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In the matter of

Applications to the Selwyn District Council (RC155117 and 165001) and to the Canterbury Regional Council (CRC160657) by Offaly Farms Limited to expand an existing intensive pig farm, to undertake earthworks, and to discharge contaminants to air at Tramway Road, Annat.

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## **DECISION OF HEARING COMMISSIONER JOHN GRAHAM ISELI**

**Hearing:** 3<sup>rd</sup> June 2016, Selwyn District Council Offices, Rolleston

**Site:** 17.6 hectares at 2282 Tramway Road, Annat.

**Zoning:** Outer Plains in the partially operative Selwyn District Plan.

**Activity Status:** Restricted Discretionary and Discretionary.

**Decision:** Both consents sought from the Selwyn District Council are granted, subject to conditions. The consent sought from the Canterbury Regional Council to discharge contaminants to air is granted for a term of 15 years, subject to conditions.

## 1. APPOINTMENT AND SITE VISIT

1.1 I have been appointed and empowered by the Selwyn District Council (SDC) and the Canterbury Regional Council (CRC) to determine three consent applications by Offaly Farms Limited. These consent applications are:

- RM115117 - Retrospective consent to increase the stocking rate at Offaly Farms to 3760 Standard Pig Units (SPU) and to further expand the piggery with replacement and additional buildings and an increase in stock to 4853 SPU.
- RM165001 - To undertake earthworks in excess of 5,000m<sup>3</sup> in order to excavate and construct piggery effluent treatment ponds.
- CRC160657 - To discharge contaminants including odour to air from an intensive indoor piggery. Consent is sought to house a maximum 4853 Standard Pig Units (SPU) at the piggery. An SPU is equal to an average sized 40 kilogram grower pig.

1.2 I visited the site of the existing piggery and the surrounding area after the conclusion of the hearing, during the afternoon of June 3<sup>rd</sup> 2016. At this time I observed the location of dwellings owned by the submitters and visited Mr and Mrs Parker's property.

1.3 Both prior to and during the hearing I have had the benefit of comprehensive application documentation and evidence, and detailed assessment by the two council reporting officers. These documents contain a significant amount of information and are publicly available from the records of the relevant council. I therefore do not attempt to set out all the background information and evidence in this decision; rather I focus on the central facts and key evidence relating to the aspects of the proposal in contention (primarily odour from the piggery).

## **2. THE PROPOSAL AND BACKGROUND**

- 2.1 Offaly Farms seeks retrospective consent from the SDC to increase the stocking rate to 3760 Standard Pig Units (SPU) and then to further expand the piggery with replacement and additional buildings and increase stock numbers to 4853 SPU. The applicant wishes to increase the pig growing capacity over the next two to five years by increasing the number of sows from 270 to 400. This would require the construction of an additional grower barn and a farrowing barn. The new grower barn would replicate the existing barn, and the new farrowing barn would replace two existing barns.
- 2.2 Associated with the application is the construction of two new effluent treatment ponds. The total excavated volume would be approximately 20,000 cubic metres – 7,500m<sup>3</sup> from the proposed anaerobic pond and 12,500m<sup>3</sup> from the aerobic pond. The formation of the bunds, berms and apron areas around the ponds is expected to utilise up to 8,000m<sup>3</sup> of excavated material. These areas will have the excavated topsoil spread over and be re-grassed.
- 2.3 The remaining 12,000m<sup>3</sup> of excavated material, gravel and sand, would be stockpiled in the stockpile area located on the north-east side of a shelter belt of mature trees, over 10 metres in height, beyond the existing farm buildings. The proposed stockpile area is approximately 135 metres long, and 20 metres wide. The material stockpile would be to a height of 5 metres, with a resulting capacity of 13,500m<sup>3</sup>. Excavated material may be sold off-site or later utilised on the property.
- 2.4 Due to the proposed increase in the scale of the activity (i.e. the increase in SPU), consent is required for the discharge to air from intensive pig farming under the proposed Canterbury Regional Air Plan (pCARP).
- 2.5 The applicant holds consents CRC136539 to discharge piggery effluent to land from a maximum of 8000 SPU and CRC137073 to use land to store piggery effluent. Under the pCARP, the applicant requires consent

for the discharge to air from effluent spreading. However as the discharge to air from effluent spreading is existing and complies with the provisions of s20A of the RMA the applicant does not need to apply for consent until the relevant rules of the pCARP become operative.

2.6 Following the notification of the applications, Offaly Farms has proposed to install a Covered Anaerobic Pond (CAP) and an Aerobic Storage Pond (ASP) to treat and store piggery effluent prior to effluent being discharged to land. The use of these treatment ponds requires two additional consents from the CRC, which have been applied for:

- CRC165019 to discharge contaminants to air from the CAP and ASP and any flaring from the CAP; and
- CRC165020 to use land to treat and store effluent.

