

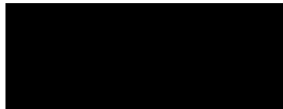
**SUBMISSION ON APPLICATION CONCERNING A RESOURCE CONSENT THAT IS  
SUBJECT TO LIMITED NOTIFICATION BY CONSENT AUTHORITY**

*Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4)  
Resource Management Act 1991*

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**Submitter(s):** **Hamish Alexander Ferguson & RMF Trustees One Limited**



**Carmel Tyson**



- 1 This is a submission on an application by Lifestyle Chickens Limited (the *Applicant*) (Record No: RC245697) to the Selwyn District Council (*Council*) for:

- 1.1 Land use consent RC245697: to construct and operate an eight shed poultry breeder farm and two associated farm worker dwellings that do not comply with earthworks, rural density, intensive production setback and building coverage standards.

(the *Application*)

- 2 The Submitters oppose the Application.
- 3 The location of the proposal is 227 Hunters Road, Dunsandel, Rakaia (*Site*).<sup>1</sup>
- 4 The Submitters are not a trade competitor for the purposes of s 308B of the Resource Management Act 1991 (*RMA*).

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<sup>1</sup> Legal Description: Lot 2 Deposited Plan 82576 BLK VI SELWYN SD.

- 5 The specific parts of the Application that the Submitter(s) submission relates to are all aspects of the Application.
- 6 The Submitter(s) submission is:
- 6.1 the Application is likely to have more than minor adverse effects;
  - 6.2 the Application is not appropriate in light of the provisions, policies, and objectives of the relevant planning documents, including the Canterbury Regional Policy Statement, the Operative Selwyn District Plan (Selwyn *ODP*) and the Partially Operative Selwyn District Plan (Selwyn *PODP*);
  - 6.3 further assessment of this Application is required before it is possible to fully understand the extent of the effects of the proposal against the relevant consenting framework; and
  - 6.4 the Application needs to be considered and determined alongside the required application to the Canterbury Regional Council.

**Selwyn Operative District Plan and Partially Operative District Plan**

- 7 The Site is zoned General Rural Zone under the Selwyn POSDP. The Application requires consideration under the Selwyn POSDP for the following activities:
- 7.1 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).
  - 7.2 The construction of the poultry farm buildings/structures are a Restricted Discretionary Activity as per Rule GRUZ-R2.
  - 7.3 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.
  - 7.4 The operation of the poultry farm as an intensive primary production activity is a Restricted Discretionary Activity as per Rule GRUZ-R18.
- 8 The Site is zoned General Rural Zone under the Selwyn OSDP. The Application requires consideration under the OSDP for the following activities:
- 8.1 The earthworks are a Discretionary Activity as per Rule 1.7.1.2.
  - 8.2 The number of dwellings is a Non Complying Activity as per Rules 3.10.1.1 and 3.10.6
  - 8.3 The site coverage exceedance is a Discretionary Activity as per Rules 3.11.1 and 3.11.2.
- 9 In consideration of these matters, the Submitter(s) are concerned about the potential for adverse effects of the Application. They want to ensure that these are adequately and appropriately avoided, remedied, or mitigated.

10 In particular, the Submitter(s) consider that the Applicants have not adequately and appropriately addressed the following issues:

10.1 The Application is contrary to the relevant objectives and policies of the Selwyn ODP and the Selwyn PODP and undermines the integrity of both the Selwyn ODP and Selwyn PODP.

10.2 The cumulative impact of adverse effects (discussed below), particularly arising from the proposed intensification, will impact rural amenity expectations for the zone(s).

10.3 Any precedent effects that the Application may have.

10.4 Adverse effects of the Application, including:

- (a) Adverse effects of odour (noting the Submitter(s) acknowledge that these effects will be assessed in the regional context under the Canterbury Air Regional Plan (*CARP*) but also consider that these effects require consideration within a district context, especially in relation to matters such as rural amenity):
  - (i) The Applicants cannot rely on the modelling as a basis for predicting odour levels<sup>2</sup> and a number of other matters, including FIDOL assessments which are required to be considered;
  - (ii) That a 5 OU/m threshold is not to be treated as a pass or fail test, and the model only makes predictions about the concentration of odour, which may or may not eventuate in certain circumstances that may be offensive or objectionable, but it is not determinative; and
  - (iii) How adverse effects from odour and contaminants may affect individual wellbeing (including in relation to allergies) and the impact on livestock and pasture, which are less than 100m from the proposed poultry sheds.
- (b) Adverse landscape and visual effects (inclusive of character), including that:
  - (i) The Application proposes a change in the Site from a traditional open rural land use to an intensive shed-based operation with support farm worker dwellings, which is inconsistent with the existing rural character;
  - (ii) The Application proposes significantly increasing intensification from the minimum site size restrictions contained within the Selwyn PODP and Selwyn ODP. The total new build is

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<sup>2</sup> *Craddock Farms Limited v Auckland City Council* 2016 NZEnvC 051.

approximately 15,680m<sup>2</sup>, while the approximate total of the existing build is 585m<sup>2</sup>; and

- (iii) The Submitter(s) submit that the proposed shelter belts at the Site's boundary will not adequately mitigate these adverse effects.
- (c) Adverse effects of traffic movements (expected to be an additional 47 trips (CEM) per day), the impact of which has not been assessed by an expert beyond noise and vibration.
- (d) Adverse effects on noise arising during construction and operation of the proposal:
  - (i) During operation noise cumulative effects on noise are expected to arise from ventilation feed systems (with a total of 24 fans per poultry site or 48 fans over the whole subject site), traffic noise, mechanical noise and noise from poultry; and
  - (ii) It is submitted that the noise effects associated with the proposed activities are beyond those anticipated within the rural environment and will affect the Submitter(s) enjoyment of their property, including outdoor areas.
- (e) Additional adverse effects in relation to the Application which require further thought include:
  - (i) How the Applicant proposes to dispose of dead birds in relation to the Application, where these will be held until removal and the proposed frequency of removal;
  - (ii) What procedures are in place to protect the surrounding properties should there be any issues regarding gas arising in relation to the Application; and
  - (iii) Potential biosecurity hazard effects, including those related to the contraction of bird flu or other bird-related diseases and how these would affect external poultry on the Submitter(s) property.

#### **Regional Council matters**

- 11 The Submitter(s) have also made submissions on regional consents sought by the Applicant. The Application will have significant impacts on regional issues that are also relevant in a District Council context.
- 12 There is a presumption of a joint hearing under s 102 of the RMA where applications for resource consents in relation to the same proposal have been made to 2 or more consent authorities. It is appropriate that the various matters be considered together.

**Decision sought**

- 13 For the reasons outlined above, the Submitter(s) seek the following decision from the consent authority:
- 13.1 that the Council decline the Application in its entirety.
- 14 The Applicant has sought a consent duration of 25 years in respect of the CARP and the Canterbury Land and Water Regional Plan (*CLWRP*). The Submitter(s) consider that a 5-year duration would be appropriate in the circumstances.
- 15 The Submitter(s) wish to be heard in support of this submission.
- 16 If others make a similar submission, the Submitters will consider presenting a joint case with them at the hearing.

**Signed** for and on behalf of the Submitters (detailed above) by its solicitors and authorised agents Chapman Tripp



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Ben Williams  
Partner  
15 January 2024

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