

IN THE MATTER

of the Resource Management  
Act 1991

AND

IN THE MATTER

of an application by Patoa  
Farms Limited for resource  
consent CRC121636 to  
discharge contaminants to air  
from intensive farming of pigs  
at Hawarden

## **DECISION OF THE CANTERBURY REGIONAL COUNCIL**

**Hearing Commissioner**

John G Iseli

**Date of Hearing**

30<sup>th</sup> May 2012

**Site Location**

724 Medbury Road, Hawarden

**Appearances**

**Applicant:**

Mr S Sterne, Patoa Farms Ltd  
Mr J Ravn, Patoa Farms Ltd  
Mr B Loe, resource management consultant

**Submitters:**

Mr R Mahalm  
Mr R Savage, Oakland Securities Ltd  
Mr M Williams, Oakland Securities Ltd  
Mr B Bourke, legal counsel

**S42A Reporting Officer:**

Ms C Challies

### **Decision Summary**

Consent to discharge contaminants to air is granted for a term of 35 years, subject to conditions. Discussions between opposing submitters and the applicant during an adjournment to the hearing have resulted in the withdrawal of those submissions. There are no remaining opposing submitters to the application. Adverse effects of discharges to air from the intensive pig farming operation, undertaken in accordance with the conditions of consent, are expected to be no more than minor.

### **The Application**

Patoa Farms Limited (the applicant) operates an intensive pig farm at 724 Medbury Road, Hawarden. Discharges to air from the farm are authorised by resource consent CRC080731. The applicant has stated that Patoa Farms is the largest single intensive pig farm in New Zealand.

The applicant seeks authorisation to increase the number of pigs held in the farm. Environment Canterbury has determined that the increase in pig numbers would require a new consent application, rather than a change to the conditions of the existing consent.

Further information sought by Environment Canterbury (relating to pig numbers, odour assessment and consultation) has been provided by the applicant. Mr Barry Loe was engaged by the applicant as environmental consultant to assist in the assessment of effects of the discharge.

### **Notification and the Hearing**

The application was limited notified to potentially affected parties on 28<sup>th</sup> March 2012. The application was notified as follows:

*“CRC121636 – To discharge odour to air from an indoor piggery at Patoa Farms Limited, 724 Medbury Road, Hawarden.*

*The indoor piggery involves the intensive farming of up to 34 500 pigs of varying age and classes equating to approximately 33 300 standard pig units, centred on map reference NZMS 260 M33:8251-1790. The pigs will be housed in sheds and barns that will be lined with straw to absorb effluent.*

*This application is to replace CRC080731.*

*A consent duration of 35 years is sought.”*

Three submissions were received within the 20 working day period specified in the Resource Management Act 1991 (the Act). One submission (from B Ginders) supported the application, and two submissions (from R&D Mahalm and Oakland Securities Limited) opposed the application. Both opposing submitters requested to be heard.

The opposing submitters owned forestry blocks immediately adjacent to the pig farm and expressed concerns regarding odour and the effects of the discharge on amenity values.

The hearing was held on 30<sup>th</sup> May 2012 at the Lincoln Events Centre.

### **Site Visit**

I undertook a site visit on 12<sup>th</sup> June 2012. The visit included an examination of the neighbouring area.

### **Adjournment and Subsequent Withdrawal of Submissions**

The hearing was adjourned on 30<sup>th</sup> May, pending the outcome of discussions to be held between the applicant and the opposing submitters. The applicant successfully negotiated the purchase of the neighbouring forestry blocks held by Oakland Securities Ltd and R&D Mahalm. Consequently the submissions from these parties have been withdrawn.

The applicants written right of reply was provided on 26<sup>th</sup> September 2012 and the hearing was subsequently closed.

### **The Applicant's Evidence**

Mr Ravn, a director of Patoa Farms Ltd, provided evidence describing the piggery operation. He explained that measures taken to mitigate odour include: daily mechanical spreading of straw across the bed area within buildings; partial cleanout of buildings where heavy pigs are retained for longer periods; removal of manure as soon as pigs leave the barn; and keeping straw for use in the barns dry.

