

## APPENDIX A

### Airport Farm - Conditions of consent

#### Key

Officer's Report proposed conditions – 24 January 2022

Applicant's proposed conditions – 15 February 2022

Applicants proposed changes 25 February 2022 (including conditions offered in response to Commissioners queries/indications in respect of dust and odour scouting)

Submitters proposed amendments and comments 02 March 2022. Changes shown underlined or in strikethrough

#### General conditions

a. The consent holder shall pay to the Taranaki Regional Council all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act, 1991.

b. Upon commencement of this resource consent pursuant to section 116 Resource Management Act 1991, the consent holder will surrender its existing air discharge permit (RC 5262-2).

c. This resource consent expires on 1 June 2038; or at a time after 1 June 2032 when the property has an operative residential or commercial rezoning in the New Plymouth District Plan, whichever occurs first, and there are no major structural impediments (i.e. infrastructure upgrades) to developing the property in accordance with those zoning requirements (if this date is earlier than 1 June 2038).

**Commented [CT1]:** Recommend including a general accordance condition to provide certainty as to the nature of the consented activity. The absence of a general accordance condition on the existing consent led to conjecture over a number of matters at the hearing.

**Commented [CT2]:** Amended wording provides more certainty

#### Special Conditions

1. This consent authorises emissions to air from up to four poultry sheds and associated free-range areas located and configured generally as shown in the application for this consent.

2. The total area of the four sheds used for intensively housing poultry shall not exceed 4,068 square metres, and each shed shall have an associated free-range area that is no less than 1.5 times equal to the shed area.

**Commented [DVK3]:** SPCA blue tick requires 1.5 times the shed area for ranging area. From discussions with Mr Whiting it is my understanding that the ranging area was going to be 1.5x.

3. The stocking intensity of poultry in any shed shall not exceed 15 birds per square metre at any time.

4. That at all times the consent holder shall adopt the best practicable option (as defined in section 2 of the Resource Management Act 1991) to prevent or minimise any actual or likely adverse effect on the environment associated with the discharge of contaminants into the air from the site.

5. That prior to undertaking any alterations to the poultry unit's processes, operations, equipment or layout, as specified in the application for this consent and subsequent information provided to the Taranaki Regional Council and taken into account in assessing the application, or any subsequent application to change consent conditions, which may significantly change the nature or quantity of contaminants emitted from the site, the consent holder shall consult with the Chief Executive, Taranaki Regional Council, and shall obtain any necessary approvals under the Resource Management Act 1991 and its amendments.

6. The consent holder shall minimise the emissions and impacts of contaminants discharged into air from the site by installation and implementation of:

i) process equipment;

ii) process control equipment and emission control equipment;



- iii) supervision and operation management;
- iv) management of timing of litter removal, to those meteorological conditions least likely to cause odour to neighbours;
- v) the proper and effective operation, supervision, calibration, maintenance and control of all equipment and processes; and
- vi) the proper care of all poultry on the site in terms of litter management, bird care, and diet; as described in the application or by subsequent improvement.

7. In particular, the applicant consent holder shall install-

- i) 3 roof ridgeline exhaust fans on each shed by 1 March 2022;
- ii) misting devices on ~~each exhaust fan by 1 December 2021 for existing fans and ofn the new ridgeline fans~~ on each shed by 1 March 2022;
- iii) hot water indirect shed heaters in ~~and shall remove gas-fired heaters from~~ each shed by 1 March 2022;
- iv) devices to monitor the atmospheric conditions inside each shed, including but not limited to carbon dioxide, temperature, humidity and ammonia concentrations, and shall retain monitoring records for a period of three months beyond the end of each broiler rearing cycle, by 1 March 2022.

**Commented [DVK4]:** Is this requirement now redundant, as we are beyond December?

**Commented [DB5]:** This may be of value on the side fans, but I am unsure of how effective these will be on the vertical fans. There may be negative effects, such as reducing plume buoyancy by cooling the exhaust air.

8. The exit ports for the roof ridgeline fans shall be located at a minimum height of 7.0 metres above ground level, and the roofline fans on shed 3 shall be located at a minimum distance of 100 metres from the dwelling house at 62 Airport Drive.

