



**DB Chicks 2014 Ltd  
222 & 222A South Head Road, Helensville**

**Resource Consent Application  
Renewed Air Discharge Permit**

**PLANNERS | SURVEYORS | ENGINEERS | ARCHITECTS | ENVIRONMENTAL**


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## Document Record

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## Issue and Status

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## Contents

<b>1.0</b>	<b>Property / Application Details .....</b>	<b>1</b>
<b>2.0</b>	<b>Introduction .....</b>	<b>1</b>
2.1	Proposal in Brief.....	1
2.2	Main Issues Raised by the Proposal.....	2
<b>3.0</b>	<b>Site and Locality Description.....</b>	<b>2</b>
3.1	Site Description.....	2
3.2	Locality Description .....	4
<b>4.0</b>	<b>Proposal .....</b>	<b>4</b>
4.1	Relevant Background .....	4
4.1.1	<i>Record of Title.....</i>	<i>4</i>
4.1.2	<i>Existing Resource Consents .....</i>	<i>4</i>
4.2	Pre-Application Meeting.....	5
<b>5.0</b>	<b>The Proposal.....</b>	<b>6</b>
5.1.1	<i>Farm Operations.....</i>	<i>6</i>
5.1.2	<i>Odour Management.....</i>	<i>6</i>
<b>6.0</b>	<b>Reasons for the Application.....</b>	<b>8</b>
6.1	Overview.....	8
6.2	Zoning .....	8
6.3	Resource Consent Requirements – Discharge to Air .....	8
6.4	Overall Status of the Application .....	8
<b>7.0</b>	<b>Application Assessment.....</b>	<b>8</b>
7.1	Statutory Considerations and Weighting.....	8
7.1.1	<i>Relevant Section of the RMA .....</i>	<i>8</i>
7.1.2	<i>Weighting of Plans .....</i>	<i>8</i>
7.2	Section 104(1)(a) Actual and Potential Effects on the Environment .....	9
7.2.1	<i>Permitted Baseline / Existing Environment .....</i>	<i>9</i>
7.2.2	<i>Positive Effects.....</i>	<i>10</i>
7.2.3	<i>Cultural Effects .....</i>	<i>10</i>
7.2.4	<i>Landscape and Visual .....</i>	<i>10</i>
7.2.5	<i>Dust Nuisance.....</i>	<i>10</i>
7.2.6	<i>Odour.....</i>	<i>11</i>
7.2.7	<i>Adverse Effects Conclusion .....</i>	<i>12</i>
7.3	Section 104(1)(b)(vi) Relevant Provisions of the Regional / District Plans Assessment Criteria, Objectives and Policies .....	12
7.4	Section 104(1)(b)(v) Relevant Provisions of the Regional Policy Statement .....	14

7.5	Section 104(1)(b)(i) and (ii) Relevant provisions of National Environmental Standards and other regulations, Section 104(1)(b)(iii) Relevant provisions of National Policy Statements, Section 104(1)(b)(iv) Relevant provisions of the New Zealand Coastal Policy Statement (NZCPS) .....	15
7.6	Section 104(1)(c) Any other matters considered relevant and reasonably necessary to determine the application .....	16
7.7	Section 105 Matters relevant to certain applications .....	16
<b>8.0</b>	<b>Notification (Sections 95A, 95C-95D) .....</b>	<b>16</b>
8.1	Public Notification .....	16
8.2	Limited Notification .....	16
<b>9.0</b>	<b>Consideration of Part 2 (Purpose and Principles) of the RMA .....</b>	<b>17</b>
<b>10.0</b>	<b>Conclusion .....</b>	<b>17</b>
<b>11.0</b>	<b>Limitations.....</b>	<b>17</b>
Appendix A: Copy of Records of Title .....		i
Appendix B: Copy of Air Discharge Consent 39926 .....		ii
Appendix C: Pre-application Correspondence.....		iii
Appendix D: Air Quality Assessment .....		iv
Appendix E: Affected Party Approval Forms .....		v
Appendix F: Iwi Consultation .....		vi

## 1.0 Property / Application Details

Site Address:	222 & 222A South Head Road, Helensville
Legal Description:	Lot 1 DP 343578 and Lot 2 DP 343578
Site Area:	11.20251ha (Lot 1 DP343578) 7.0207ha (Lot 2 DP 343578)
Operative Plans Applying:	Auckland Unitary Plan (Operative in Part)
Zoning:	<u>Lot 1 DP343578</u> Rural – Rural Production <u>Lot 2 DP 343578</u> Rural – Rural Production Rural - Rural Coastal Zone, Kaipara South Head and Harbour coastal area
Controls / Overlays:	<u>Lot 1 DP343578</u> Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Kaipara Sand Aquifer <u>Lot 2 DP 343578</u> Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Kaipara Sand Aquifer Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise Macroinvertebrate Community Index – Rural and Urban
Designations:	None
Other Applications Required:	None

## 2.0 Introduction

### 2.1 Proposal in Brief

DB Chicks 2014 Limited (“**DB Chicks**”) owns and operates an intensive poultry farming operation (broiler) on two titles at 222 (Lot 1 DP 343578) and 222A (Lot 2 DP 343578) South Head Road, Parkhurst (“**the site**”). The combined total area of the site is 18.228 ha. The operation can raise up to 415,200 chicks in ten large sheds located in two groups of five sheds in the central and northern part of the site. DB Chicks operate under a range of consents, including Air Discharge Consent 39926 that expires on 21 February 2022. This application seeks a renewal of the air discharge consent to continue operation of the poultry farm at the existing levels. This renewal application has been lodged six months prior to the expiry of 39926 and therefore it is considered DB Chicks can continue to operate under the existing consent until a new consent is issued, in accordance with s124(3) of the RMA.