2.7 The CRC has decided to process applications CRC165019 and CRC165020 without notification. These applications are currently on a timeframe extension under s37A(2)(b) of the RMA awaiting the outcome of this hearing.

2.8 Applications RM115117 and CRC160657 were jointly limited notified. Application RM165001 to undertake earthworks was not limited notified because the owner of the land adjoining the proposed ponds (HR MacDonald) has given written approval and the SDC determined there were no affected parties.

2.9 Mr Barry Loe of Loe Pearce & Associates Limited prepared the applications on behalf of the Offaly Farms. Both Mr Loe and Mr Molloy of Offaly Farms provided evidence at the hearing.

### **3. APPROVALS, NOTIFICATION AND SUBMISSIONS**

3.1 Written approval of the applications has been provided by the parties indicated on the following aerial photograph (from Ms Ford's Section 42A report):



3.2 Limited notification resulted in four submissions being received on CRC160657, from DJ Parker, JS Parker, AL Wright and G Brown, and SD Pollard and GRT Piper. The same parties submitted on the limited notified application to SDC. The matters of concern raised in submissions have been detailed in the Section 42A reports. In summary the expressed concerns include:

- Odour from the piggery buildings;
- Odour from spreading of effluent;
- Use of dairy factory by-product as stock feed and associated odour;
- Dust and noise from the effluent tractor and tanker.

3.3 I have decided to accept the late submission by S Pollard and G Piper and have taken into account the matters raised in that submission.

- 3.4 I have read all the written submissions and taken these into account in reaching my decision. Mr DJ Parker provided verbal submissions at the hearing.

#### 4. RELEVANT STATUTORY PROVISIONS

- 4.1 Section 104 of Resource Management Act (the Act) provides the statutory requirements for the assessment of the application and sets out those matters that I must have regard to when considering the applications. Subject to Part 2 of the Act, the relevant matters for the assessment of this application include:

- *Any actual or potential effects on the environment of allowing the activity;*
- *The relevant provisions of the Regional Policy Statement and the District and Regional Plans; and*
- *Any other matter that the Council considers relevant and reasonably necessary to determine the applications.*

- 4.2 Section 104(2) allows the Council when forming an opinion in relation to any actual or potential effects on the environment of allowing the activity to disregard any adverse effects of the activity on the environment if the relevant District or Regional Plan permits an activity with those effects.

- 4.3 Section 104C sets out the matters for the determination of an application for a restricted discretionary activity:

*(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*

*....*

*(b) it has restricted the exercise of its discretion in its plan or proposed plan.*

- 4.4 The consent authority may grant or refuse the application for a restricted discretionary activity. However, if it grants the application, the consent

authority may impose conditions under section 108 only for those matters over which—

...

*(b) it has restricted the exercise of its discretion in its plan or proposed plan.*

### **The Selwyn District Plan**

4.5 The District Plan was made partially operative on the 10 June 2008. Those parts of the District Plan relevant to this proposal are operative.

4.6 The application site is zoned Rural (Outer Plains) under the District Plan (Rural Volume). Ms Carruthers stated that expansion of an existing intensive piggery production activity is a controlled activity where the following relevant criteria are met.

<b>Rule</b>	<b>Topic</b>	<b>Compliance</b>
1.7	Earthworks and setbacks, volume and site rehabilitation	<b>Does not comply</b>
3.9	Buildings and access and parking	Complies
3.11	Buildings and site coverage	Complies
3.12	Buildings and building height	Can comply
4.5	Vehicle accessways and vehicle crossings	Complies
9.10	Activities and intensive livestock farming	<b>Does not comply</b>
9.19	Activities and dust	Complies

4.7 I accept the conclusion of Ms Carruthers that the proposed earthworks require assessment as a discretionary activity and the piggery expansion application is a restricted discretionary activity. The status of these activities was not disputed by the parties.

4.8 In relation to the proposed expansion of intensive livestock production under Rule 9.10.3, the exercise of discretion is restricted to:

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

- *The effectiveness of any proposed mitigation measures to address potential adverse effects;*
- *Any positive effects which may offset any adverse effects; and*
- *Any monitoring or review conditions.*

### **The Proposed Canterbury Air Regional Plan**

4.9 Ms Ford's report states that the rules relevant to this proposal are Rules 7.60 and 7.61 of the pCARP. Rule 7.60 relates to intensive pig farming operations that were established at a permanent location on or before 1 June 2002. The proposal cannot comply with condition 1 of this rule as there has been an increase in the scale of the farming activity. Consequently, consent is required as a restricted discretionary activity under Rule 7.61. The exercise of discretion is restricted to the following matters:

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

4.10 Ms Ford also advised that the activity requiring consent includes storage of feed (such as milk processing by-product) associated with intensive farming. Her assessment of activity status was not contested.