9. The consent holder shall maintain a shelterbelt on the property's boundaries. The shelterbelt shall be in the form of a dense row of trees, which reach a height of at least ~~four~~ 4.0 metres; or a windbreak to a height of 3.0 metres on the northern and southern boundaries in the absence of trees.

10. Within six months following the initial exercise of this consent and thereafter, natural ground cover shall be maintained over 70%, at a minimum, of the range area of each shed.

11. The consent holder shall attend a Neighbourhood Liaison Group (NLG), to be convened and chaired by the Taranaki Regional Council, with meetings to be scheduled at least every six months or as often as is considered appropriate or necessary by the Taranaki Regional Council until 1 December 2024 or as is considered appropriate or necessary. All neighbours within a 300m radius of the site will be invited to attend, however interested parties beyond the radius may also attend with prior approval from the Consent Holder or Taranaki Regional Council.

**Commented [CT6]:** I'd recommend this is retained.

**Commented [DVK7]:** I think it would be appropriate to define who can attend these meetings. I've made a suggestion of wording.

12. The consent holder shall provide to the Taranaki Regional Council notification of a provisional schedule of bird capture and litter removal, at least 24 hours prior to the first bird capture at the end of each rearing cycle. Notification shall include the consent number, a brief description of the work, and the intended commencement date. Unless the Chief Executive advises that an alternative method is required this notice shall be served by completing and submitting the 'Notification of work' form on the Council's website (<http://bit.ly/TRCWorkNotificationForm>).

**Commented [CT8]:** This condition should outline what the objective/purpose of the NLG is e.g. a forum for relaying community concerns about the operation of the farm, developing acceptable means of addressing and managing these concerns and reviewing the implementation and effectiveness of these measures.

I'd also recommend that the NLG runs for a longer period or has the flexibility to do so if it is considered necessary.

#### Odour & Dust Conditions

13. The discharge authorised by this consent shall not give rise to an odour or dust discharge that in the opinion of at least one Compliance Officer of the Taranaki Regional Council as determined in accordance with Council's standard field odour methodology is noxious,



dangerous, offensive or objectionable at any location beyond the boundary of the property. The boundaries of the property are as shown in the application report 'Airport Drive Free Range Poultry Farm Odour Assessment, June 2021', Tonkin and Taylor.

14. The consent holder shall document any **allegations complaints** of offensive odour or dust notified to brought to it by neighbours at any time after the issue of this consent, **shall provide details of the allegation to Taranaki Regional Council as soon as possible and within 24 hours**, and shall retain the documentation for the duration of the consent, and shall make the record available upon request to (i) the informant-complainant, and (ii) the Taranaki Regional Council. In order to be documented, any **allegation complaint** made must provide the **name of the complainant (if provided)** together with the date and the location, at which the alleged event occurred. Unless the Chief Executive advises that an alternative method is required this notice shall be served by completing and submitting the 'Notification of work' form on the Council's website (<http://bit.ly/TRCWorkNotificationForm>).

**Commented [DB9]:** Suggest the use of complaint rather than allegation in this and subsequent conditions.

**Commented [DVK10]:** In my experience some complainants wish to remain anonymous as they may not want their personal details to be listed. I suggest adding "where available" or "where provided".

*Advice Note: It is expected that the Taranaki Regional Council would be the initial contact point for any complaints/allegations regarding the operation of the site. The consent holder could be notified within the same complaint/allegation.*

15. **Should the If requested by Taranaki Regional Council, determine through following its own investigations that an into an odour allegation that could have the potential to cause a breach of condition 13, it may require the consent holder to shall** prepare and implement an independent odour scouting program with the objective of determining whether it is likely or not there is a chronic or acute odour effect beyond the boundary.

**Commented [DVK11]:** I am happy with this condition as proposed and consider that it is practical and meets the intention of what was requested by the Commissioners.

**Commented [DB12R11]:** Agreed.

a) The odour scouting programme shall be developed by an independent air quality expert and certified by the Taranaki Regional Council and provided to the NLG for their information;

**Commented [CT13]:** Condition needs to place an obligation on the consent holder rather than the regulator.

b) The independent air quality expert shall provide the necessary training to independent people who have been selected to undertake observations;

**Commented [CT14]:** Certified against what or that it achieves what?

c) Odour scouting shall take place over a minimum of two **bird rearing** cycles;

d) **Odour scouting must be undertaken at a frequency that is representative of the entire cycle including specific events during the cycle such as bird catching, clean out.**

**Commented [CT15]:** Something missing at the end of this condition?

*Advice Note: It is anticipated that the odour scouting will be able to occur on adjoining/adjacent properties, otherwise all odour scouting will take place on the site boundary and publicly accessible areas.*

16. The results of the odour scouting program set out in condition 15 shall be provided to the Taranaki Regional Council **for certification and to the NLG for their information within one month** of the completion of the certified odour scouting programme.