This document is an Assessment of Environmental Effects (“**AEE**”) prepared in accordance with the requirements of Section 88 of the Resource Management Act 1991 (“**RMA**”) and the Fourth Schedule to the RMA. All matters required to be addressed under the RMA are set out in this AEE.

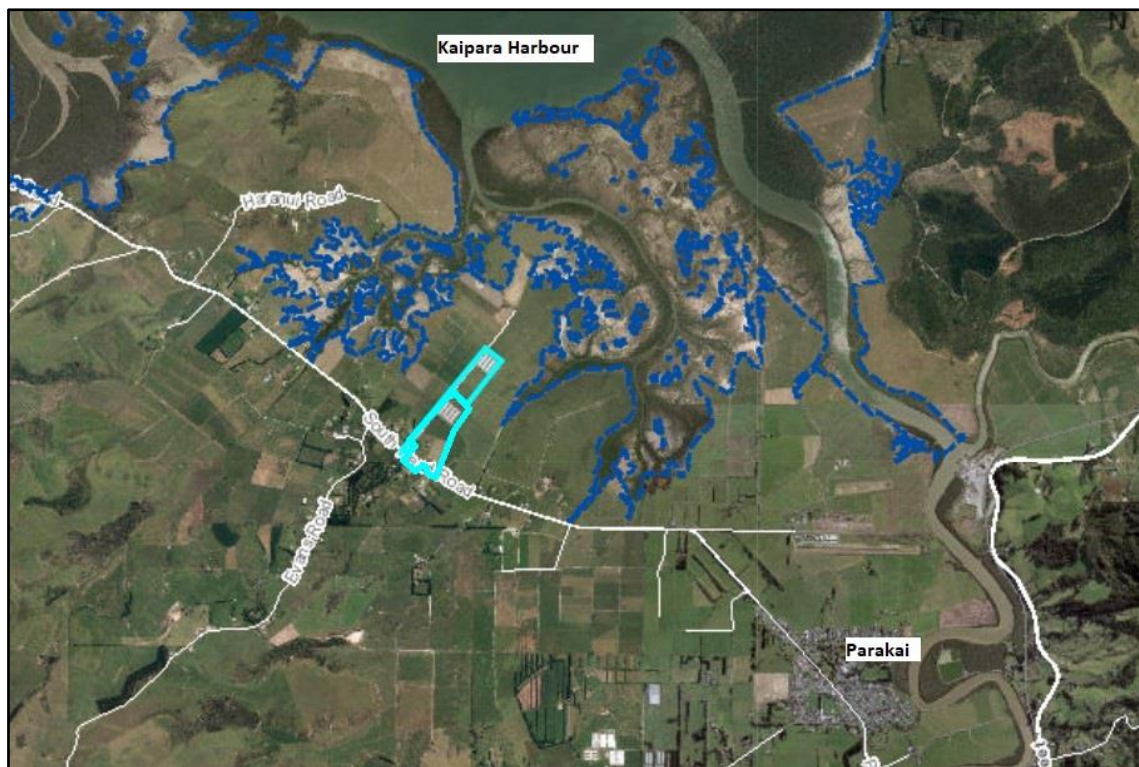
## **2.2 Main Issues Raised by the Proposal**

It is considered that there are no significant resource management issues raised by this proposal. While a resource consent is required, the proposal satisfies all relevant plan provisions and there are no adverse effects that are more than minor.

## **3.0 Site and Locality Description**

### **3.1 Site Description**

The site is a modified rectangular shape and is located approximately 3.5 km from Parakai Township and 7 km northwest of Helensville (see **Figure 1**). The site extends from South Head Road to the north-east towards the Kaipara Harbour and is located approximately 300 m from the Kaipara Harbour at its nearest point.



**Figure 1: Location of site (highlighted in blue) at 222 and 222A South Head Road, Parakai.**

A dwelling is located on the southern side of Lot 1 adjacent to the boundary with Lot 2. A 600 m long metal access extends from South Head Road into the site. Near the road this widens to form an area around the existing dwelling. The vehicle crossing with South Head Road is 6 m wide and a good sealed standard in accordance with Rodney District Council standards for engineering and construction (SD3.9).



Five chicken sheds are located at the northern end of each title (see [Figure 2](#)). An example of an existing shed is shown in [Figure 3](#). Those parts of the site not used for chicken shed operations are in grass pasture and used for grazing sheep and cattle.

The site is generally flat, with a slight fall to the northeast that leads to the tidal reaches of the Kaipara Harbour. From South Head Road the site falls to the northeast over a distance of about 200 m, and then is predominantly flat. The chicken sheds are located on the flat part of the site in the north of each lot and are constructed on built-up platforms to keep them off the seasonally damp ground. The site is relatively low lying and drainage channels (varying in depth from 0.5 m to 1 m) crisscross the site as well as run along the north-south and east-west fence lines.

There is a strong prevalence of winds from the southwest, typical of the Auckland region. The climate and prevailing winds, results in winds generally blowing from the southwest over the site and wider area towards the east and away from the nearest residential dwellings.

The 1% AEP flood plain is located across parts of the site.



**Figure 2:** Photo showing the location of the existing ten chicken sheds on the site.



**Figure 3: One of the existing chicken sheds (known as shed 9) on the site.**

### **3.2 Locality Description**

The surrounding environment is characterised by a mix of lifestyle properties and larger farms. The area immediately around the site is characterised by agricultural activities such as grazing cattle due to its low-lying nature.

