

From: [Ryan Pegram](#)
To: [Tera Maka](#)
Subject: FW: Submission: Proposed Canterbury Air Regional Plan
Date: Wednesday, 6 May 2015 7:53:53 a.m.
Attachments: [JBF-561003-1-22-V1-E2 \(Ltr - Environment Canterbury - Amended Submission....pdf\)](#)

From: Joan Forret [mailto:Joan.Forret@harkness.co.nz]
Sent: Tuesday, 5 May 2015 2:51 p.m.
To: Customer Services; Ryan Pegram
Cc: 'Matthew Peacocke'; 'Keam, Boram'; 'Rebecca Macky'; D & L Mathews; michael@pianz.org.nz
Subject: Submission: Proposed Canterbury Air Regional Plan

Hi Ryan

I've discovered that there was an error in the submission that Melrose submitted last week re the Air Plan. The submission included reference to a new rule 7.60A but the drafting of that rule is not consistent with other provisions in the plan. Please substitute the original submission with this version.

I note that we could propose the change as part of the hearing process but it would be tidier for you as reporting planner and for other potential further submitters to comment on the rule that will be promoted by Melrose.

Please don't hesitate to contact me if you need any clarification.

Please confirm this version will be substituted. Thanks

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1 May 2015

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Environment Canterbury
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To whom it may concern

Submission: Proposed Canterbury Air Regional Plan

1. This submission is made on behalf of Melrose Limited ("Melrose").
2. The submitter's contact details are:

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3. Melrose does wish to be heard in support of its submission.
4. Melrose operates intensive poultry farming interests in the Canterbury region and has an interest in the Proposed Canterbury Air Regional Plan ("CARP").
5. Melrose is broadly supportive of the CARP, but seeks amendments that in its view will remove uncertainty and ensure the plan's provisions are effective and practical.

Definition of 'free range poultry farming'

6. Melrose submits the definition of 'free range poultry farming' be amended. The current definition means some free range poultry farming activities may not be captured, meaning these activities will default to intensive poultry farming status. Melrose submits the following amended wording be adopted:

Free range poultry farming *Means the keeping, rearing or breeding of poultry, whether for the purpose of production of poultry for human consumption or for the purpose of egg production, where:*

- (a) *all of the birds farmed have access to open air runs; and*
- (b) *~~permanent~~ reasonable vegetation exists on the land where the birds are permitted to range; and*

- (c) *the stocking rate of the runs and weatherproof shelter to which the birds have access ~~does not exceed~~ meets the industry standard for the relevant bird type; or*
 - (d) *the stocking rate of the runs and weatherproof shelter to which the birds have access is less than the industry standard for free range poultry farming.*
7. It is unclear what is meant by “permanent vegetation” as this is not a term defined in the CARP. For example, most free range poultry farms have a grassed area for chickens to graze. That grassed area may be re-sown from time to time and in that sense may not be permanent. Furthermore, the ordinary meaning of the term is unclear and ambiguous. Melrose submits that the inclusion of this term will lead to uncertainty. Instead, it is submitted the word ‘permanent’ is deleted.
8. The wording of part (c) of the definition implies poultry farmers that adhere to better industry standards in respect of free range farming (thereby “exceeding” those standards with even lower stocking rates, (such as breeder farms) will fall outside of the current definition. Melrose submits that this will result in unintentional consequences. Instead, part (c) should be amended so that farmers are required to ‘meet’ industry standards at a minimum and those farms with a lower stocking rate, can be deemed to be free range poultry farming, and thus permitted, even if the birds do not have access to open air runs. That would apply to breeder farms which do not create adverse effects which require any regional council control.

Definition of ‘sensitive activity’

9. Melrose submits the definition of ‘sensitive activity’ also be amended. The current definition refers to a “notional boundary” without defining the extent of that notional boundary, and without defining “notional boundary”, leading to uncertainty. Melrose submits the following amended wording be adopted:

Sensitive activity

Means an activity undertaken in:

- (a) *~~the area within the notional boundary of an occupied dwelling;~~*
 - (b) *a residential ~~area or~~ zone; or*
 - (c) *a site zoned for public amenity area uses, including those parts of any building and associated outdoor areas normally available for use by the general public, excluding any areas used for services or access areas; or*
 - (d) *a site zoned for use as a place of public assembly for recreation, education, worship, culture or deliberation purposes.*
10. Melrose proposes that clause (a) is deleted because that requirement is not something that is under the control of the poultry farmer. It is a matter that should be dealt with under a District Plan. If a District Plan permits the construction and/or occupation of a dwelling within 200m of an intensive poultry farm as a permitted activity, then an intensive poultry farm that could otherwise be permitted or restricted discretionary could become fully discretionary. It is noted that the term ‘notional boundary’ is not defined.
11. It is unclear how a “residential area” differs from a “residential zone”. The amendment to part (b) introduces certainty by removing the ambiguity of what constitutes a

“residential area” while ensuring residential zones, where residential uses can establish as permitted activities, are still captured as ‘sensitive activities’. Changes to parts (c) and (d) are proposed to improve certainty by ensuring only those sites zoned for public amenity uses or places of assembly are captured, thereby preventing the unintended consequences of an unnecessarily broad definition (for example someone establishing a golf course next door).

