the local landscape character values. This will aid in ensuring that any effects will be 'very low' or less than minor in an RMA context.

In regards to the SDOP and SDP, I am of the opinion that the proposal meets the objectives of the GRUZ by supporting and maintaining the function and form, character, and amenity value of rural areas, which retains a contrast in character to urban areas. In terms of the issue of the proposed dwellings exceeding the limit permitted on the site, in terms of this assessment this additional built form does not constitute an effect and Greenwood Associates are of the opinion that the effects of the proposal would remain unchanged if the residential built form on site complied with the relevant standards of the SDOP and SDP.

5.7 Stormwater

A full effects assessment in respect to stormwater from the poultry farm has been carried out by Courtenay Environmental in Section 6 of their Stormwater Discharge Assessment, which concluded that any effects will be less than minor given that:

- The stormwater runoff will be directed to an initial water storage tank for each shed and then through infiltration swales where the passage through the soil will effectively remove any potential contaminants, noting that the "*contaminant concentrations (for heavy metals at least) in the stormwater prior to treatment will likely to be lower than the limits in the drinking water standards*".
- Roof runoff will be sufficiently filtered through the gravels in the vadose zone so that no impact on groundwater quality would occur as a result of the discharge.
- The free draining subsurface results will ensure that no ponding effects will occur.
- "*Any change in groundwater level will be minor in the context of 15 or more metres between highest groundwater and ground level so no adverse effects would result from the change in groundwater level*".
- While the land contaminate levels are low, it is considered that the infiltration swales can sufficiently capture any contaminants present in the stormwater.
- "*There will not be any impact on surface water as a result of the discharge as the water race is not connected to the underlying groundwater and as the land does not slope towards the water race so no risk of surface runoff*."

In respect to the two farm worker dwellings, stormwater will be disposed of via designed onsite soakage as is the case with many residential activities in the area. Therefore, any effects on the environment and surrounding properties is considered to be less than minor given the land size and sufficient separation from the boundaries.

Based on the above information, it is considered that the stormwater effects will be less than minor in nature.

5.8 Vibration

The vibration effects that are expected from a poultry farm include the use of mechanical ventilation systems and traffic vibration. However, any vibration effects that may occur from the ventilation will be internalised on site due to the low level of vibration created by the systems. The vibration caused by vehicles coming and going from the site will be no more than what is experienced from trucks associated with a dairy farm. Therefore, it is considered that the proposed farm will not cause a noticeable rise in the vibration that is already occurring in the area. Hence, it is considered that any vibration effects will be less than minor.

5.9 Construction Effects

The earthworks to be carried out to create the building platforms for the poultry facility/sheds along with the accessway, vehicle crossing, internal service lanes and wastewater systems will require in excess of 10,000m^3 over an approximate 7.94ha. During the construction period, appropriate erosion and sediment control measures in accordance with the ECan guidelines will be put in place to retain the sediment on the site noting that erosion is unlikely given the flat topography of the site.

Additionally, dust precautions such as the wetting of bare soil will be carried out to ensure that dust nuisance effects are not experienced by the neighbouring properties. Any traffic movements associated with the exporting or importing of fill will be minimal and internalised as much as possible. This will ensure that any effects are appropriately managed to be less than minor.

These earthworks will be carried out during normal construction hours and in accordance with the required construction noise levels prescribed in the PODP and ODP and will be of a temporary nature occurring only for a few months while the construction of the building platforms, and internal infrastructure are being carried out. Therefore, construction noise created will occur during less noise sensitive times of the day to ensure that any effects on the residential area are minimal.

5.10 Washdown Water

As detailed above, the washdown water aspect of the proposal can technically comply with the conditions of Permitted Activity Rule 5.35 in the LWRP albeit the proposal does not involve contaminants originating from a stock truck holding tank. The use of a fixed washdown water holding tank and the associated discharge of the washdown water provides at the very most, the same effect as the discharge of animal effluent from a stock holding truck given that no more than 80m^3 (or 10m^3 per shed) will be irrigated per year and will only occur once per year from each shed. The reason for the 'at the very most' wording is due to the nature of the washdown water vs. the animal effluent from a truck holding tank. Washdown of the sheds only occurs after the sheds have been cleaned of litter, meaning the washdown process only picks up remnant litter (or animal effluent) rather than raw animal effluent from stock truck tank.

Furthermore, such irrigation practises are industry standard, whereby adverse effects have not resulted, and it is anticipated that this irrigation will also not create adverse effects particularly given that the irrigation will solely occur within the subject site, will be of a low volume and only as and when required. These aspects together will ensure that the level of nutrients discharged into the soil are of an acceptable level.

Therefore, it is considered that the effects associated with the discharge of wash down water are less than minor.

5.11 Positive Effects

The proposed poultry farm will be constructed and operated in a way that ensures the use and development of natural and physical resources are sustainably managed and so that people and communities are able to provide for their social and economic wellbeing. In particular, the proposal will enable the applicant to provide for their social and economic wellbeing through the establishment of this poultry farming business. In addition, the farm will provide a minimum of 13 full-time jobs in the community and onsite housing for at least 2 of their employees. The construction of the proposed sheds and egg packing facility will provide employment and inject money into the local construction and contracting industry, thereby also providing economic benefits to the region.

Lifestyle Chicken's proposed development is consistent with other modern chicken farms in the region and there is potential for the farm to generate several new jobs along the supply chain including breeder farm staff, catchers, cleaners and process workers. Thereby enabling the social and economic wellbeing of the applicant and their employees to flourish.

5.12 Summary

In summary, it is considered that any adverse effects on both the environment as well as surrounding neighbours in relation to the proposed Poultry Breeder Farm will be less than minor.

6 Notification

Sections 95A and 95B of the Act sets out steps which the consent authority must follow when determining whether notification is required and if it is required, whether public or limited notification is required. Sections 6.1 to 6.3 consider these steps in relation to this proposal.