### **The Natural Resources Regional Plan**

4.11 Ms Ford identified that rules AQL58 and AQL58A of the NRRP are relevant to the proposal. She accepted Mr Loe's analysis that the activity is classified as a permitted activity under the NRRP because the expansion of the piggery is not expected to cause "an increase in the extent of any adverse effects of odour from the piggery".



- 4.12 This analysis of status of the activity under the NRRP in this case is somewhat subjective but was not disputed by the parties. However I note that, given the extent of expansion proposed, the conclusion reached regarding no increase to odour effects would require diligent implementation of the proposed mitigation measures. Even if a different view was to be formed regarding activity status under the NRRP, consent is nevertheless required under the pCARP.

## **5. THE HEARING AND EVIDENCE HEARD**

### **The Case for the Applicant**

- 5.1 Mr B Loe presented evidence on behalf of the applicant. He had prepared the application documents and assessment of effects (AEE) and was assisted by Mr Molloy of Offaly Farms in answering questions regarding the proposal.
- 5.2 Mr Loe briefly summarised the key factors of piggery management that he considered would contribute to odour emission control. He considered that the proposed CAP and ASP would result in a significant improvement in effluent treatment at the piggery. This would be achieved in two ways. Firstly, Mr Loe noted that the irrigated effluent (identified as a significant source of odour in submissions) would be treated and therefore significantly less odorous. Secondly, he stated that the use of treatment ponds would reduce the holding time for effluent under the sheds and thus reduce odour from the piggery.
- 5.3 Mr Loe explained that the proposed replacement of older sheds within the piggery would result in an increase in the proportion of sheds with modern forced air ventilation systems and misting systems to assist with odour control. The forced air ventilation achieves a more constant, controlled rate of discharge than from passively ventilated sheds. He considered that the misting system installed on the new sheds would result in a significant reduction in odour emissions because dust is effectively removed. Mr Loe stated that this dust is a significant vector of

odour from piggeries, in that odorous compounds are attached to the dust particles.

- 5.4 In response to questions about the odour assessment methodology used, Mr Loe considered that a detailed assessment involving dispersion modelling is not necessary in this case where the effects of the existing piggery can be established from complaints records and consultation with neighbours. He accepted that the Level 1 Australian Pork Ltd (APL) assessment of buffer distance in the AEE indicated that a separation distance in the order of 600m from the expanded piggery to neighbouring dwellings was appropriate. However he pointed out that the APL assessment does not account for additional mitigation measures proposed, including forced air ventilation and high pressure atomisers.
- 5.5 While the proposal is for an expansion to an existing piggery, Mr Loe considered that the additional mitigation measures (notably treatment of effluent in the ponds) would be expected to result in an overall reduction in the degree of odour experienced by neighbours.
- 5.6 Mr Loe stated that people living in a rural zone should expect a degree of odour from normal farming activities. Nevertheless he noted that the applicant accepts responsibility to avoid any significant adverse effects of odour on its neighbours. He considered that the proposed consent condition, requiring no offensive or objectionable odour beyond the property boundary, would be appropriately enforced by the regional council.
- 5.7 Mr Loe submitted that a 35 year term of consent would be appropriate in this case, given the mitigation measures proposed, the investment in infrastructure and the extent of adverse effects predicted.
- 5.8 Mr Molloy responded to questions regarding the storage and use of DAF (Dissolved Air Flotation) plant waste from the Fonterra Darfield dairy plant as pig feed. He said that use of DAF waste as feed resulted in some change to the nature of odour from the piggery. That would be controlled by limiting the DAF storage time in the silos and by the carbon filter fitted

to the silo air vent. Mr Molloy noted that considerable investment was being made in modern technology, including the misting systems and effluent treatment ponds, to minimise the discharge of odour.

### **The Submitter**

- 5.9 Mr DJ Parker owns a property to the southeast of the piggery, his dwelling being located approximately 200m from the piggery buildings. He stated that his property was purchased in 2002 and the dwelling was built in 2007-2008. At the time the dwelling was built Mr and Mrs Parker signed a “no complaints” agreement in relation to odour from the then existing piggery. The agreement was necessary in order to obtain consent for the dwelling because of a rule in the district plan that restricts establishment of dwellings within 300m of existing intensive farms.
- 5.10 Mr Parker stated that while he and his wife were not concerned about the degree of odour experienced at the time the dwelling was built, they do have concerns about the recent expansion of the piggery and the associated increase in odour. He observed that a noticeable increase in odour occurred from 2013 when the new sow gestation barn was installed. That sow barn is the closest piggery building to his property. Mr Parker provided a record of odour observations since January 2015 to support his submission.
- 5.11 The primary concern expressed by Mr Parker was that, if consent was granted, the proposed expansion could cause a sustained increase to odour effects experienced at his property. He noted that he did not wish to overly restrict the applicant’s business, but sought assurance that appropriate controls would be imposed as conditions of any consent to prevent odour nuisance effects.