There are no nearby houses on the neighbouring properties. The nearest neighbouring dwelling to a ventilation fan on one of the sheds is located approximately 250 m to the southwest.

The prevailing wind is a westerly, with a heavy dominance of wind from the west and southwest.

## **4.0 Proposal**

### **4.1 Relevant Background**

#### **4.1.1 Record of Title**

The site is held in Record of Titles Lot 1 DP 343578 (178810) and Lot 2 DP 343578 (178811). A copy of the RTs are found in **Appendix A**.

#### **4.1.2 Existing Resource Consents**

Land use consent LAN-26451 was granted to Levin Chickens Limited in 1999 to build and operate eight chicken broiler sheds on the two lots. Two regional consents were also granted in 2002 (water take



consent 26709 and wastewater discharge consent 26792) in respect to drinking water requirements and shed washdown operations.

In 2012 DB Chicks was granted the following resource consents in relation to expanding the original eight-shed operation by constructing an additional two sheds:

- Integrated land use (L58041), stormwater discharge (39819, expires 21 February 2047) and air discharge (39926, expires 21 February 2022) consent for a 10 shed intensive poultry farm containing a maximum total number of 415,200 birds at any one time; and
- Water take permit (39820) – for the take of up to 160 m<sup>3</sup>/day and up to 25,500 m<sup>3</sup>/year of groundwater from the Kaihu Group sand aquifer bore.

A copy of the existing Air Discharge Consent is provided in [Appendix B](#). It is noted that consents 39819 and 39926 are still in the name of DB Chicks Limited as opposed to DB Chicks 2014 Ltd (the owner and operator of the activity)<sup>1</sup>. This application seeks a renewal of air discharge 39926 and this will subsequently transfer the consent to the new consent holder. A Notice of Transfer form will be completed separately to this application to enable consent 39819 to transfer to DB Chicks 2014 Ltd.

#### **4.2 Pre-Application Meeting**

A pre-application meeting was held with Paul Crimmins (Air Specialist, Auckland Council) on 23<sup>rd</sup> February 2021 to discuss the methodology and assessment required to support a renewal of the Air Discharge consent. Mr Crimmins outlined that Table A2.1 in the Ministry for the Environment Good Practise Guide for Assessing and Managing Odour (2016) (“**MfE GPG Odour**”) lists a number of assessment tools he considered appropriate for preparing a discharge to air application for existing farm operations.

Based on these guidelines Mr Crimmins considered that air dispersion modelling for an existing operation would not be required, instead a qualitative assessment supported by other tools in Table A2.1, would be appropriate. Recommended tools included complaint record analysis; management operations / systems employed on site; metrological data and independent odour assessment.

Following this advice DB Chicks engaged NZ Air to undertake a qualitative assessment of potential effects from discharges to air associated with the operations utilising a number of the ‘high’ priority tools listed in Table A2.1 (detailed further in [Section 5.1.3](#) of this application). NZ Air undertook further advice from Mr Crimmins and agreed to a proposed methodology and assessment approach for the Qualitative Assessment.

A copy of the correspondence with Mr Crimmins is provided in [Appendix C](#), noting this does not constitute pre-application minutes as these were not prepared. The preparation of this application has followed the verbal and written advice received from Mr Crimmins.

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<sup>1</sup> Email received from RC Regulatory Support Centre dated 4<sup>th</sup> August 2021.

## **5.0 The Proposal**

### **5.1.1 Farm Operations**

Details of shed operations are set out in the Air Quality Assessment provided in [Appendix D](#) to this document and are summarised below.

The existing operation is a broiler farm (i.e. where meat chickens (broilers) are delivered as chicks to the site) and are floor-raised on pine shavings in climate-controlled housing. Brood and grow farming (i.e. where the chicks are hatched on the site) is not undertaken on the site.

The current operation raises up to 400,000 chicks over a seven-week production run utilising the existing ten large sheds on the site. Chicks are delivered to the site at day one of week one and then trucked out as grown chickens at week six. There is a period of ten days to 4 weeks between each run for shed cleaning and preparation, and arrival of new stock. The sheds are re-stocked with fresh litter with the arrival of the new birds. Feed is delivered to the site in covered trucks and directly placed into the covered silos. Over each run there is approximately 180 truck movements, consisting of shaving trucks, trucks delivering and collecting the chickens, feed trucks and litter trucks.

Each shed is designed, constructed and operated in accordance with the standard Tegel broiler farm criteria and is equipped with a computer controlled ventilation and shed management system. Side wall fans provide the required ventilation for the majority of the time with the number of operating fans progressively increasing based on in-shed conditions. Once the in shed conditions exceed certain set points in-shed temperature and/or humidity triggers, the ventilation system will enter 'tunnel venting mode' where the required ventilation is achieved by a combination of side wall and end wall fans. Ammonia levels in the shed are monitored using ammonia test strips and staff in-shed observations (staff are in sheds for up to one hour at a time).

Water is supplied to the sheds from a production bore that taps a thin gravel layer in the Kaihu Group sand aquifer. Stormwater from the roofs falls to concrete channels on the ground under the sheds drip line and flows to a piped system prior to discharge to a tidal drain flowing to the north-east through a neighbouring property (Lot 2 DP 207482) and then to the Kaipara Harbour. An easement for stormwater drainage is present over this neighbouring property.