6.1 Section 95A – Public Notification Assessment

Section 95A of the Act provides the ability for a consent authority to publicly notify a resource consent application.

Public notification is not mandatory as the Applicant does not request notification. The application also does not include the exchange of recreation reserve land.

The application is not subject to a rule or national environmental standard that precludes notification, nor is it a controlled activity or a boundary activity with restricted discretionary, discretionary, or non-complying activity status. Therefore, notification is not precluded under step 2.

Public notification is not required as a result of a rule in the ODP, PODP, or a National Environmental Standard. An assessment of the effects is undertaken in Section 5 of this report where it is concluded that the effects of the activity will not be more than minor. Therefore, the application should not be publicly notified in relation to these matters.

There are no special circumstances that would require this application to be publicly notified.

6.2 Section 95B – Limited Notification Assessment

If an application is not publicly notified, Section 95B of the RMA provides a number of steps for a consent authority to follow to determine whether limited notification is appropriate.

Certain groups and affected persons must be notified if the application affects customary rights, or customary marine title, and/or the land is subject to a statutory acknowledgement. In this case, these matters are not applicable.

Limited notification is not precluded as this application is not:

- subject to a rule or NES that precludes limited notification, or
- a Controlled Activity requiring consent under a district plan.

Consideration of whether there are any affected parties in accordance with section 95E is undertaken in Section 6.3 of this report below. It is noted that this activity does not include a boundary activity.

There are no special circumstances that would require this application to be limited notified.

6.3 Section 95E – Consent Authority Decides if a Person is Affected

Section 95E provides criteria as to how a consent authority determines whether a person is affected for the purposes of limited notification. The consent authority must decide that a person is an affected person if the activity's adverse effects on the person are minor or more than minor (but not less than minor).

The assessment of effects undertaken in Section 5 of this report concludes that the effects will be less than minor. Accordingly, there are no parties who are deemed to be affected.

6.4 Notification Conclusion

On the basis of the assessment of sections 95A, B and E above, it is concluded that this application can be considered on a non-notified basis.

7 Regulations

Section 104(1) of the RMA outlines the policies and planning matters that must be regarded by the consent authority when considering an application for a resource consent, subject to Part 2 matters. The below sections discuss the relevant matters and how the proposal reflects these matters.

7.1 National Policy Statements

There are eight current National Policy Statements (NPS) being:

- *National Policy Statement on Urban Development;*
- *National Policy Statement for Freshwater Management;*
- *National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat;*
- *National Policy Statement for Highly Productive Land;*
- *National Policy Statement for Indigenous Biodiversity;*
- *National Policy Statement for Renewable Electricity Generation;*
- *National Policy Statement on Electricity Transmission; and*
- *New Zealand Coastal Policy Statement.*

In this instance, three of the eight NPSs are of relevance to this proposal. These have been assessed in the below sub-headings.

7.1.1 National Policy Statement on Highly Productive Land

The NPS on Highly Productive Land (NPS-HPL) came into force on the 17th of October 2022 and sets out objectives and policies to achieve the purpose of the RMA in relation to highly productive land within the rural environment. The NPS-HPL classifies highly productive land as being Land Use capability (LUC) classes 1, 2, and 3. Given that the subject site has been classified in the New Zealand Land Resource Inventory as being LUC 4, the site is not highly productive land and therefore an assessment against relevant objectives and policies of the NPS-HPL is not required.

7.1.2 National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat

The NPS for Greenhouse Gas Emissions from Industrial Process Heat (NPS-IPH) came into force on the 27 July 2023 and sets out the objectives and policies to guide decisions on resource consents required under the NES-IPH. As detailed in Section 4.2.1, a resource consent under the NES-IPH is not required given that the site is considered to be a low-emission site, nevertheless the relevant objectives and policies within the NPS-IPH have been assessed in the table below.

<table>
<tr><th>Objectives</th><th>Policies</th></tr>
<tr><td rowspan="3">Objective 2.1(1)
The objective of this National Policy Statement is to reduce emissions of greenhouse gases by managing the discharges to air of greenhouse gases from the production of industrial process heat, in order to mitigate climate change and its current and future adverse effects on the environment and the wellbeing of people and communities.</td><td>Policy 2.2(1)
Discharges to air of greenhouse gases from heat devices are reduced or eliminated by:
a. avoiding discharges from new heat devices that burn coal and deliver heat at or above 300°C, unless there is no technically feasible and financially viable lower emissions alternative;
b. avoiding discharges from new heat devices that burn coal and deliver heat below 300°C;
c. restricting discharges from existing heat devices that burn coal and deliver heat at or above 300°C;
d. restricting and phasing out discharges from existing heat devices that burn coal and deliver heat below 300°C;
e. avoiding discharges from new heat devices that burn any fossil fuel other than coal, unless there is no technically feasible and financially viable lower emissions alternative;
f. restricting discharges from existing heat devices that burn any fossil fuel other than coal.</td></tr>
<tr><td>Policy 2.2(2)
Regional councils consider the cumulative effects of discharges of greenhouse gases when considering resource consent applications for discharges from heat devices.</td></tr>
<tr><td>Policy 2.2(3)
Holders of resource consents for discharges to air of greenhouse gases from heat devices update relevant emissions plans to reflect technological developments and best practice.</td></tr>
<tr><td colspan="2">Comment:
The proposal involves the use of LPG fired heaters which the poultry industry regularly use due to no alternative heating options being economically viable at this time. Nevertheless, the PDP Air Quality Assessment details that the use of the heaters are predicted to emit approximately 60 tonnes of CO_2-e emissions per year and therefore are considered generate low-emissions. Given the low discharge of the heat device, the proposed boiler will not present a considerable increase to the cumulative discharges of greenhouse gases. When considering the above, it is considered that the proposal not only seeks to minimise environmental harm but also actively works towards mitigating the present and future impacts of climate change on the environment, as well as the wellbeing of people and communities.