### **The Officer Reports**

- 5.12 Ms N Ford prepared a section 42A report in relation to the application to discharge contaminants to air from the expanded piggery. Her review concluded that the proposed piggery would result in adverse odour

effects that are acceptable and could be avoided, remedied or mitigated. She recommended a set of consent conditions.

- 5.13 Ms Ford's report stated that consent could be granted for a duration of 35 years. However in response to questions, she noted that a 15 year term was recommended for the two non-notified treatment pond consents and it may be appropriate to align the duration of all three consents.
- 5.14 Ms R Carruthers discussed her section 42A report in relation to the applications to SDC to expand the piggery and to undertake earthworks to excavate the effluent treatment ponds. Her report concluded that the adverse effects of the proposal would be no more than minor. She recommended that both consents be granted, subject to conditions.
- 5.15 At the hearing Ms Carruthers noted that she visited the Parker property on the day of her site visit to the piggery. During 9:30-10:00am on 4<sup>th</sup> May 2016 she detected a distinct piggery odour at the Parker property, but did not find the strength of the odour to be offensive. Ms Carruthers stated that a light northwesterly breeze was blowing at the time of the odour observation.

## **6. PRINCIPLE ISSUES, EVALUATION AND FINDINGS OF FACT**

- 6.1 Both officer reports set out the scope of matters to be considered when assessing the three applications. I agree with that scoping of relevant matters and consider that the significant matters to assess are as follows:
- Adverse effects of odour;
  - Adverse effects of dust;
  - Adverse effects of noise;
  - Adverse effects of traffic;
  - Effects on cultural values;
  - Effectiveness of mitigation measures;
  - Any positive effects which may offset adverse effects; and
  - Monitoring or review conditions.

- 6.2 The officer reports conclude that any adverse effects of dust, noise and traffic associated with the proposal will be minor. Ms Ford also concluded that adverse effects on iwi and cultural values caused by the odour discharge would be less than minor. I have reached the same conclusion and I adopt the findings of the s42A reports in relation to these matters, including the recommended conditions of consent.
- 6.3 With regard to dust effects from earthworks, I note that the immediate neighbour has given written approval but nevertheless I find that a condition of consent requiring “no offensive or objectionable dust beyond the property boundary” should be imposed.
- 6.4 The significant issue requiring consideration in this case is odour and the associated mitigation measures and monitoring.

#### Odour

- 6.5 The key issue is odour and this has been recognised in the submissions from neighbouring parties. The majority of the issues raised in submissions related to odour from effluent spreading. Offaly Farms has a separate consent for effluent spreading and that issue is beyond the scope of matters I am able to consider in reaching a decision on the consents sought. However Mr Loe has stated that treatment of effluent in the covered anaerobic ponds and the aerobic pond is expected to result in a substantial reduction in the odour generated from effluent spreading onto land in the local area.
- 6.6 Ms Ford examined the complaints record relevant to the existing piggery operation. She noted that the complaints on record with the CRC appear to all be related to odour from effluent spreading, rather than odour from the piggery itself. However it should be recognised that complaints are not always a reliable indicator of the degree of effect. Mr Parker had not lodged complaints with the CRC, but had nevertheless documented numerous odour incidents experienced at his property. Another submitter also raised the issue of increased piggery odour experienced in recent years, potentially related to the use of DAF waste as pig feed.

- 6.7 Mr Molloy stated that DAF waste is typically used during September to April, when available. He considered that odour can be an issue if the DAF waste is stored in the silo for extended periods. In response he has installed a carbon filter to control odour emissions from the silo vent. I find that, if consent is granted to use DAF feed, then storage of any batch should be limited to less than 10 days. The use of DAF feed and associated mitigation measures should also be addressed in the proposed Odour Management Plan (OMP).
- 6.8 The submission from Mr Parker indicates that there has been an increase in odour effects at his property since 2013. This equates to the time when the new sow gestation barn was built. This is the closest piggery building to the Parker property. However it is also possible that increased odours associated with the DAF feed contributed to the experienced odour.
- 6.9 Mr Loe's assessment of odour effects relied in part on a Level 1 screening calculation of buffer distances according to the APL National Environmental Guidelines for Piggeries. The calculation indicated that a buffer distance in the order of 600m would be required to prevent odour nuisance at neighbouring dwellings. Mr Loe stated that a more in depth assessment may determine a substantially lesser buffer distance in this case, particularly given that the use of forced ventilation and atomising sprays was not considered in the buffer calculation. However the next level of assessment, involving dispersion modelling, was not undertaken in this instance. The results of the APL calculations indicate that a very high standard of mitigation would be required to prevent odour nuisance effects from the piggery at a distance of only 200m to the Parker property.
- 6.10 Ms Ford noted that written approval of the applications had been obtained from SL and BM Watson whose dwelling is located 250m from the piggery. She considered that this approval indicates that odour from the piggery is likely to be well controlled to the extent that effects at this separation distance are not significant. However I note the need for caution when interpreting such information. In particular I note that the Watson dwelling would be potentially affected by piggery odour during winds blowing from the east to southeast. The wind rose provided by Mr

Loe indicates that winds from this direction are infrequent in the local area. Conversely, the Parker property is affected by winds from the north-northwest that are relatively prevalent. Importantly light katabatic winds associated with worst case dispersion conditions are common from this direction. Consequently I find that a high degree of mitigation would be required to prevent nuisance effects at the Parker property.