Mr Ravn stated that the regular addition of straw to the barns is the principal measure that minimises odour generation. He noted that since 2008 the bedding rate (amount of straw

applied per pig per day) had increased substantially to meet the rate recommended in the Australian National Environmental Guidelines for Piggeries (ANEGP).

Mr Ravn stated that there is approximately \$20 million invested in the assets of Patoa Farms Ltd. The farm produces about 13% of the pig meat produced in New Zealand. He submitted that the applicant's contribution to the local and regional economies is significant.

Turning to the issue of odour, Mr Ravn stated that the increase in pig numbers on the site will not result in an increase to the odour generated because of the improved mitigation measures that have been adopted. He noted that the resident neighbours to the east of the farm, Mr and Mrs Ginders, are regularly consulted regarding odour impact. Mr Ravn pointed out that these neighbours have lodged a submission in support of the application.

Mr Sterne, a director of Patoa Farms Ltd, added that the duration of consent is a significant limiting factor for long-term supply contracts to the farm. He submitted that this was a concern in relation to the 10-year term of the existing consent CRC080731.

Mr Loe, a resource management consultant advising the applicant, gave evidence concerning the environmental effects of the discharge. He referred to an odour management plan that had been prepared by the applicant and updated annually. Mr Loe stated that the current consent has been graded as "fully compliant" on the two compliance monitoring visits undertaken by Environment Canterbury.

Mr Loe discussed the ANEGP that provides comprehensive information about managing environmental impacts from various aspects of pig farming. He considered these Australian guidelines to be applicable to New Zealand conditions. Mr Loe explained the definition of Standard Pig Unit (SPU) adopted from the ANEGP that addresses piggery capacity based on by-product output.

Mr Loe went on to examine the effect of changes made to the piggery operation since the existing consent was granted in 2008. He explained that windrow composting of used bedding material is no longer undertaken at the site, eliminating a significant source of odour. With regard to bedding rates, he stated that there is now 25-40% more straw per pig (depending on the age of pig held) used in the sheds than occurred in 2008.

With regard to the assessment of odour, Mr Loe adopted the Level 1 odour assessment process described in the ANEGP. This screening assessment indicated that the farm is unlikely to generate odour that would result in an adverse effect on sensitive activities or sensitive areas more than 1500 metres from the intensive farm. Mr Loe noted that the land use within

1500 metres of the intensive farm includes forestry and pastoral farming, and part of the Hurunui River bed. He identified the closest neighbouring dwelling (not on Patoa Farms property) as 2.4 kilometres to the south of the intensive farm.

Mr Loe discussed relevant policies of the Hurunui District Plan and the Natural resources Regional Plan (NRRP). He found that the proposed discharge would not be contrary to the objectives and policies of these planning documents. Turning to consent duration, he detailed the relevant guidance in the NRRP and concluded that a 35 year term of consent would be appropriate in this case.

Mr Loe discussed the issue of consent duration further in the applicant's right of reply, stating that the risk that other landowners may be affected by odours from the intensive farm has diminished significantly since purchase of the forestry blocks immediately to the east of the site. He noted that the additional investment by the applicant in securing ownership of the forestry blocks adds to the more than \$20 million invested in the business. He considered that the surrounding receiving environment would continue to be a rural working area where sensitivity to odour is unlikely to change significantly over time.

Updated proposed conditions of consent were presented in the right of reply, including some suggested amendments to reflect the change in sensitivity of the receiving environment following purchase of the forestry blocks from submitters.

### **Submissions**

Messrs Mahalm, Savage, Williams and Bourke presented submissions opposed to the application. The submissions focused on the effects of odour on the two forestry blocks immediately east of the intensive farm. Given that these blocks have been sold to the applicant during the adjournment and the submissions have now been withdrawn, it is not necessary to detail the submitters' comments herein.