Overall, the proposal is not contrary to objective and policies in the NPS-IPH.</td></tr>
</table>

7.1.3 National Policy Statement for Freshwater Management

The NPS for Freshwater Management (NPS-FM) came into force on the 20th of September 2020 as was amended on the 23rd of February 2023. The NPS-FM sets out objectives and policies to achieve the purpose of the RMA in relation to freshwater. The NPS- FM applies to all freshwater environments and recognises the importance of protecting the health of freshwater. A full assessment of the NPS-FM has been undertaken in the Stormwater Discharge Assessment (**Appendix I**) and has been summarised below.

- Due to no reticulated stormwater system being available in the area, the best practicable option is the proposed treatment of the hardstand runoff using infiltration swales and discharge of the roof water to ground.
- "*As the stormwater contaminant concentrations will be well below the MAV and GV for drinking water, the treatment of the stormwater as it passes through approximately 15m of unsaturated natural strata will further reduce the contaminant load to ensure a very high quality discharge limiting the cumulative effects on groundwater associated with any other similar discharges in this area so the health and well-being of water bodies and freshwater ecosystems will be preserved*."
- As "*the nearest potable supply well in a generally downgradient shown on Canterbury Maps is the Dunsandel public supply well L36/0725 which is over 7 km away*", it is considered that "*there is no risk to this well from the proposed discharge".*

- "*By maintaining adequate separation distances to groundwater, property boundaries and adjacent properties, and nearby existing drinking water supplies, and by treating the stormwater by filtration through the soil and allowing for natural attenuation, the health needs of people will be protected*."
- The proposal will not result in any additional exceedance of the LWRP contaminant concentrations limits within groundwater.
- "*The proposed stormwater management will provide for the applicants, and the larger community of which they will form part of, social and economic well-being which is therefore consistent*" with Policy 15.

Overall, it is considered that the proposal is consistent with the NPS-FM.

7.2 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (RPS) sets out the objectives and policies to achieve the purpose of the RMA and address the significant resource management issues of the Canterbury Region. The RPS provides the direction regarding the use, development and protection of the Region's natural and physical areas and outlines the policies and methods to achieve these objectives.

The objectives that are of particular relevance to this proposal are:

- *Objective 5.2.2 – Integration of land-use and regionally significant infrastructure (Wider Region)*
- *Objective 7.2.1 – Sustainable management of freshwater*
- *Objective 7.2.4 – Integrated management of fresh water resources*
- *Objective 14.2.1 – Maintain or improve ambient air quality*
- *Objective 14.2.2 – Localised adverse effects of discharges on air quality*

In addition, the following policies are also of relevance:

- *Policy 5.3.1 – Regional Growth (Wider Region)*
- *Policy 5.3.2 – Development Conditions (Wider Region)*
- *Policy 5.3.3 – Management of Development (Wider Region)*
- *Policy 5.3.6 – Sewerage, stormwater and potable water infrastructure (Wider Region)*
- *Policy 5.3.8 – Land use and transport integration (Wider Region)*
- *Policy 5.3.12 – Rural production (Wider Region)*
- *Policy 7.3.3 – Water quality and land uses*
- *Policy 7.3.6 – Fresh water quality*
- *Policy 7.3.7 – Avoid, remedy or mitigate adverse effects of changes in land uses on the quality of fresh water*
- *Policy 7.3.8 – Efficient allocation and use of fresh water*
- *Policy 14.3.1 – Maintain and improve ambient air quality*
- *Policy 14.3.2 – Emissions from the use of solid and liquid based fuels*
- *Policy 14.3.3 – Avoid, remedy or mitigate localised adverse effects on air quality*
- *Policy 14.3.5 – Relationship between discharges to air and sensitive land-uses*
- *Policy 17.3.1 – Identify potentially contaminated land*

In considering the above objectives and policies, I make the following comments:

- The proposal is a sustainable primary production activity which will provide at least 13 full-time/part-time jobs for the local community.
- Once the proposed planting is established, the proposal will maintain the natural character and amenity values of the surrounding area.
- The proposal will avoid unacceptable risks to human health and ecosystems, as the discharge of contaminants to air will be managed in accordance with the matters of discretion outlined in the ARP.
- On the completion of the earthworks, the areas will either be re-grassed, planted with screen planting or covered in a hardstand material which will protect the natural character of the surrounding area.
- The proposal has been designed to not compromise the safe, efficient and effective operation of infrastructure corridors.
- Stormwater and wastewater is to be managed onsite in accordance with the corresponding management plans prepared by Courtenay Environmental which have been developed in accordance with the requirements of the LWRP.

7.3 Canterbury Land and Water Regional Plan

<table>
<tr><th>Objectives</th><th>Policies</th></tr>
<tr><td>Objective 3.23
Soils are healthy and productive, and human-induced erosion and contamination are minimised.</td><td>Policy 4.18
The loss or discharge of sediment or sediment-laden water and other contaminants to surface water from earthworks, including roading, works in the bed of a river or lake, land development or construction, is avoided, and if this is not achievable, the best practicable option is used to minimise the loss or discharge to water.</td></tr>
<tr><td colspan="2">Comment:
During the construction period, appropriate erosion and sediment control measures in accordance with the ECan guidelines will be put in place to retain the sediment on the site rather than reaching the bed of a surface water body. Additionally, dust precautions such as the wetting of bare soil will be carried out to ensure that dust nuisances are not experienced by the neighbouring properties.</td></tr>
<tr><td rowspan="3">Objective 3.2
Water management applies the ethic of ki uta ki tai – from the mountains to the sea – and land and water are managed as integrated natural resources recognising the connectivity between surface water and groundwater, and between fresh water, land and the coast.

Objective 3.9
Abstracted water is shown to be necessary and reasonable for its intended use and any water that is abstracted is used efficiently.