- 6.11 Mr Loe has detailed the mitigation measures proposed and considers that these are consistent with best practice for piggeries. Notably it is proposed that all new buildings, including replacement buildings, will be fitted with forced air ventilation and water atomisers. I accept that the proposed changes to the effluent management system, including pumping to the CAP and ASP, are likely to result in a reduction to odour emissions from both the piggery and effluent spreading. However it is important that effluent pumping to the ponds is carefully managed via the OMP to minimise effluent accumulation under the sheds.
- 6.12 Ms Ford considers that the proposed mitigation measures are consistent with the best practicable option for this type of piggery. I find that the odour management plan is an important part of the proposal. It may be necessary to undertake adaptive measures through annual review of the plan and consultation with Mr Parker. Such measures might include the exclusion of DAF feed if associated odour effects cannot be adequately controlled. A condition has been recommended that would require Offaly Farms to record any complaints received and the action taken in response. I find that such a condition is appropriate in this case.
- 6.13 Mr Parker has expressed particular concern regarding the increase in odour since the sow gestation barn was built in 2013. I examined the barn during my site visit and noted that the atomising sprays currently have coverage at the side of the shed, but do not extend to the central areas of the barn. Mr Molloy has proposed to fit additional rows of spray nozzles in the middle of the sow barn and I consider that this measure should be required as a condition of consent. Mr Molloy also stated that less effluent would be held in this shed in future (as a consequence of pumping to the proposed treatment ponds), resulting in lesser odour emissions.

- 6.14 Having examined all the evidence and submissions, including the officer reports, I have determined that the adverse effects of odour at neighbouring properties are likely to be acceptable. I have carefully considered the concerns of Mr Parker and expect that the measures proposed, if diligently implemented, would reduce the extent of odour effects he has experienced in recent years. I note that the proposed new piggery buildings are more distant from the Parker dwelling than the sow gestation barn, and that there would be a substantial separation distance from the dwelling to the effluent treatment ponds.
- 6.15 My conclusion regarding odour effects is contingent on compliance with the comprehensive sets of conditions recommended by the officers and including the additional mitigation measures I have discussed during this evaluation. These conditions require that there be no offensive and objectionable odour beyond the property boundary. They also include an annual review condition that could be invoked by the Council if significant adverse odour effects occur.

#### Positive Effects

- 6.16 I accept Mr Loe's assessment that there are positive economic effects associated with the proposed piggery development. I also accept that the activity represents an efficient use of the natural and physical resources of the rural site. Mr Loe stated that approximately \$5,000,000 has been invested into the existing piggery and that this would increase to \$7,000,000 as a result of the proposed expansion.

#### Monitoring and Conditions

- 6.17 A condition of consent is proposed that would require that the activity does not cause objectionable or offensive odour at or beyond the boundary of the site. Such a condition is commonly imposed on resource consents for activities that generate odour. In this case I consider that this type of condition is appropriate, in combination with the other conditions proposed. Monitoring of the condition would typically occur in response to complaints, but compliance need not be determined solely based on the opinion of council officers. Ultimately the Court would determine



compliance based on all relevant evidence, including odour diaries kept by neighbours and verification of the detected odour by suitably qualified experts.

- 6.18 Such a condition would require Offaly Farms to manage the piggery in accordance with good practice to ensure that nuisance effects do not occur at the Parker dwelling and other neighbouring properties. A review condition is also proposed that would allow the Council to review the conditions of consent in the event that any adverse odour effects occurred.

## **7. EVALUATION OF OBJECTIVES AND POLICIES OF PLANS AND POLICY STATEMENTS**

- 7.1 The key objectives and policies of the Selwyn District Plan (Rural Volume), the Natural Resources Regional Plan, the Proposed Canterbury Air Regional Plan and the Regional Policy Statement that are relevant to this proposal are set out in the officers' reports.
- 7.2 Both Ms Carruthers and Ms Ford concluded that the proposed activities are consistent with the relevant objectives and policies of the plans. The analysis of the officers was not contested by the parties.
- 7.3 I have considered the relevant objectives and policies. These policies provide for rural activities to occur in rural zones, while avoiding objectionable or offensive effects of odour. The proposal is for expansion of an existing piggery located in the Rural (Outer Plains) zone. Subject to good management of the piggery and diligent implementation of the mitigation measures proposed, I find that the proposal is consistent with the relevant provisions of the district plan, pCARP, NRRP and RPS.