There is no wastewater discharge from the sheds while the sheds are occupied by chickens. The sheds are cleaned out and sanitised following the removal of the fully grown chickens usually once every seven weeks however recently this is every 10 weeks due to a slowdown in turnarounds. Following the removal of the chickens all solid waste is removed and taken to off-site disposal. Any remaining solids are then removed before the sheds are washed to the wastewater system using a high-pressure low volume water blaster. The sheds are then sanitised prior to the arrival of the new chickens.

Wastewater produced from the wash down of the sheds is collected in 4,500 litre tanks and either gravity feed or pumped to a 22,000 litre holding tank (located at each group of sheds) for storage. Wastewater is discharged from the storage tanks to the pastoral grass between the two groups of sheds in either calm or wind conditions (except when an easterly is blowing).

### **5.1.2 Odour Management**

Potential discharges to air from the current operations include exhalation from the birds, products associated with their droppings and general dust produced from the movement of the birds. The

discharge will contain elements of feed dust, dust produced from the decay and abrasion of untreated pine shavings, and dust produced by bird feathers and dry droppings. These are all biodegradable organic products. Some will have a minor odour, but none that causes offense or could generally be described as objectionable. Discharge volumes alter with the season and time of the seven-week period the chickens are in the shed.

Other emissions will be carbon dioxide (odourless), ammonia (pungent) and other gases associated with biological activity. No discharge of metallic or artificially produced compounds occurs and no waste is disposed of by burning.

Management methods used to minimise discharges and ensure the clean running of the operation include:

- Litter moisture levels are kept below 30% and assessed on a daily basis;
- Litter is replaced at the end of each cycle;
- Feed housed in sealed silos to prevent the release of odours. Feed type is refined over time to reduce potential odour in the manure;
- Automatic disinfection units on all feed trucks entering the site;
- Electronic systems to control the environment inside the sheds and ensure that optimal conditions are maintained at all times. This includes control fans, heating, humidity, lighting, feed supply and water;
- Twice daily shed inspections undertaken by farm staff for numerous purposes, including to identify potential exacerbating sources of odour in the sheds such as mortalities, leaking drinkers, accumulation of manure on the surface of the litter or wet manure due to poor bird health or feed management, etc. These observations help the farm operator identify and rectify potential odour emitting sources such that the overall odour emission rates from the sheds are maintained at a practical minimum;
- Computerised alarm triggers for a range of parameters (such as excessive water use);
- Each shed is cleaned out at the end of a cycle by specialised contractors in a fast and efficient manner;
- Cleaning procedures designed that allows for water-blasting of all internal surfaces by a contractor to ensure all dirt, dust, litter debris and protein or mineral build-up is removed. Following washdown the sheds are sanitised and left vacant for a period of between two to five days;
- Annual inspections by Tegal Foods and a subsequent warrant of fitness issued; and
- Cleaning audit undertaken three times a year.

The current Air Quality Management Plan (“AQMP”) for the farm has been reviewed and will updated by NZ Air. This will be provided to Council as part of the consent processing for input.

## 6.0 Reasons for the Application

### 6.1 Overview

Auckland Council is a Unitary Authority which is responsible for administering the various operative and legacy regional and district planning documents that apply within the Auckland Region. Various appeals and Court Hearings in respect to the rural subdivision provisions of the AUP(OP) have occurred over the last five years, with the latest Environment Court Decision released in late 2020 and the plan updated on 9 July 2021. No further appeals have been lodged against this latest decision therefore these provisions are considered operative pursuant to s86F of the RMA.

### 6.2 Zoning

The zoning, controls and overlays relevant to the site are set out in **Section 1** of this document. The shed operations occur within the Rural Production zoned part of the site.

### 6.3 Resource Consent Requirements – Discharge to Air

The site is located in the Medium Air Quality – dust and odour rural a (Rural) as defined in Chapter E14 of the AUP(OP).

Rule E14.4.1(A139) provides for intensive farming of more than 10,000 poultry that was established before 21 October 2001 as a **controlled activity** while Rule E14.4.1(A141) provides for intensive farming established from 21 October 2001 housing between 10,000 to 180,000 chickens as a **restricted discretionary activity**. The chicken farm was established in 1999 however the current air discharge consent was not granted until 2002 and the operation exceeds 180,000 poultry. Resource consent is therefore required as **discretionary activity** under Rule E14.4.1(A142).

### 6.4 Overall Status of the Application

**Overall, the status of the application is considered to be a Discretionary Activity.**

## 7.0 Application Assessment

### 7.1 Statutory Considerations and Weighting

#### 7.1.1 Relevant Section of the RMA

When considering an application for a discretionary activity the Council as consent authority must have regard to Part 2 of the RMA (“Purposes and Principles” – sections 5 to 8), and sections 104, 104B, 105 and 108 of the RMA.

Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received the Council must, in accordance with section 104(1) of the RMA have regard to the matters addressed in 7.2 – 7.7 below.

#### 7.1.2 Weighting of Plans

No weighting is required as the AUP(OP) is the only relevant plan to this document.