Objective 3.10
Water is available for sustainable abstraction or use to support social and economic activities and social and economic benefits are maximised by the efficient storage, distribution and use of the water made available within the allocation limits or management regimes which are set in this Plan.</td><td>Policy 4.7
Resource consents for new or existing activities will not be granted if the granting would cause a water quality or quantity limit set in Sections 6 to 15 to be breached, or further over allocation (water quality and/or water quantity) to occur, or in the absence of any water quality standards in Sections 6 to 15 the limits set in Schedule 8 to be breached. Replacement consents, or new consents for existing activities may be granted to:
a. allow the continuation of existing activities at the same or lesser rate or scale, provided the consent contains conditions that contribute to the phasing out of the over allocation (water quality and/or water quantity) within a specified timeframe; or
b. exceed the allocation limit (water quality and/or water quantity) to a minor extent and in the short-term if that exceedance is part of a proposal to phase out the over-allocation within a specified timeframe included in Sections 6 to 15 of this Plan.</td></tr>
<tr><td>Policy 4.54
In addition to the requirements in the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, any new water permit, replacement of an expiring water permit, transfer or review of an existing permit:
(a) to take water at a rate of more than 30 L/s;
(b) to take water with a minimum flow or trigger level that signifies a restriction on take; or
(c) to take water within a water users group;
shall include a condition requiring water use records to be telemetered to the Canterbury Regional Council or its nominated agent.</td></tr>
<tr><td>Policy 4.57
Any abstraction of groundwater does not result in cross-contamination between aquifers or water-bearing layers that results in, or may result in, adverse effects on water quality.

Policy 4.65
The rate, volume and seasonal duration for which water may be taken will be reasonable for the intended use.</td></tr>
<tr><td colspan="2">Comment:

As the taking of the water will continue in the same manner as it is currently (albeit be used in a different way), the abstraction of groundwater will be sustainable and will not result in the cross-contamination between aquifers or the degradation of water quality.</td></tr>
<tr><td rowspan="3">Objective 3.5
Land uses continue to develop and change in response to socio-economic and community demand.</td><td>Policy 4.12
There are no direct discharges to surface water bodies or groundwater of:
(a) untreated sewage, wastewater (except as a result of extreme weather related overflows or system failures) or bio-solids;
(b) solid or hazardous waste or solid animal waste;
(c) animal effluent from an effluent storage facility or a stock holding area;
(d) organic waste or leachate from storage of organic material; and
(e) untreated industrial or trade waste.</td></tr>
<tr><td>Policy 4.14A
The disposal of domestic effluent and wastewater shall be managed so as to avoid any adverse effect that is more than minimal on surface and ground waters. Where residential density exceeds 1.5 dwellings per hectare and the total population is greater than 1000 persons, community reticulated systems should be promoted. Alternatively, other measures should be promoted to reduce adverse effects on water bodies from effluent disposal systems, including secondary treatment systems and septic tank warrants of fitness.</td></tr>
<tr><td>Policy 4.17
Stormwater run-off volumes and peak flows are managed so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream or risks to human safety.</td></tr>
</table>

	Policy 4.29 *Where an on-site effluent treatment and disposal system is to be installed to treat and dispose of human effluent the system proposed will:* *a. effectively treat and dispose of human effluent, given the conditions of the site;* *b. avoid adverse effects on people's health or safety, on human or stock water supplies and on surface water beyond the site boundary;* *c. not restrict activities on adjoining properties;* *allow sufficient distance between the discharge from the on-site system and other discharges, wells or groundwater to avoid elevation of groundwater levels to an extent that land drainage is impeded.*
	Policy 4.33 *Any system to store, treat and dispose of animal effluent onto land has sufficient storage capacity to avoid the need to dispose of effluent when soil moisture or weather conditions may result in effluent run-off into surface water or leaching into groundwater and to avoid fugitive discharges in the case of equipment or system failure.*
	Policy 11.4.1 *Manage water abstraction and discharges of contaminants within the entire Selwyn Te Waihora sub-region to avoid, remedy or mitigate adverse cumulative effects on the water quality of Te Waihora/Lake Ellesmere, rivers and shallow groundwater; and the flow of water in springs and tributaries flowing into Te Waihora/Lake Ellesmere and achieve, in combination with non-regulatory actions, the freshwater objectives and outcomes for the sub-region.*
	Policy 11.4.11 *Require any person discharging wastewater, liquid waste or sludge waste from an industrial or trade process into or onto land to adopt the best practicable option to manage the treatment and discharge of contaminants and not exceed the nitrogen load limit for industrial and trade processes in Table 11(i) unless Policy 11.4.12 applies.*
Comment: The proposed stormwater system has been designed and will be constructed to provide appropriate treatment, attenuation, and erosion and scour protection. Stormwater and wastewater is to be managed onsite in accordance with the corresponding management plans prepared by Courtenay Environmental which have been developed in accordance with the requirements of the LWRP. The frequency, low volume and onsite location (noting that the irrigation will only occur when the weather and soil moisture level allows for it) of the irrigation/discharge of the washdown water from the sheds stored in a holding tank will ensure that no direct discharges to surface water bodies or groundwater will occur as per Policies 4.12 and 4.33. Additionally, the storage tank itself will have sufficient storage capacity given that the washdown of the sheds will occur once per year which will help to ensure that fugitive discharges do not occur. Therefore, the proposal will avoid significant adverse effects on the surface water bodies, groundwater and the community.	

Overall, the proposal is not contrary to objectives and policies in the LWRP.