### **Section 42A Report**

The Officer's Report prepared by Ms Challies had been distributed to the parties prior to the hearing. Ms Challies accepted the applicant's calculated separation distances from sensitive activities, based on the ANEGP odour assessment methodology. Her report concluded (taking into account the receiving environment at the time of writing that included the 30 hectare forestry blocks) that consent could be either granted or declined, after considering the evidence presented at the hearing.

Ms Challies provided a suite of suggested conditions, should consent be granted.

### **Statutory Framework and Status of the Activity**

The parties concluded that the application is classified as a restricted discretionary activity under Rule AQL58A of the NRRP. I accept that assessment.

### **Principal Issues, Evaluation and Findings of Fact**

#### Effects of Odour

The recent sale of the Mahalm and Oakland Securities Ltd forestry blocks to the applicant, and the subsequent withdrawal of both opposing submissions, has resulted in a substantial change to the receiving environment with respect to the odour discharge. These blocks are immediately “downslope” of the piggery and had been affected by odour in the past. The adverse effect of odour on the two 30 hectare forestry blocks, and the potential for future changes to the sensitivity of land use on these blocks, were the primary reasons that the existing consent was granted for a 10-year term.

The applicant’s purchase of the forestry blocks means that no new dwellings (excluding those owned by the applicant) can be constructed within the 1500 metre downslope separation distance determined by Mr Loe from the ANEGP Level 1 odour assessment. I accept Mr Loe’s conclusion that the receiving environment has become considerably less sensitive with the change in land ownership.

The closest dwelling not owned by the applicant is approximately 2400 metres from the intensive pig farm, well outside the separation distances recommended by the ANEGP. While rural neighbours and users of the Hurunui River are likely to experience occasional odour from the farm, I accept the assessment of Mr Loe that such odour is not expected to be offensive or objectionable in the context of the neighbouring rural environment. Controls preventing the removal of soiled straw from sheds during weekends and public holidays, where practicable, are considered to be sufficient to prevent recreational users of the Hurunui River and bed from experiencing significant adverse effects.

The evidence is that Patoa Farms has adopted good practice measures to minimise odour from the intensive farm, including the use of straw bedding in accordance with ANEGP recommendations. The odour assessment indicates that, due to improved management practices, the effects of odour are no greater than those occurring in 2008 at the time the existing consent was granted. Based on compliance with the conditions of consent now

proposed by the applicant, and subject to the minor changes discussed below, I am satisfied that the adverse effects of the odour discharge are likely to be minor.

### Conditions of Consent

In the applicant's right of reply Mr Loe proposed some minor changes to the conditions of consent recommended by Ms Challies. Those amendments to conditions are accepted, with the exception of the following three matters.

Firstly, as identified in the evaluation of odour effects, recreational users of the Hurunui River are likely to experience occasional odour from the farm. It is therefore appropriate that the intent of Ms Challies' recommended Condition 10(b) be retained by requiring that removal of soiled straw does not occur, as far as practicable, on weekends or public holidays.

Secondly, Ms Challies' Condition 11 required that soiled straw be removed from the site. This requirement is consistent with good practice as it prevents stockpiling of spent bedding on the site that can become odorous. I find that a condition to this effect should be imposed.

Finally, Ms Challies recommended a Condition 8 as follows: *"Effluent from the pigs housed in the buildings shall be absorbed by the straw lining. The consent holder shall ensure that there is sufficient straw on the floor of each occupied building to absorb all pig effluent."* The applicant has not provided any reason for the removal of this recommended condition. I find that this condition is appropriate and consistent with good practice, and I have imposed it accordingly.

### Consent Duration

The applicant has requested that the term of consent be 35 years. In determining the duration of consent, I have considered the guidance provided in Chapter 1 of the NRRP and taken into account several factors, including the following:

- (a) The substantial capital investment of the applicant in the business, including the recent purchase of the two neighbouring 30 hectare forestry blocks;
- (b) The sensitivity of the receiving environment following purchase of the forestry blocks (including the separation distance to dwellings);
- (c) The potential for changes to the rural receiving environment during the term of consent;
- (d) The compliance history for the existing consent;
- (e) Guidance from case law; and

- (f) The suite of conditions I intend to impose, including requirement for an odour management plan that is annually reviewed.