## 7.2 Section 104(1)(a) Actual and Potential Effects on the Environment

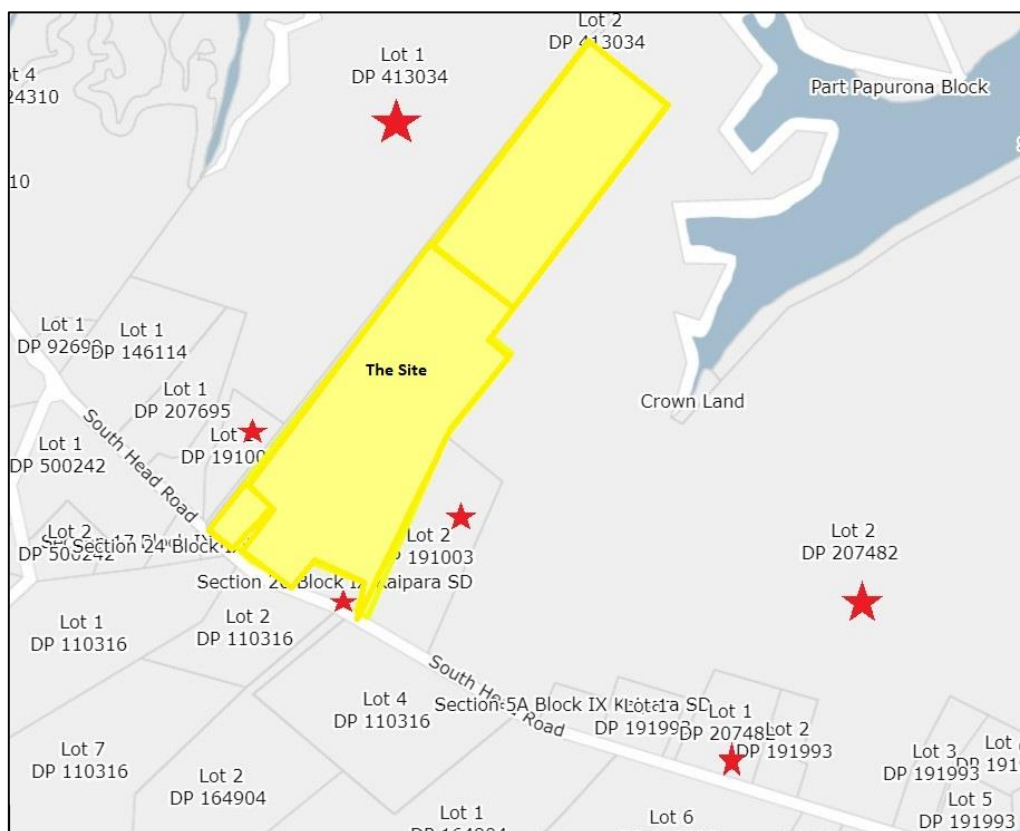
Section 104(1)(a) of the RMA requires that a council have regard to any actual and potential effects on the environment of allowing the activity.

### 7.2.1 Permitted Baseline / Existing Environment

Pursuant to section 104(2), when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the “permitted baseline”). In respect to the permitted baseline, it is noted the farm has been operating under the current discharge consent since 2012 in full compliance with the consent conditions. No changes are proposed to the existing permitted operations under this application.

Pursuant to section 104(3)(a), when forming an opinion for the purposes of section 104(1)(a) a council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competition or effects of trade competition. **Table 1** and **Figure 4** summarises those properties that have signed Affected Party Approval Forms and effects on those persons have been disregarded. A copy of signed Affected Party Approval forms is provided in **Appendix E**.

Address	Legal Description	Owner/Occupier
N/A	Lot 1 DP413034	Paul Donald Fotherinthome
202 South Head Road	Section 26 Block IX Kaipara Survey District	Patricia Caitcheon, Georgia Caitcheon and Grace Porter
190 South Head Road	Lot 2 DP191003	Desmond George Hawkes
120 South Head Road	Lot 2 DP207482	Justin Simon Sulzberger



**Figure 4: Location of parties that have signed APA (star) relative to the site (blue outline).**



### **7.2.2 Positive Effects**

The proposal enables the applicant to continue to provide for social and economic benefits in the local community, including continued employment opportunities for 3.5 full time staff related to farm management, transportation employees, catchers, cleaners and process workers. The farm is located in the rural environment which is considered to be the most appropriate location for this type of activity and will continue to be operated in a manner which sustains the potential of the land and water resources, in order to meet the reasonably foreseeable needs of future generations.

Overall, it is considered the proposal will provide for the continued use of an existing operation that is appropriately located in the rural environment and will enable people and communities to provide for their social and economic wellbeing.

### **7.2.3 Cultural Effects**

The site does not contain any known or recorded cultural heritage items. There are also no recorded sites under the Auckland Regional Council's Cultural Heritage Inventory. Consultation has been undertaken with all mana whenua considered to be relevant to the area. At the time of lodgement Te Kawerau Iwi Tiaki Trust had responded and deferred to Ngait Whatua. A copy of iwi consultation (sent and received) is provided in [Appendix F](#). The outcome of this consultation will be provided to Council through the consent processing.

### **7.2.4 Landscape and Visual**

The existing built environment will not be altered under this application. The application relates to the continued operation of the existing farm under the current built form. No additional buildings or structures are proposed.

### **7.2.5 Dust Nuisance**

#### **Shed Litter**

Dust that is potentially discharged from the sheds contains elements of feed dust, dust produced from the decay and abrasion of untreated pine shavings, and dust produced by bird feathers and dry droppings. These are all biodegradable organic products and during one cycle the pine shaving litter on the shed floor decomposes to a dry, friable compost type composition that is not disturbed during the cycle. While there is some dust apparent near the fans, dust discharged from the fans is generally in low concentrations and settles out of the air a relatively short distance (20m) from the discharge point. The composition of floor material combined with current on-site farm management is such that it is unlikely to result in any significant dust discharges from the fans.