7.4 Canterbury Air Regional Plan

Objectives	Policies
Objective 5.1 *Air quality protects the mauri and life supporting capacity of the environment.*	Policy 6.1 *Discharges of contaminants into air, either individually or in combination with other discharges, do not cause:* *a. diverse effects on human health and wellbeing; or* *b. adverse effects on the mauri and life supporting capacity of ecosystems, plants or animals; or* *c. significantly diminished visibility; or* *d. significant soiling or corrosion of structures or property.*
Objective 5.6 *Amenity values of the receiving environment are maintained.*	
Objective 5.7 *Discharges from new activities are appropriately located to take account of adjacent land uses and sensitive activities.*	Policy 6.4 *Reduce adverse effects of discharges on people where ambient air quality does not meet the value set in a national ambient air quality standard or guideline.*
	Policy 6.9 *Discharges into air from new activities are appropriately located and adequately separated from sensitive activities, taking into account land use anticipated by a proposed or operative district plan and the sensitivity of the receiving environment.*
Objective 5.9 *Offensive and objectionable effects and noxious or dangerous effects on the environment are generally avoided.*	Policy 6.22 *Applications for resource consent for discharges of contaminants into air from large scale fuel burning devices and industrial or trade activities shall identify the best practicable option to be adopted to minimise effects.*
	Policy 6.25 *Applications for resource consent for discharges into air from industrial or trade activities or large scale fuel burning devices classified as discretionary shall address:* *a. where the discharge includes PM10, the mass emission rate of the proposed discharge relative to the total emission rate of all discharges within the Clean Air Zone; and the degree to which the proposed discharge exacerbates cumulative effects within the Clean Air Zone; and*

	b. *localised effects of the proposed discharge and the location of sensitive receptors; and* c. *available mitigation and emission control options; and* d. *the duration of consent being sought and the practicability for the effects of the discharge to be reduced over time.*
	Policy 6.32 *Discharges of contaminants into air associated with farming activities do not cause offensive or objectionable effects beyond the boundary of the property of origin.*
Comment: As discussed in Sections 6.1, PDP concluded that "*the odour observed would have been distinct to strong, whereas the actual odour observed was very weak to weak and was only observed intermittently. Therefore, the model appears to over-predict odour concentrations*." Therefore, PDP concluded that it is "*unlikely that the proposed farm will result in odours that are considered offensive or objectionable*." The proposal involves the use of LPG fired heaters which the poultry industry regularly use due to no alternative heating options being available. Nevertheless, the PDP Air Quality Assessment details that the use of the heaters are predicted to emit approximately 60 tonnes of CO_2-e emissions per year and therefore are considered generate low-emissions. Given the low discharge of the heat device, the proposed boiler will not present a considerable increase to the cumulative discharges of greenhouse gases.	

Overall, the proposal is not contrary to objectives and policies in the ARP.

7.5 Selwyn Partially Operative District Plan

Section GRUZ – General Rural Zone	
Objective	**Policy**
Objective GRUZ-O1 *Subdivision, use, and development in rural areas that:* 1. *supports, maintains, or enhances the function and form, character, and amenity value of rural areas;* 2. *prioritises primary production, over other activities to recognise its importance to the economy and wellbeing of the district;* 3. *allows primary production, those activities that directly support primary production and have a functional or operational need to locate with the General Rural Zone and important infrastructure, to operate without being compromised by incompatible sensitive activities and reverse sensitivity effects;* 4. *retains a contrast in character to urban areas; and* 5. *protects highly productive land.*	Policy GRUZ - P1 *Maintain or enhance rural character and amenity values of rural areas by:* 1. *retaining a low overall building density;* 2. *enabling primary production while managing adverse effects of intensive primary production, and mineral extractive industries;* 3. *managing the density and location of residential development;* 4. *retaining a clear delineation and contrast between the district's rural areas and urban areas; and* 5. *recognising that primary production activities can produce noise, dust, odour and traffic that may be noticeable to residents and visitors to the General Rural Zone.*
	Policy GRUZ – P2 *Avoid the development of residential units on sites that are smaller than the required minimum site size, except where:* 1. *the development has been provided for through a legacy clause; or* 2. *the minimum residential density requirement is achieved through balance land that adjoins the proposed undersized site in a coherent form to maintain a predominance of open space immediately surrounding the undersized site or* 3. *the development is for a temporary activity or temporary accommodation.* 4. *in SCA-RD7 – High Country/ Kā Tiritiri o Te Moana, the development is within a building node, is necessary for the operation and maintenance of a rural production activity, and it can be demonstrated that no balance land is available; and* 5. *in all cases, the development of the residential unit(s) is outside both the Airport 50dB Noise Control Contour and the Port 45dB Noise Control Overlay.*
	Policy GRUZ - P4 *Provide for the economic development potential of the rural area by enabling a range of activities that:* 1. *have a direct relationship with, or are dependent on, primary production;* 2. *have a functional need, or operational need to locate in the rural area;* 3. *represent an efficient use of natural and physical resources; and* 4. *maintain or enhance the character and amenity values of the surrounding area.*
Comment: **O1** - The proposal is consistent with the objective in that it supports and maintains the function, form, character and amenity value of rural areas through planting/screening of the site, mitigating any visual or landscape character effects. The proposed	

planting/screening is consistent with many other rural properties within the district. The land use is appropriately rural and within a rural zone, allowing for the production of high quality New Zealand grown protein while not impacting highly productive land or creating reverse sensitivity effects on the adjoining neighbours.

P1 - The use of the site is appropriately rural in nature, meaning it would be inappropriate for the proposed use to be located within any other zone. This type of intensive farming requires the use of large buildings to house stock, which inherently involves a significant increase in building density over traditional grazing, cropping or dairy production. However, while this proposal cannot meet the 5% site coverage requirement, it is only 0.3% over this requirement which in my opinion does not make it contrary to policy P1.

P2 – This policy uses the very specific word 'avoid' when considering the development of residential units on sites that are smaller than the required minimum site size. The proposal is unable to comply with any of the 'except where' clauses. Therefore, in this case, I confirm the proposal is contrary to this policy.

I note that this type of policy only allows for traditional grazing, cropping or dairying type activities where significant land area is required. In this case, this intensive farm is able to make use of a relatively small rural block of Class 4 soil and become an important part of the poultry food chain in New Zealand. As part of the farms operation they are required to have staff on site 24/7 due to the mechanical nature of this type of farming. I note that as an example were the ventilation to break down when nobody was on site the birds could perish through a build up of body heat within the buildings. While these systems are alarmed, were these alarms to be triggered the farm worker would then have to travel to site to investigate and take the appropriate corrective action. There is no guarantee where this worker will live, nor can the company control this if they are not able to live on site.