Taking into account all these matters I find that consent may be granted for a duration of 35 years, subject to a review condition that would allow any significant issues to be addressed should they arise during the term of consent.

### **The Regional Policy Statement and Natural Resources Regional Plan**

Provided the applicant complies with the conditions of consent imposed, I find that the activity would not be contrary to the objectives and policies of the NRRP and the Regional Policy Statement. In particular, the discharge is not predicted to cause offensive or objectionable effects beyond the boundary of property owned by the consent holder.

### **Statutory Acknowledgment Area**

Under the Ngai Tahu Claims Settlement Act 1998 the Hurunui River is a Statutory Acknowledgement Area, in acknowledgement by the Crown of the special relationship of Ngai Tahu with the Hurunui. Environment Canterbury provided Te Runanga o Ngai Tahu with a summary of the resource consent application. I have had regard to the acknowledgement in reaching my decision.

### **Part 2 of the Act**

I conclude that any adverse effects of the proposed discharge, subject to the conditions imposed, can be controlled to the extent that they are acceptable in relation to the purpose and principles of the Act (Part 2). With regard to Section 7 of the Act, I consider that mitigation measures are proposed (and required by conditions) that would enable amenity values and the quality of the environment to be adequately maintained.

### **Decision**

I consider that the proposed activity, subject to conditions, can be undertaken in a manner that is consistent with the Act's purpose of sustainable management of natural and physical resources. Having considered all the evidence and the submissions together with the statutory documents and other matters I am required to consider under the Resource Management Act 1991, I determine that consent CRC121636 is granted for a term of 35 years, subject to the following conditions.



**CRC121636**

- (1) The discharge of contaminants to air shall be only odour from intensive pig farming at or about map reference NZMS 260 M33:8245-1748 (Topo50 BV24:7245-5584) at 724 Medbury Road, Hawarden as shown on Plan CRC121636A which forms part of this consent.
- (2) The buildings used to house the pigs shall not comprise more than:
  - (a) 90 nursery buildings with a maximum of 170 female or 180 male pigs per building;
  - (b) 15 grower buildings with a maximum of 90 pigs per building; and
  - (c) 30 autosort buildings with a maximum of 680 pigs per building.
- (3) The residency times of each group of pigs in the buildings shall not exceed:
  - (a) Seven weeks in the nursery buildings;
  - (b) Seven weeks in the grower buildings; and
  - (c) Twelve weeks in the autosort buildings.
- (4) The buildings containing pigs shall be located as indicated on Plan CRC121636B that forms part of this consent.
- (5) The number of Standard Pig Units in the intensive farm on the site shall not exceed 33,300. For the purpose of this consent Standard Pig Units (SPU) shall be calculated using the formula in Table CRC121636.

**Table CRC121636  
SPU conversion**

<b>Pig Class</b>	<b>Mass Range (kgs)</b>	<b>Age Range (weeks)</b>	<b>SPU factor</b>
Weaner	8 - 25kg	4-10 wks	0.5
Grower	24 - 55	10 - 16 wks	1
Finisher	55 -100	16 - 24	1.6
Heavy Finisher	100 -130	24 - 30	1.8

- (6) The consent holder shall adopt the best practicable option to prevent or minimise any adverse effects of odour on the environment.
- (7) The floors of each building, when occupied by pigs, shall be lined with straw.
  - (a) Straw shall be added and replaced regularly to ensure compliance with Condition (8).
  - (b) Straw shall be applied using a spreading and shredding machine to ensure an even spread of straw and to optimise effluent absorption.
- (8) All effluent from the pigs housed in the buildings shall be absorbed by the straw lining. The consent holder shall ensure that there is sufficient straw on the floor of each occupied building to absorb all pig effluent.