#### **Shed Clean-Outs**

Potential dust and odour emissions from shed clean outs is also limited as cleanouts do not occur often (currently every 80 days per shed) and are undertaken by skilled contractors who are very fast and efficient at undertaking the shed litter clean outs (generally 1-2 hours per shed clean out). The stocking, depopulation and cleaning of the sheds is staggered by at least a one day between each shed. The end pads (where spent litter is pushed onto) are situated on the northern end of the sheds and any spent litter is loaded directly into a waiting truck, therefore it spends a very short amount of time outside of the shed.

Any dust emitted from shed clean-outs is unlikely to travel further than 50m from the source and given the large separation distances between these potential nuisance dust emission points and neighbouring receptors (see Air Quality Assessment in [Appendix D](#)) it is considered that the potential for nuisance dust effects outside the site boundary is negligible.

### **Vehicle Movements**

The number of vehicle movements currently associated with the farm will not change under this application. The main length of drive to the sheds is metalled and dwellings on neighbouring properties are separated by distance, vegetation and / or topography. The nearest unsealed section of the internal access is located over 100 m from the nearest off-site dwelling which has not provided affected party approval. It is considered that distance and on-site management practices, such as maintaining the internal roading system in a good condition and limiting on-site speeds to 30km/hr, minimises any dust effects that may arise from traffic movements on the site.

#### **7.2.6 Odour**

NZ Air has undertaken a Qualitative Assessment of Potential off-site effects from air discharges (see [Appendix D](#)). This assessment has followed the methodology and assessment as set out in the MfE GPG Odour and as discussed with Paul Crimmins of Auckland Council, is considered appropriate for this application. The assessment of adverse effects in relation to odour and dust has used the FIDOL factors (frequency, intensity, duration, offensiveness and location) as a framework for making an objective assessment in relation to the degree of effects. This is consistent with the MfE GPG Odour recommendations and Chapter E14 (Air Quality) of the AUP(OP).

The Air Quality Assessment includes an extensive independent odour scout survey, analysis of the complaint record and Council compliance visits, review of the on-site air discharge management tools against industry good practice, meteorology and terrain assessment and a review and update of the Air Quality Management Plan for the operations. The assessment includes a detailed assessment of adverse effects on neighbouring properties and this assessment is relied on this application.

The results of the Air Quality Assessment are summarised as follows:

- There are a range of odours present around the site that are typical for the rural environment including animal and vegetation types, and the existing chicken farm operations;
- An extensive odour scout survey was conducted over two placement cycles to determine the potential for off-site odour effects beyond the site boundary during worst case odour emitting and meteorological conditions. This survey concluded that the extent of nuisance odour associated with the current farm operation was limited to within 50 m of the sheds. There was no evidence that odour emitted from the farm reached the site boundary or the nearest sensitive receptors;
- In respect to odour complaints, the complaint record (DB Chicks and Auckland Council) indicates that observable odour has been very infrequent in the last 2.5 years (only six complaints received) and none have been verified by Auckland Council. While the complainants have mentioned that odour towards the end of the cycle has been observable for extended durations (two weeks or more), the NZ Air odour survey did not corroborate this;

- The FIDOL assessment of potential nuisance odour effects from the site concludes that there is a low possibility that neighbouring receptors will be adversely affected. The frequency and duration of any observable odour at neighbouring receptors is likely to be very limited due to the dominant wind directions which would blow any odour emitted away from these receptors. The intensity of any independently observed odour has been very weak at the boundary; and
- A number of mitigation measures are undertaken which are consistent with industry standard odour and dust control measures to reduce the potential of nuisance odour and dust emission beyond the boundary of the site. These mitigation measures are clearly documented in the AQMP which is practical for site staff to implement on an on-going basis.

Further to the above it is noted that written approvals have been obtained from four parties located either directly adjacent to the site or whose dwellings are located within 300m of the sheds. The written approvals from these adjacent and nearest neighbours indicates that the operations do not affect the rural amenity lifestyle these particular properties experience. The Air Quality Assessment has determined that the remaining nearest sensitive receptors are well separated from the existing farm operations which limits the potential for adverse odour effects at these properties due to progressive dispersion of any odour emitted from the farms.

Overall, the Air Quality Assessment concludes that the existing farm is appropriately located in respect to the receiving environment and that the potential for future nuisance odour effects beyond the boundary of the farm to be low.

#### **7.2.7 Adverse Effects Conclusion**

In summary, having assessed the adverse effects of the activity on the environment and disregarded those adverse effects detailed above, it is considered that subject to the imposition of appropriate conditions, the activity will have less than minor adverse effects on the environment.

### **7.3 Section 104(1)(b)(vi) Relevant Provisions of the Regional / District Plans Assessment Criteria, Objectives and Policies**

The following chapters of the AUP(OP) are considered relevant:

- Chapter E14 – Air Quality; and
- Chapter H19 – Rural – Rural Production Zone.

An assessment of the application against the relevant objectives, policies and assessment criteria of these chapters is provided below.

#### **Chapter E14 – Air Quality**

##### **E14.2. Objectives [rcp/rp]**

...