In order to provide the Council with some certainty that these dwellings will not be able to become rental accommodation should the poultry activity cease, the applicant is prepared to offer a legal encumbrance, covenant or similar instrument acceptable to Council, where these dwellings would be removed if the site no longer held the appropriate resource consents from Environment Canterbury, this instrument would be in favour of Council. I note that these dwellings would not be able to become rental accommodation while the poultry farm was operation due to strict biosecurity requirements for this breeder poultry farming operation.

P4 – The proposal provides for the economic development of the rural area by providing an important function within the poultry producing industry by providing the egg stock for broiler chickens. The breeder farm has a functional need to be within the Rural Zone, in that it cannot be within any other zone, as this would be an inefficient use of other zone types due to the area required and the site separation from sensitive receptors. The land selected for this development is Class 4, representing a lower quality of soil, outside of the Highly Productive Land definition of NPS of the same name. Therefore, this type of activity represents an efficient us of the natural and physical resources available while maintaining the character and amenity of the surrounding area through the use of screen planting, a commonly used vegetation feature within the Canterbury Plains.

Section EW – Earthworks

Objective	Policy
Objective EW-O1 *Earthworks are undertaken in a manner that limits adverse effects on the surrounding environment.*	Policy EW-P4 *Minimise any adverse visual effects, loss of privacy, dust nuisance, or shading adverse effects during and on completion of earthworks.*

Comment:
During the construction period, appropriate erosion and sediment control measures in accordance with the ECan guidelines will be put in place to retain the sediment on the site rather than reaching the bed of a surface water body. Furthermore, dust precautions such as the wetting of bare soil will be carried out to ensure that dust nuisances are not experienced by the neighbouring properties.

On the completion of the earthworks, the areas will either be re-grassed, planted with screen planting or covered in a hardstand material which will protect the natural character of the surrounding area.

Section TRAN – Transportation

Objective	Policy
Objective TRAN-O1 *People and places are connected through safe, efficient, and effective land transport corridors and land transport infrastructure for all transport modes, which are well integrated with land use activities and subdivision development and reduce dependency on private motor vehicles.*	Policy TRAN-P7 *Recognise and protect the function of the District's land transport network and systems by managing land use activities and subdivision development to ensure the safe and efficient movement of people and goods by:* *1. Avoiding significant adverse effects and minimising other adverse effects from activities on the safe, efficient and effective operation of land transport corridors and land transport infrastructure, particularly where it may reduce safe and efficient traffic flows within the strategic transport network and links with Christchurch City;* *2. Ensuring land transport corridors and land transport infrastructure can efficiently and effectively provide for the volume and type of transport movements based on the network road classifications; and* *3. Requiring the design, positioning, and maintenance of accessways, corner splays, vehicle crossings, intersections, footpaths, plantings, and signs to ensure appropriate sightline visibility is provided to road users to support safe and efficient vehicle, pedestrian, and cycle movements.*
Objective TRAN-O2 *Land transport corridors and land transport infrastructure are protected from incompatible land use activities and subdivision development.*	
Objective TRAN-O3 *Land transport corridors and land transport*	Policy TRAN-P9 *Manage the design and layout of on-site parking areas and loading facilities to maintain the safe and efficient operation of land transport corridors and land transport infrastructure.*

infrastructure support the needs of people and freight, while ensuring adverse effects on the surrounding environment from their establishment and operation are managed.	Policy TRAN-P11 *Manage vehicle access, vehicle crossings and manoeuvring areas to maintain the safe and efficient operation of land transport corridors and land transport infrastructure by:* *1. Requiring all sites to have access to a road and to ensure that this access is constructed to the appropriate formation standards and is compatible with the network road classification;* *2. Avoiding the need to reverse vehicles onto the strategic transport network;* *3. Avoiding the establishment of new accessways and vehicle crossings to roads that require access across a rail line; and* *4. Minimising the need to reverse onto Collector Roads through the provision of appropriate on-site manoeuvring areas.*
Comment: The objectives and policies above recognise that land use needs to be efficient and well-integrated with road and transport networks. The proposed poultry breeder facility is located on a site that can be efficiently used and has access to a road that will not cause delays. In respect to parking and manoeuvrings, a total of 26 carparks are being provided for the poultry farm. In terms of manoeuvring, the two 'sites' have been designed to allow for vehicles to enter and exit the subject site in a forward motion. Thus, ensuring the safe ingress and egress from the site. In respect to the heavy vehicles, these vehicles will only be onsite for a short amount of time during the loading and unloading of the birds, litter and packed eggs whereby specified loading areas are provided for.	
Section HAZS – Hazardous Substances	
Objective	**Policy**
Objective HAZS-O1 *The benefits associated with activities involving the use, storage, disposal, and transportation of hazardous substances are recognised, while ensuring that risks to the environment and human health are minimised to acceptable levels.*	Policy HAZS-P1 *Enable activities involving the use, storage, disposal, and transportation of hazardous substances while managing the residual risk to people, property, and the environment to acceptable levels.*
Comment: The storage and use of the hazardous substances (being diesel and LPG) will be managed in accordance with poultry farm general practices to ensure that any potential residual risks to people, property, and the environment will be at acceptable levels.	
Section NOISE - Noise	
Objective	**Policy**
Objective NOISE-O1 *The health and wellbeing of people and communities and their amenity values are protected from adverse noise effects, consistent with the anticipated outcomes for the receiving environment.*	Policy NOISE-P1 *Manage noise effects by setting:* *1. Maximum noise limits to reflect the character and amenity of each zone;* *2. Limits on the location, frequency, and duration of specific activities that generate noise;* *3. A vibration standard.*
Comment: As detailed in Section 6 of the Marshall Day Acoustic Assessment, the level of noise created during the construction phase will be in accordance with the Permitted Activity standards in the POWP for construction noise. Additionally, Marshall Day have also concluded that any noise created by the poultry farm activity itself will be well below the daytime and nighttime levels of the PODP given that the poultry sheds/egg packing facility are separated from the closest neighbouring properties by a large distance.	