Objectives and policies

12. Melrose broadly supports the CARP’s objectives and policies.

Rules

13. Melrose submits an additional rule should be added to the CARP which confirms free range poultry farming is a permitted activity. Although it can be implied from the definition that free range poultry farming is permitted by omission however, Melrose submits this gives rise to uncertainty by treating a defined activity as permitted purely by omission. Given that free range poultry farming is defined, Melrose submits it should be specifically identified as a permitted activity.
14. In addition, the new permitted activity rule should allow for non-free range poultry farming as a permitted activity where the stocking rate is low enough and reasonable setbacks from the boundaries of a farm can be provided. The rationale for that is that birds in free range farms are housed indoors for the early weeks of their lives. They are also housed indoors at night. While indoors they create emissions to air that this Plan deems to be reasonable and which can be permitted. If non-free range poultry farms also house birds at a similar stocking rate to free range, they should be treated equivalently. It is the effect that should be managed and not the activity. The effects of birds indoors at a stocking rate of 34kg of live weight per square metre or 15 birds per square metre, whichever is greater, will be no different to the effects from free range. Whether or not the birds occupy an open air run does not affect the emissions to air when measured at their most intense time (in the buildings).
15. There should be a new Rule 7.60A to provide for free range and low intensity poultry farming as a permitted activity as follows:

7.60 The discharge of contaminants into air from intensive poultry farming, including free range poultry farming in accordance with Rule 4.4.2.5 where the maximum stocking density does not exceed 34kg of live weight per square metre or 15 birds per square metre, whichever is greater, is a permitted activity provided the following conditions are met:

- (a) *The discharge is located at least:*
 - (i) *50m from any internal boundary; **and***
 - (ii) *100m from any boundary with sites zoned for sensitive activities;*
or
 - (iii) *200m from a sensitive activity;*
*whichever is the lesser **and***
- (b) *A Management Plan is prepared addressing how adverse effects of air emissions will be managed; **and***
- (c) *Documentation is maintained that records the matters of performance listed in (a) to (b) above. These records shall be made available on request by a Council enforcement officer.*

Activities which fail to comply with (b) or (c) of this rule and/or the maximum stocking density is greater than 34kg of live weight per square metre or 15 birds per square metre, will require a resource consent for a restricted discretionary activity and will be assessed in accordance with Rule 7.6.2. Activities which fail to comply with (a) of this rule will require a resource consent for a discretionary activity.

[The reference to 'sensitive activity' assumes changes to the definition as proposed by this submission.

16. Rule 7.62 of the CARP is the 'catch all' rule for any new poultry farming activity established after 1 June 2002 that is unable to comply with rule 7.60. Melrose submits the wording of rule 7.62 should be amended to clarify its role as the catch all, as the current wording of rules 7.61 and 7.62 is not clear. Melrose submits the following amended wording be adopted:

7.62 The discharge of contaminants into air from any new intensive poultry farming activity, that is not provided for by rule 7.61, is a restricted discretionary activity provided the following condition is met:

- 1. The discharge is located at least 200m from an area zoned by a District Plan for a sensitive activity.*

The exercise of discretion is restricted to the following matters:

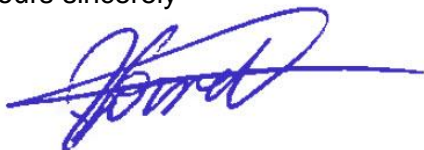
- 1. The quantity, quality and type of discharge and any effects arising from that discharge, including cumulative effects; and*
- 2. The methods to control the discharge and avoid, remedy or mitigate any adverse effects, including the odour and/or dust management plan; and*
- 3. The location of the discharge, including proximity to sensitive activities, wahi tapu, wahi taonga or sites of significance to Ngai Tahu; and*
- 4. The matters set out in rule 7.2.*

The change proposed to 7.62 is in contemplation of changes to the definition of "sensitive activity" such that the definition only includes locations that are specifically zoned for that use and over which the poultry farmer can have knowledge and input.

Conclusion

17. In conclusion, Melrose is broadly supportive of the CARP, subject to the amendments above being accepted by Council.

Yours sincerely



Joan Forret
Partner

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