## **8. STATUTORY ASSESSMENT AND PART 2 OF THE ACT**

8.1 Consideration of applications under section 104 of the Act is “*subject to*” the purpose and principles of the Act set out in Part 2, Sections 5 to 8. The Part 2 matters of particular relevance to this case are as follows.

(a) The purpose of the Act to promote the sustainable management of natural and physical resources. Section 5 imposes a duty to promote sustainable management, which includes enabling people and communities to provide for their social, economic and cultural wellbeing, while avoiding, remedying or mitigating adverse effects of activities on the environment.

(b) Section 7 requires that particular regard be had to various matters, including:

- The efficient use and development of natural and physical resources;
- The maintenance and enhancement of amenity values; and
- Maintenance and enhancement of the quality of the environment.

8.2 I have had regard to all of these matters and the matters specified in Section 104 of the Act and I am satisfied that the proposal, subject to a comprehensive set of conditions, would on balance meet the purpose of the Act. With appropriate controls the proposed activity could be undertaken in a way that represents efficient use and development of the rural zoned site. Mitigation measures, including pumping to effluent treatment ponds, forced ventilation and water atomisers, can be implemented to enable amenity values and the quality of the rural environment to be maintained.

8.3 Specific changes to the conditions recommended by the officers have been discussed during the body of this decision. I am satisfied that the mitigation measures required by the conditions of consent are sufficient to

ensure that adverse effects are acceptable in terms of the purpose and principles of the Act.

#### Duration of Consent

- 8.4 The applicant has requested a term of 35 years for the discharge permit. I have carefully considered the matter of duration and have had regard to the guidance in Chapter 1 of the NRRP. In this case significant investment in the piggery has been made by Offaly Farms, but diligent ongoing management and careful attention to odour mitigation will be required to meet the conditions of consent. This is particularly so given the incidence of odour detected by Mr Parker since 2013. The available mitigation options are somewhat limited at this time, but there is potential for technological improvements to enable further mitigation in the medium term. On balance and having regard to case law, I find that a 15 year term is appropriate. This duration is consistent with that recommended for the effluent treatment pond consents and would encourage the consent holder to remain focussed on careful management and implementation of mitigation measures.

## **9. DECISION AND REASONS**

- 9.1 For the reasons detailed in this report I grant the three resource consent applications, under sections 104, 104B, 104C and 108 of the Resource Management Act 1991, subject to the conditions attached as Appendix 1.
- 9.2 In summary I find that, subject to a comprehensive set of conditions, the proposed activities could be undertaken in a way that meets the purpose and principles of the Act. The proposal represents efficient use and development of the rural site. With appropriate mitigation and diligent management of the piggery, the amenity values and quality of the rural environment can be adequately maintained.

A handwritten signature in black ink, appearing to read "John Iseli". The signature is fluid and cursive, with the first name "John" and last name "Iseli" clearly distinguishable.

John G Iseli  
Hearing Commissioner  
1<sup>st</sup> July 2016

## Appendix 1. Conditions

Resource consent RC155117 to expand an existing intensive piggery is granted subject to the following conditions imposed under Section 108 of the Act.

1. That Standard Pig Units (SPU) shall be calculated as follows:

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

2. That the 'proposed new shed' and 'proposed replacement shed' shall each be sited and constructed in general accordance with the attached approved site plan (*Future Development – Offaly Farms Ltd*, now marked SDC 155117) and the details included with the application, except where varied by the following conditions of consent.
3. That the shed shown to be removed shall be removed from the site within three months of the completion of the 'proposed replacement shed'.
4. That the site shall not house more than 3760 SPU at any time until: a lined covered anaerobic pond to treat all animal effluent generated by the piggery; and a lined aerobic storage pond to store the treated effluent before discharge have been constructed and commissioned in accordance with the conditions of Canterbury Regional Council consents CRC165019 and CRC165020.
5. That the site shall not house more than 4853 SPU at any time.
6. That the existing shelterbelts surrounding the site shall be retained and maintained. Should any trees die or become diseased, they shall be removed and immediately replaced with the same or similar species that would achieve equivalent screening on maturity.
7. That the activity shall not cause objectionable or offensive odour beyond the boundary of the consent holder's property.
8. That pursuant to section 128 of the Resource Management Act 1991,

the Council may review all conditions by serving notice on the consent holder within 1 month of any 12 month period following the date of this decision, in order to deal with any adverse effects on the environment that may arise from the exercise of this consent.

Notes to the consent holder

- a. Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under section 125 of the Act.
- b. In accordance with section 36 of the Resource Management Act 1991, the Council's specialised monitoring fee has been charged.
- c. This consent is not an authority to build. Building consent is also required before construction begins.

Resource consent RC165001 to undertake earthworks to excavate and construct piggery effluent treatment and storage ponds is granted subject to the following conditions imposed under Section 108 of the Act.