Overall, it is my view that while there is one specific policy relating to dwellings that cannot be met due to the use of the term 'avoid', the project as a whole is not contrary to the intent of the objectives and policies. There should be no argument that the appropriate location for intensive farming is within the Rural Zone and intensive farming by its very nature does not need the same amount of land that has typically been required by dairy, grazing or cropping activities.

This type of farming due to its use of mechanical equipment to maintain bird health and optimal farm operation does require staff to be onsite 24/7 to respond to any situation that arises. It would seem to be an oversight that while the PODP has allowed for this type of farming it has not allowed for the specific housing needs of this type of operation.

7.6 Selwyn Operative District Plan

Section B1 – Natural Resources	
Objective	**Policy**
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.*
	Policy B1.1.7 *Avoid removing large quantities of topsoil from sites unless:* • *The site will be covered in hardstanding; or* • *The topsoil will be replaced and the site replanted, when the activity ceases.*
Comment: During the construction period, appropriate erosion and sediment control measures in accordance with the ECan guidelines will be put in place to retain the sediment on the site rather than reaching the bed of a surface water body. Furthermore, dust precautions such as the wetting of bare soil will be carried out to ensure that dust nuisances are not experienced by the neighbouring properties. On the completion of the earthworks, the areas will either be re-grassed, planted with screen planting or covered in a hardstand material which will protect the natural character of the surrounding area.	
Section B3 – Health Safety Values	
Objective	**Policy**
Objective B3.4.1 *The District's rural area is a pleasant place to live and work in.*	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.*
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 B3.4.3 *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.*
Comment: The proposal is appropriately located within the Rural zone and will maintain the existing rural character of the area while avoiding reverse sensitivity effects by largely internalising its effects. The use of this Class 4 land for the purpose of intensive farming will not compromise the ability for the wider rural zone to continue to provide the opportunity for primary production or other businesses. To reduce the potential for possibly adverse effects on rural character or amenity screen planting has been proposed which will mitigate any visual effect to a Very Low level as per the Landscape Assessment prepared by Greenwood and Associates. The site coverage is proposed to be 5.3%, exceeding the site coverage requirement by .3%. This results in 94.7% of the property remaining underdeveloped by building platforms, which continues to allow the site to maintain low levels of site coverage. Due to the type of farming proposed, these buildings do need to be located in close proximity to each other creating a greater density than would be expected by historically typical farming styles. However, with the introduction of the screen planting proposed, the increase in building density is not expected to result in any noticeable change in density in the rural context, which is supported by the Landscape Assessment.	

Overall, it is my opinion the proposal is not contrary to objectives and policies in the ODP.

8 Resource Management Act 1991

8.1.1 Section 104

Section 104(1) of the RMA outlines matters that a consenting authority must have regard to when considering an application for resource consent.

Section 104B dictates how a consenting authority must process a Non-Complying Activity resource consent application. Section 104B reads as follows:

Section 104B – Determination of applications for Discretionary and Non-Complying Activities
After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority— *i. may grant or refuse the application; and* *ii. if it grants the application, may impose conditions under section 108.*

In addition to the above, Section 104D sets the threshold test for non-complying activities. Section 104D reads as follows:

Section 104D – Particular Restrictions for Non-Complying Activities
1. Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either— *a. the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or* *b. the application is for an activity that will not be contrary to the objectives and policies of—* *i. the relevant plan, if there is a plan but no proposed plan in respect of the activity; or* *ii. the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or* *iii. both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.* *2. To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

The above AEE (Section 5) concludes that overall, the proposed activity will have less than minor effects on the environment and local community given that the many of the potential effects can be internalised within the site boundaries or mitigated through the use of screen planting.

In particular I note that the Landscape Assessment Report makes reference to the noncompliance with the density and site coverage rules within the PODP and ODP for the farm worker dwellings and concludes that the effects continue to be very low or less than minor when using the Te Tangi A Te Manu – Aotearoa New Zealand landscape Assessment Guidelines.

The proposal has been assessed against the relevant objectives and policies in Section 8 of this report. This assessment confirms that the activity proposed is not contrary (in all but one aspect) with the provisions of the relevant planning instruments. The inclusion of the farm worker dwellings when assessed against GRUZ P2 under the PODP is contrary to the policy on the basis that this is an 'avoid' policy leaving no ambiguity, however this does not mean the proposal is contrary to the objectives and policies of the relevant planning documents.

In order to determine whether the application is contrary to the relevant objectives and policies as required by section 104D(1)(b). The decision *of New Zealand Rail Limited v Marlborough District Council* explains that being contrary to the objectives and policies of a plan means being opposed to in nature, different to, or opposite, and is something more than just being a non-complying activity.

Contrary to means "repugnant to" or "in opposition to".

It does not mean inconsistent with. As the Court of Appeal noted in *Arrigato Investments Ltd v Auckland Regional Council* non-complying activities are, by their nature, unlikely to be supported by the relevant plan. It said:

"[A non-complying] activity is, by reason of its nature, unlikely to find direct support from any specific provision of the plan. The Act provides for a spectrum of activities ranging from the prohibited to the permitted. In between are non-complying, discretionary and controlled activities. There is a clear conceptual difference between a prohibited activity and a non-complying one. Consent may be granted for the latter but not for the former. A non-complying activity is defined as an activity which is provided for in the plan as a non-complying activity or one which contravenes a rule in the plan…

The issue in this case was not whether the plan supported the activity but rather, given that it did not, whether it was nevertheless appropriate to allow it. Indeed gateway (b) in s105(2A) recognises that a non-complying activity will not be permitted by the plan, yet it may be granted provided it will not be contrary to the objectives and policies of the plan."

In terms of the assessment against the relevant objectives and policies, what is required is:

"a fair appraisal of the objectives and policies read as a whole."