*(2) Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.*

*(3) Incompatible uses and development are separated to manage adverse effects on air quality from discharges of contaminants into air and avoid or mitigate reverse sensitivity effects.*

*(4) The operational requirements of light and heavy industry, other location-specific industry, infrastructure, rural activities and mineral extraction activities are recognised and provided for.*

### **E14.3. Policies [rcp/rp]**

- (1) *Manage the discharge of contaminants to air, including by having regard to the Auckland Ambient Air Quality Targets in Table E14.3.1, so that significant adverse effects on human health, including cumulative adverse effects, are avoided, and all other adverse effects are remedied or mitigated.*
- (3) *In the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Future Urban Zone, Auckland Council District Plan - Hauraki Gulf Islands Rural 1-3 and Landform 1-7:*
  - (a) *recognise that rural air quality is generally a result of dust and odours, and other emissions generated by rural production activities;*
  - (b) *avoid, remedy or mitigate adverse effects of dust and odour discharges;*
  - (c) *provide for minor and localised elevation of dust and odour levels where the air discharge is from:*
    - (i) *rural production activities or rural industry; or*
  - (d) *require adequate separation between use and development which discharge dust and odour and activities that are sensitive to these adverse effects.*
- (6) *Avoid the discharge of contaminants to air from industrial activities in rural zones and the coastal marine area except where the activity is:*
  - (d) *a rural industry.*

Relevant objectives and policies in respect to air quality in Chapter E14 of the AUP(OP) seek to manage effects of contaminants into air on human health, neighbourhood dust and odour levels. The proposal is considered in accordance with the above provisions as the current operations show that human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air (Objective E14.2(2)), that the farm operations are located in the appropriate zone and location, and that the operational requirements of the rural activity should be recognised and provided for (Objective E14.2(4)) and E14.2(5)).

Policy E14.3(3) specifically recognises that rural air quality in the Rural Production zone is a result of rural production activities while noting adverse effects of dust and odour discharges are to be avoided, remedied or mitigated. The above provisions clearly provide for rural activities of this type in the Rural Production Zone and anticipate that some minor adverse effects will occur. Policy E14.3(3)(b) makes it clear that activities should “avoid, remedy or mitigate” adverse effects of dust and odour discharges, but provides for minor localised elevations of odour levels (Policy E14.3(3)(c)). The proposal is in accordance with these provisions as the Air Quality Assessment has demonstrated that adverse effects on human health, property and the environment surrounding the site will be less than minor.

Overall, it is considered that the proposal is consistent with the objectives and policies of Chapter E14.

## **Chapter H19 – Rural Zone**

### **H19.2.1 Objectives – General Rural**

- (1) *Rural areas are where people work, live and recreate and where a range of activities and services are enabled to support these functions.*
- (2) *Rural production activities are provided for throughout rural area while containing adverse environmental effects on site.*

### **H19.2.3 Policies – General Rural**

- (4) *Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5).*

- (5) *Enable a range of rural production activities and a limited range of other activities in rural areas by:*
- (a) *separating potentially incompatible activities such as rural production and rural lifestyle living into different zones;*

#### **H19.3.2 Rural Production Zone Objectives**

- (1) *A range of rural production, rural industries, and rural commercial activities take place in the zone.*
- (2) *The productive capability of the land is maintained and protected from inappropriate subdivision, use and development.*

#### **H19.3.3. Policies**

- (1) *Provide for a range of existing and new rural production, rural industry and rural commercial activities and recognise their role in determining the zone's rural character and amenity values.*
- (4) *Provide for intensive farming, while managing adverse effects and require compliance with good industry practice.*

The description for the Rural Production zone states that the purpose of the zone is to provide for the use and development of land for rural production activities and rural industries and services, while maintaining rural character and amenity values. The farm is an existing operation that is appropriately located within the rural production zone in accordance with Objectives H19.3.2(1) and Policy H19.3.3(1). The continued operation of an existing chicken farm is an appropriate use of the rural land resource, where amenity values and rural character of the area will not be compromised (Objective H19.3.2 (2) and Policy H19.3.3(1)). The proposal will facilitate an existing rural production and intensive farming activity while continuing to manage adverse effects. The Air Quality Assessment has shown that the operations avoid potential adverse odour and dust effects on nearby properties.

The proposed works are not located anywhere near any identified or known cultural sites of importance to Mana Whenua and the traditional cultural relationships Mana Whenua has with the coastal environment will be maintained.

Overall, it is considered the proposal will not compromise the amenity values anticipated in this zone and is consistent with and in accordance with the Rural Production zone provisions.

#### **7.4 Section 104(1)(b)(v) Relevant Provisions of the Regional Policy Statement**

The Regional Policy Statement (“RPS”) sets out strategic direction for managing the use, development and protection of the natural and physical resources of the region. The strategic objectives and policies provide a framework to achieve the integrated, consistent and co-ordinated management of the Region’s resources. In that context, there are objectives and policies that seek to enable the community to provide for their social, economic and cultural wellbeing and objectives and policies which seek to safeguard environmental quality.

The RPS is a high-level document that is given effect to by the subsequent chapters of the AUP (OP), the relevant ones to this application have been addressed in Section 7.3 of this document. With respect to the RPS the following chapters are directly relevant to the proposal:

- Chapter B.6 – Mana Whenua;
- Chapter B.7 – Natural Resources; and



- Chapter B.9 – Rural Environment.