- (9) At the end of each growing cycle and within 72 hours of pigs being removed from the buildings, the soiled straw shall be removed and the buildings cleaned by water blasting or steam cleaning.
- (10) The removal of soiled straw from the buildings shall:
  - (a) Occur at the combination of times and weather conditions that minimise the adverse effects of odour; and
  - (b) As far as practicable, not occur on weekends or public holidays.
- (11) The soiled straw shall be removed from the intensive farm site after clean-out of the piggery buildings.
- (12) The discharge shall not cause offensive or objectionable effects beyond the boundary of property owned by the consent holder.
- (13) The consent holder shall maintain a register detailing any odour complaints that have been received. The register shall include, but not be limited to:
  - (a) The date and time the odour was detected;
  - (b) The location where the odour was detected by the complainant;
  - (c) A description of the wind speed and direction when the odour was detected by the complainant;
  - (d) The most likely cause of the odour; and
  - (e) Any corrective action undertaken by the consent holder to avoid remedy or mitigate the odour detected by the complainant.
- (14) A copy of the complaints register shall be provided to the Canterbury Regional Council on request.
- (15) The consent holder shall prepare and maintain an Odour Management Plan (OMP).
  - (a) The OMP shall provide details on:
    - (i) How the intensive piggery shall be managed to ensure compliance with Conditions (6) to (12) inclusive; and
    - (ii) Corrective action or further mitigation that will occur in the event that a complaint is received.
  - (b) The OMP shall be held on site and a copy provided to all persons undertaking activities associated with this consent.
  - (c) The OMP shall be reviewed at least once every 12 months and revised if necessary. Any revisions shall take into account any complaints or concerns received in the preceding 12 months.
  - (d) A copy of the OMP and any revisions shall be provided to the Canterbury Regional Council Attention: RMA Compliance and Enforcement Manager within one month of each annual review.
- (16) The consent authority may, on any of the last five working days of any month of each year, serve notice on the consent holder of its intention to review the conditions of this consent, for the purpose of:

- (a) Dealing with adverse effects on the environment arising from the exercise of this consent; and
- (b) Specifying, and requiring the consent holder, to adopt the best practical option to remove or reduce any such effect.



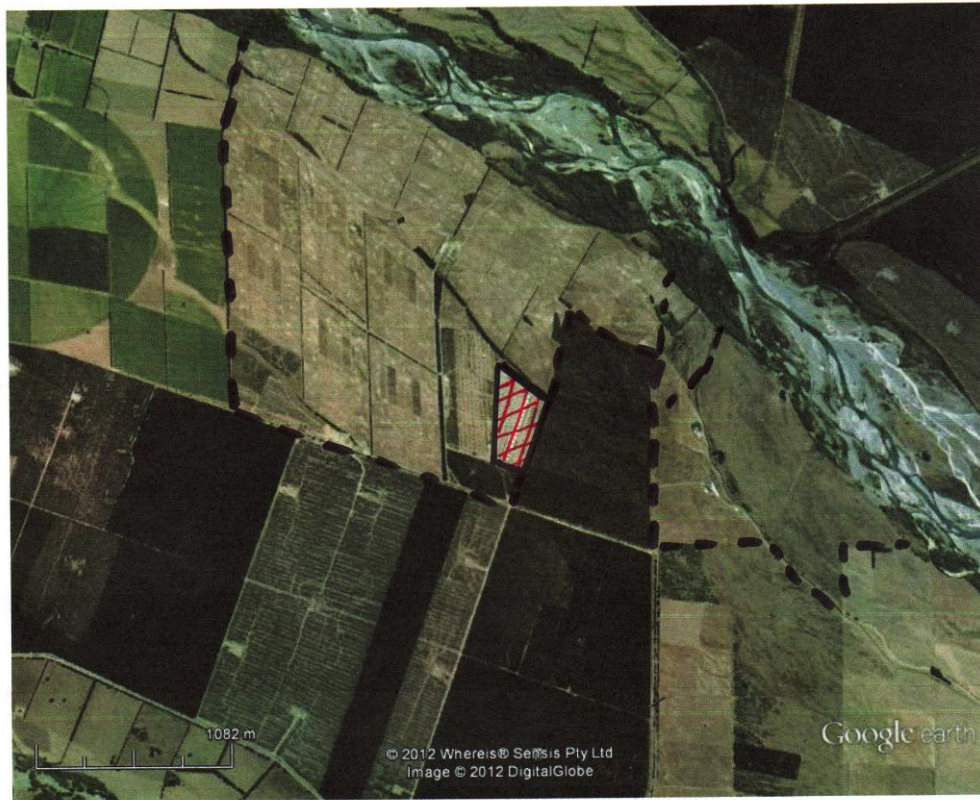
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John G Iseli, Commissioner