As such, a proposal that is contrary to one or more provisions may not be contrary to the objectives and policies read as a whole. Only in rare cases "at the extremes" will the decision maker base its decision on a single objective or policy.

The proper approach to analysis was set out by the Environment Court in *Akaroa Civic Trust v Christchurch City Council* as follows:

"… in all but the simplest cases the second gateway test is very difficult to apply because most district plans have a plethora of objectives and policies. We consider that if a proposal is to be stopped at the second gateway it must be contrary to the relevant objectives and policies as a whole. We accept immediately that this is not a numbers game; at the extremes it is conceivable that a proposal may achieve only one policy in the district plan and be contrary to many others. The proposal

may be so strong in terms of that policy that it outweighs all the others if that is [the] intent of [the] plan as a whole. Conversely, a proposal may be consistent with and achieve all bar one of the relevant objectives and policies in the district plan. But if it is contrary to a policy which is, when the plan is read as a whole, very important in central to the proposal before the consent authority, it may be open to the consent authority to find a proposal as contrary to the objectives and policies under section 104D. We add that it is rare for a consent authority, or the Court, to base its decision either way, on a single objective or policy. The usual position is that there are sets of objectives and policies either way, and only if there is an important set to which the application is contrary, can a local authority rightly conclude that the second gateway is not past."

When assessing whether a non-complying activity is contrary to the objectives and policies of a plan, a holistic view of the objectives and policies must be taken. I emphasise that it is my opinion that the application must be assessed as a whole and that the decision makers should take a holistic view of the objectives and policies when undertaking their own objectives and policies assessment.

Based on both sets of assessments, the proposal achieves compliance with both limbs of the 104d threshold test and as such can be granted, subject to reasonable conditions.

8.1.2 Part 2 Matters

Part 2 of the RMA is the framework against which all the functions, powers and duties under the RMA are to be exercised for the purpose of giving effect to the RMA. Section 5 sets out the purpose of the RMA whereas Sections 6, 7 and 8 are intended to give guidance as to the way in which the purpose is to be achieved.

In relation to the assessment of Part 2 insofar as resource consent applications are concerned, reference is made to the Court of Appeal's decision in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, which was released on 21 August 2018. The Court of Appeal held that the Supreme Court's rejection in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* [2014] NZSC 38 ("*King Salmon*") of the "overall broad judgment" approach in the context of plan provisions applied in the particular factual and statutory context of the NZCPS which, the Supreme Court confirmed, already reflects Part 2, and complies with the requirements of the RMA. The Court of Appeal did not consider that the Supreme Court in *King Salmon* "*intended to prohibit consideration of Part 2 by a consent authority in the context of resource consent applications (paragraph [66])*".

In the context of resource consents, the Court of Appeal determined that:

b) RMA decision makers should usually consider Part 2 when making decisions on resource consents (this is the implication of the words "*subject to Part 2*" in section 104); and
c) However, doing so is unlikely to advance matters where the relevant plan provisions have clearly given effect to Part 2, or where it is clear that the plan is "*competently prepared*" with "*a coherent set of policies*" such that there is no need to refer to Part 2.

In respect to the current application, it is considered that the ARP, LWRP, ODP and PODP contains a coherent set of policies which gives effect to Part 2 of the RMA. In that sense, the coverage of Part 2 in the ARP, LWRP, ODP and PODP is most likely complete. In addition, the ARP, LWRP, and PODP have all become operative after King Salmon, meaning that the WDP can be considered as competently prepared. As such, there is no definitive need to provide an assessment of the proposal against Part 2 and these matters have been disregarded.

9 Legal Encumbrance – Farm Worker Dwellings

Based on discussions with SDC, it would seem that there is some concern of additional dwellings within the district being used for rental accommodation rather than for fam worker accommodation. While this is not possible in this situation due to the high level of biosecurity requirement for a breeder farm operation, the applicant is sympathetic to Councils view of this being a possibility. On that basis the applicant is prepared to offer a legal encumbrance (the type to be agreed with SDC), that would require the removal of these dwellings within 12 months of the closure of the site, or the surrender or expiry (without being renewed) of the Environment Canterbury resource consents.

This is offered on the basis that should any legislation, national or local regulatory framework or rule change to allow these types of dwellings in the future this encumbrance would be void.

10 Duration

A consent duration in respect to the ARP and LWRP of 25 years is sought.

11 Conclusion

This report has outlined how any effects from the eight shed poultry breeder farm and two farm worker dwellings will create less than minor adverse effects. This conclusion is reached on the basis that most potential effects will be managed through the use of a number of different practices, such as sophisticated mechanical ventilation systems used within the sheds, the SMP, the range of sediment and erosion controls used, and proposed planting on the site.

This report has considered the proposal in terms of the relevant planning documents, particularly the Selwyn Operative District Plan, Selwyn Partially Operative District Plan, Canterbury Air Regional Plan, Canterbury Land and Water Regional Plan and the Resource Management Act 1991. As identified in Section 4.7 of this report, the proposal is to be assessed as a **Non-Complying Activity** as this was the most onerous activity status. In summary, it is requested that the proposal be assessed on a non-notified basis and subsequently granted subject to reasonable conditions.

Appendix A Record of Title

Appendix B Site Plans

Appendix C Draft Site Management Plan

Appendix D Landscaping Plan

Appendix E Bore Permit CRC240479

Appendix F PDP Air Quality Assessment

Appendix G Momentum Environmental PSI/DSI

Appendix H Courtenay Environmental Consultants Stormwater Discharge Assessment

Appendix I Courtenay Environmental Consultants Limited Wastewater Assessment

Appendix J Greenwood Associates Landscape Architecture Limited Landscape Assessment Report

Appendix K Marshall Day Limited Acoustic Assessment

Kinetic Environmental Consulting Limited

PO Box 9413
Waikato Mail Centre
Hamilton 3240
New Zealand

kineticenvironmental.co.nz