It is concluded the proposal is consistent with the relevant provisions of the RPS as follows:

- Chapter B.6 provisions seek to recognise that Mana Whenua are specialists in determining their values and associations with natural and physical resources within the ancestral rohe, their cultural heritage, and that Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making. As outlined, DB Chicks has initiated consultation with the mana whenua considered to be relevant to the area. As such, it is considered that appropriate recognition has been given to addressing Mana Whenua values via the resource consent process.
- Chapter B7 – Natural Resources provisions seek to maintain amenity values at appropriate levels in rural areas while enabling reduced ambient air quality amenity in appropriate locations, and avoiding, remedying or mitigating adverse effects on human health and the environment. The provisions also seek to enable rural production activities that discharge contaminants to air in appropriate locations. The provisions specifically recognise that rural air quality is a result of rural production activities, provides for the operational requirements of rural activities and require that such air quality must be maintained at appropriate levels. As detailed, amenity values in the environment surrounding the site are not adversely affected by the rural production activities on the site.
- Chapter B9 Rural Environment - these provisions recognise that the purpose of the rural area is to provide for the use and development of land for rural production activities, rural industries and services, while maintaining rural character, landscape and amenity values. The provisions also seek to retain land for rural production to improve economic performance, sustainably manage land resources and enable communities to pursue sustainable lifestyles. Rural lifestyle is recognised as been attractive and to ensure such development does not undermine or significantly compromise the productive potential of Auckland's rural areas, countryside living is enabled in identified areas. As detailed, a business of the nature undertaken requires a rural setting and is an appropriate use of the rural land resource, where amenity values and rural character of the area will not be compromised.

Overall, it is considered the proposal is in accordance with the provisions of the RPS.

#### **7.5 Section 104(1)(b)(i) and (ii) Relevant provisions of National Environmental Standards and other regulations, Section 104(1)(b)(iii) Relevant provisions of National Policy Statements, Section 104(1)(b)(iv) Relevant provisions of the New Zealand Coastal Policy Statement (NZCPS)**

There are no National Environmental Standards or other regulations that apply to this application. It is noted that contaminants that are discharged from the operations are not of concern under the National Environmental Standards for Ambient Air Quality 2004 (“**NES Air Quality**”).

The New Zealand Coastal Policy Statement (“**NZCPS**”) is not applicable to this application.

## **7.6 Section 104(1)(c) Any other matters considered relevant and reasonably necessary to determine the application**

The Auckland Plan (March 2013) is considered relevant. Chapter 9 of the Auckland Plan categorises rural areas into a number of activity areas, within which particular uses and types of growth will be encouraged and enabled. The site is located in the Rural Production zone of the Auckland Plan that is described as areas with large land holdings, low population density and is focused on land-based production with scattered and minimal lifestyle development.

Desired future outcomes of the Rural Production zone include, amongst others, the productive use of land, water and land management and the predominance of large sites in production use. The proposal is an example of an existing rural production activity linked to the rural environment. The land will remain rural production and the existing landscape and rural character will be maintained under this proposal. Overall, it is considered that the proposal demonstrates a high level of consistency with the Auckland Plan's goals for Rural Auckland.

## **7.7 Section 105 Matters relevant to certain applications**

Section 105 of the RMA requires the consent authority to have regard to additional matters in relation to a discharge permit that would contravene section 15 or 15B of the RMA.

The provisions of section 105 are met by this application as there are no significant effects on the receiving environment from the continued discharge to air. There is no practicable alternative in respect to the proposed discharges for this proposal. The operation is managed to the best practicable option to ensure there are no adverse effects beyond the site boundary.

## **8.0 Notification (Sections 95A, 95C-95D)**

### **8.1 Public Notification**

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, public notification is precluded as the application is a discretionary activity for the subdivision of land.
- Step 3 is precluded under Step 2.
- Under step 4, there are no special circumstances that warrant the application being publicly notified. The application is for the renewal of an air discharge consent associated with an operating chicken farm located in the Rural Production zone in accordance with AUP(OP) rules and there is nothing exceptional or unusual about the proposal.

It is therefore recommended that this application be processed without public notification.

### **8.2 Limited Notification**

Having consideration to the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not required as there are no certain affected groups of affected persons that must be notified.

- Under step 2, limited notification is not precluded as there is no rule or NES that specifically precludes limited notification of the activity, and the application is for an activity other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the adverse effects of the activity are less than minor subject to expected standard conditions of consent.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

Pursuant to section 95B of the RMA, it is considered this application may proceed without limited notification and on a non-notified basis.

## **9.0 Consideration of Part 2 (Purpose and Principles) of the RMA**

The Council as consent authority must have regard to Part 2 of the RMA (“Purposes and Principles” – sections 5 to 8). The Court in Davidson<sup>2</sup> has determined that a Part 2 analysis may not be required where there is confidence that the relevant planning provisions in the AUP(OP) give effect to Part 2. That is considered to be the case here. This proposal raises no area of uncertainty that require further analysis under Part 2.

## **10.0 Conclusion**

The proposal is to renew an air discharge consent associated with an operating chicken farm located at 222 and 222A South Head Road, Parkhurst. The actual and potential effects likely to result from the continued operations have been considered in accordance with section 104(1)(a) of the RMA, as set out in Section 7 of this AEE. By way of summary, it is concluded that any actual or potential effects on the surrounding environment will be less than minor. The proposal has also been assessed to be consistent with the relevant objectives and policies of the AUP(OP) in accordance with section 104(1)(b) of the RMA.

Overall, it is considered that the proposed renewal of the air discharge consent is consistent with the purpose and principles of the RMA and that the consent sought should be granted.

## **11.0 Limitations**

This report has been prepared for the particular project described to us and its extent is limited to the scope of work agreed between the client and Cato Bolam Consultants Limited.

No responsibility is accepted by Cato Bolam Consultants Limited or its directors, servants, agents, staff or employees for the accuracy of information provided by third parties and/or the use of any part of this report in any other context or for any other purposes.

This report is for the use by the client only and should not be used or relied upon by any other person or entity or for any other projects.

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1. RJ Davidson Family Trust v Marlborough District Council [2017] NZHC 52