Dated this 15<sup>th</sup> day of October 2012

Plan CRC121636A

Site Plan



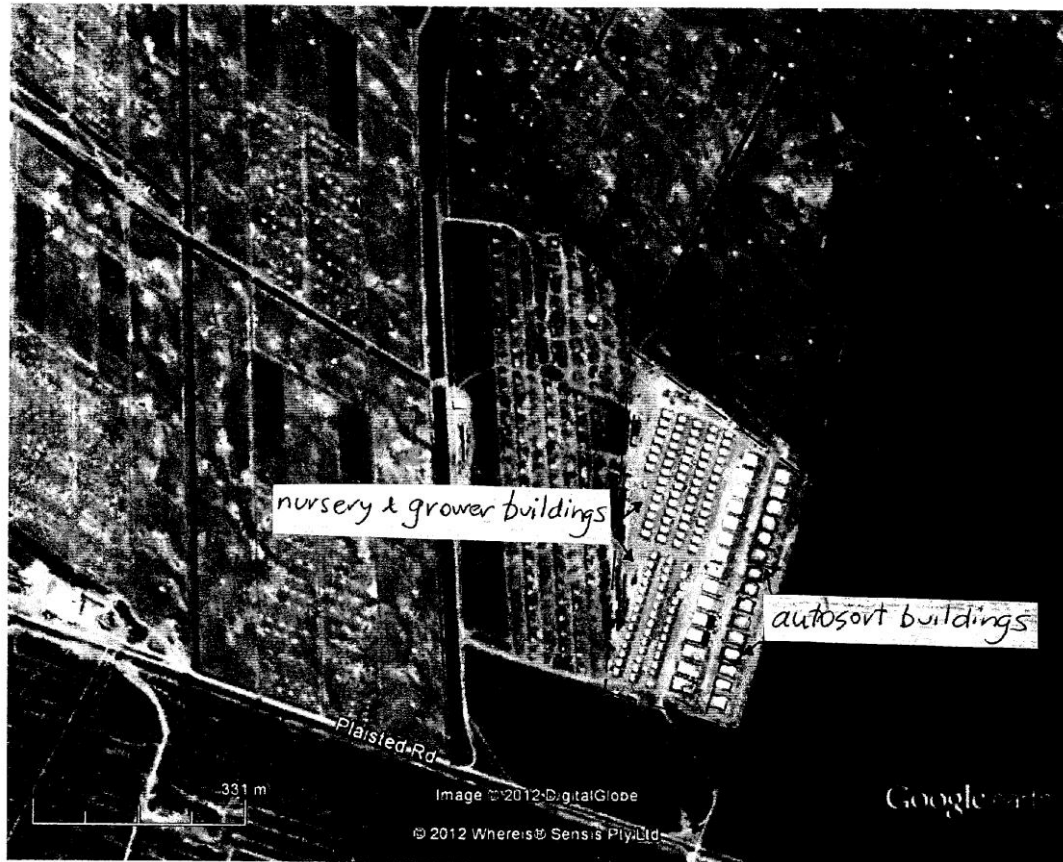
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--- Patoa Farms Ltd boundaries  
▨ Area of Intensive Farming

CRC 121636B



Patoa Farms Ltd  
Intensive Pig Farm Buildings  
Site Plan 2012