1. That earthworks to excavate and construct a lined covered anaerobic pond to treat all animal effluent generated by the piggery and a lined aerobic storage pond to store the treated effluent before discharge shall be undertaken in general accordance with the attached approved site plan (*Offaly Farms Ltd – Site Plan showing ponds and stockpile area*, now marked SDC 165001) and the details included with the application, except where varied by the following conditions of consent.
2. That the topsoil and sub-soil from the top 0.5 metre excavated shall be used to finish the surface of the bunds, berms and apron around each pond. These areas are to be consolidated and grassed as part of the construction of the ponds.
3. That material not used in the formation of the bunds and berms around the ponds may be stockpiled. All stockpiles of excavated material are to be located at least 250m from any dwelling on another property and adjacent to farm shelter to provide protection from effects of wind, especially strong west to north-west winds.
4. That the consent holder shall ensure on a continuing basis that dust is not generated from: earthworks activities; consolidated material; or stockpiles by keeping the surface of the material damp or by using another appropriate method of dust suppression.
5. That the activity shall not cause objectionable or offensive dust beyond the boundary of the consent holder's property.
6. That dust generating activities shall cease during times when the

gust wind speed is high and dust suppression methods are insufficient to stop fugitive dust leaving the site.

7. That pursuant to section 128 of the Resource Management Act 1991, the Council may review all conditions by serving notice on the consent holder within 1 month of any 12 month period following the date of this decision, in order to deal with any adverse effects on the environment that may arise from the exercise of this consent.

Notes to the consent holder

- a. Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under section 125 of the Act.
- b. In accordance with section 36 of the Resource Management Act 1991, the Council's basic monitoring fee has been charged.
- c. This consent is not an authority to build. Building consent is also required before construction begins, unless the criteria set out in Exemption 22 of Schedule 1 of the Building Act 2004 are met.

Resource consent CRC160657 to discharge contaminants to air from an intensive piggery is granted for a duration of 15 years subject to the following conditions imposed under Section 108 of the Act.

1. The discharges into air shall only be odour from:

- a. piggery buildings, including the effluent storage pits beneath the floors; and
- b. food storage;

at the intensive pig farm at 2262 Tramway Road, Annat, as identified on Plan CRC160657, which forms part of this consent.

2. A maximum of 4,853 Standard Pig Units (SPU) may be housed at the intensive pig farm at any time. For the purposes of this consent, an SPU is classified using the criteria in the following table:

Pig Class	Mass Range	Age Range	SPU
Gilt	100 - 160	24 - 30	1.8
Boar	100 - 300	24 - 128	1.6
Gestating	160 - 230	NA	1.6
Lactating	160 - 230	NA	2.5
Sucker	1.4 - 8	0 - 4	0.1
Weaner	8 - 25	4 - 10	0.5
Grower	24 - 55	10 - 16	1
Finisher	55 - 100	16 - 24	1.6
Heavy	100 - 130	24 - 30	1.8

3.

(a) Forced Air Ventilation Systems and High Pressure Water Atomisers shall be used and maintained in all buildings housing pigs that currently have these installed at the date of the granting of this consent. All new buildings, including replacement buildings, that are used for housing pigs shall have both Forced Air Ventilation Systems and High Pressure Water Atomisers installed and in use.

(b) Central rows of High Pressure Water Atomisers shall be installed and used in the sow gestating barn such that the water atomising system treats the full area of the barn. These works shall be completed within six months of the commencement of consent.

4.

(a) Any dairy by-product supplementary feed stored at the intensive pig farm shall be stored in a stainless steel tank with an activated carbon odour filter installed on all vents.

(b) The carbon filter shall be maintained in effective operating condition such that odour emissions from the tank are minimised.

(c) Dairy by-product feed shall not be significantly odorous when received and shall be held for not more than ten days before consumption.

5. Effluent shall not be stored beneath the piggery buildings for longer than 42 days before being removed. The holding time of effluent beneath the buildings shall be minimised by regular pumping to the effluent treatment ponds.

6. The existing rows of trees surrounding the site shall be retained and maintained. If any tree dies, becomes diseased or is blown over, it shall be removed and replaced as soon as practicable with the same or similar species that would achieve equivalent screening on maturity.

7. Any discharge of contaminants to air from the sources listed in condition (1) shall not result in offensive or objectionable effects beyond the property boundary, as identified on Plan CRC160657.

8. A record of any complaints relating to odour shall be maintained by the consent holder, and shall include:

- a. the location where the odour was detected by the complainant;
- b. the date and time when the odour was detected;
- c. a description of the wind speed and wind direction when the odour was detected by the complainant; and
- d. any corrective action undertaken by the consent holder to avoid, remedy or mitigate the odour detected by the complainant.

This record shall be provided to the Canterbury Regional Council on request.

9. Prior to the first exercise of this consent, the consent holder shall prepare an Odour Management Plan (OMP). The OMP shall include but not be limited to:



- a. All of the matters listed in CRC160657: Appendix One, which forms part of this consent;
- b. How the structures and systems referred to in conditions (3) and (4) will be operated and maintained to ensure compliance with condition (7); and
- c. How the shelterbelts referred to in condition (6) will be maintained; and
- d. How effluent will be managed to minimise effluent storage time under the piggery buildings.

On farm practice shall be in accordance with the OMP and the OMP shall be updated as necessary to reflect any change in the farming operation over time. A copy of the OMP shall be provided to the Canterbury Regional Council, Attention: RMA Monitoring and Compliance Manager on request.

10. The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:

- a. dealing with any adverse effect on the environment which may arise from the exercise of the consent; or
- b. requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or
- c. complying with the requirements of an operative regional plan.

11. If this consent is not exercised before 30 September 2021, it shall lapse in accordance with Section 125 of the Resource Management Act 1991.

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Scale: 1:8,000 @A4

Map Created by Environment Canterbury on 9/05/2016 10:04:50 a.m.



## CRC160657: APPENDIX ONE – Odour Management Plan

### **Content of odour management plans**

Management plans for odour must describe the practices and actions, or targets where required, that the person responsible for the discharge of contaminants into air will take to ensure that the overall effect of the frequency, intensity, duration, offensiveness and location of the discharge is not offensive or objectionable.

The management plan can form part of a Farm Environment Plan prepared and implemented in accordance with Schedule 7 Part A of the Canterbury Land and Water Regional Plan. The level of detail required for the odour management plan is relative to the scale of the discharge and the likelihood of the effect being offensive or objectionable.

A management plan that does not form part of a Farm Environment Plan prepared and implemented in accordance with Schedule 7 Part A of the Canterbury Land and Water Regional Plan must include the following:

1. A description of the activity that will result in the discharge of contaminants into air; and
2. A description of how often the contaminants will be discharged - e.g. constant, daily, between 10am and 2pm on weekdays, only on windy days, once a month; and
3. A description of the intensity and character of the discharge - e.g. is the odour very pungent or light; and
4. A description of the maximum duration of the effect of the discharge - e.g. what is the prevailing wind and how often will sensitive activities or neighbours be affected by the discharge? will the effect occur during times neighbours would be more or less effected?; and
5. A description of the offensiveness of the discharge - e.g. what are the characteristics of the odour? Is it an unpleasant odour such as sewage, or is it something that is often considered pleasant such as the smell of baking bread?; and
6. A description of the location of the discharge, including a description of the activities that occur on neighbouring properties and location of any sensitive activities that may be affected.
7. A sketch plan should be prepared showing the location of the discharge and the location of sensitive receptors (such as dwellings, schools, meeting places, retail premises) and the separation distance between these receptors and the discharge; and
8. A description of the management practices being implemented to minimise the discharge or the effects of the discharge of contaminants - e.g. limiting discharges to certain times or conditions (wind direction etc.), effluent management system (design features, maintenance etc.), process features (stock numbers, feed type, type of detergent/ ink/ oil/chemical used), establishment of vegetation etc. Reference should be made to controls recommended in any relevant good practice guides for the activity.

A management plan that does form part of a Farm Environment Plan prepared and implemented in accordance with Schedule 7 Part A of the Canterbury Land and Water Regional Plan must include the following:

1. A description of the good management practices to be implemented to actively manage the frequency, intensity, duration, offensiveness and location of the effects of the odour under the relevant Farm Environment Plan objectives. For the collection, storage, treatment or application of animal effluent to land, reference should be made to the section on "how to avoid pond odour problems" in the DairyNZ Effluent Technical Note: Odour Management for Storage Ponds; and
2. An outline of actions and targets for improvement where risks or issues have been identified. For the collection, storage, treatment and application to land of animal effluent reference should be made to the section on "dealing with an odour issue" in the DairyNZ Effluent Technical Note: Odour Management for Storage Ponds.





Figure 2

**AS APPROVED BY**  
**SELWYN DISTRICT COUNCIL**  
 Planning Department

**RESOURCE CONSENT**  
 155117

4/07/2016 J Iseli



AS APPROVED BY  
SELWYN DISTRICT COUNCIL  
Planning Department

RESOURCE CONSENT

165001

Offaly Farms Ltd - Site Plan showing ponds and stockpile area

4/07/2016 J Iseli



Information in this map has been derived from various sources including the Hailuou District, Hurunui District, Waimakariri District, Christchurch District, Environment Canterbury Regional Council, Selwyn District, Ashburton District, Waimata District, Mackenzie District, Timaru District and Waitaki District's databases. Boundary information is derived under licence from LINZ Digital Cadastral Database (Crown Copyright Reserved). The aforementioned Councils do not give and expressly disclaim any warranty as to the accuracy or completeness of the information or its fitness for any purpose. Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it.



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