**Commented [CT16]:** Certified against what or that it achieves what?

17. In the event that the results of the odour scouting conclude that there is **the potential for a breach of condition 13 for odour** the consent holder shall, as soon as practicable and no later than two months after providing the odour scouting results to the Taranaki Regional Council and NLG (as required by condition 16), provide a programme of additional measures **to be** implemented to reduce odour emissions to ensure compliance with the conditions of consent.

**Commented [DB17]:** Suggest deleting (a) as the same method should be used to assess the effectiveness of the mitigation measures.

18. **Within three months of implementing mitigation measures in condition 17 the consent holder shall if required by the Taranaki Regional Council test the efficacy of those mitigation measures** by producing a report to the Taranaki Regional Council showing one of the following:

**Commented [CT18]:** If there has been evidence of a breach of consent then this report should be produced rather than be at the discretion of the TRC



~~a. evidence of there being no further complaints in regard odour being offensive or objectionable beyond the boundary; or~~

~~b.g. the results of further odour scouting over the duration of 2 bird rearing cycles conducted with the mitigation measures in place.~~

~~19. Should the Taranaki Regional Council determine through its own investigations that a dust allegation could have the potential to cause a breach of condition 13 it may direct the Consent Holder to undertake real-time PM<sub>10</sub> monitoring to demonstrate compliance within the maximum threshold value of a PM<sub>10</sub> concentration of  $\geq 150$  micrograms per cubic metre, as a rolling 1-hour average updated every ten minutes.~~

Commented [DB19]: PM10 monitoring may not be the most suitable method for determining whether there are nuisance effects from dust emissions. An alternative TSP condition is suggested below.

~~19. In the event of a dust complaint (from activities within the property), and the complaint has been upheld by Council, an instrumental monitoring plan for Total Suspended Particulates shall be prepared by the consent holder if requested by the Taranaki Regional Council. The purpose of the monitoring is to provide the consent holder with real-time data to assist with the management and minimisation of any off-site dust effects. The monitoring plan shall be submitted to the Taranaki Regional Council for certification prior to implementation and within two months of the request by Council. The Taranaki Regional Council will certify whether the location and methodology of the proposed monitoring will be likely to achieve the purpose of the monitoring.~~

~~10. The discharges authorised by this consent shall not give rise to suspended or deposited dust at or beyond the boundary of the site that, in the opinion of at least one Compliance Officer of the Taranaki Regional Council, is offensive or objectionable. For the purpose of this condition, discharges in excess of the following limits, beyond the property boundaries, are deemed to be offensive or objectionable:~~

~~i. dust deposition rate 0.13 g/m<sup>2</sup>/day; and/or~~

~~ii. suspended dust level 5 mg/m<sup>3</sup> as a 1-hour average.~~

~~ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.~~

#### Air Quality Management Plan Conditions

~~20. Within three months following the initial exercise of this consent, the Consent Holder shall provide the Taranaki Regional Council with an Air Quality Management Plan ("Management Plan") for the site certification that the Management Plan meets the objective outlined in condition 21.~~

~~The Consent Holder shall provide the Taranaki Regional Council with written notice of any subsequent material revisions or amendments to the Management Plan. At a minimum the Management Plan shall be reviewed by the Consent Holder every five years.~~

~~21. The Air Quality Management Plan shall have the purpose of The purpose of the Management Plan shall be to documenting the measures and procedures that will be implemented, with the objective of minimising the potential of adverse air quality effects beyond the boundary and to achieve compliance with conditions of this consent and shall include, but not be limited to the following matters:~~

~~(i) Contact details and responsibilities of key personnel who are responsible for implementing the Management Plan.~~



- (ii) General odour and dust management procedures for the site;
- (iii) Identify potential sources of odour, dust and other air contaminants that may be emitted from the operation;
- (iv) Measures to be implemented to avoid, remedy or mitigate adverse effects of emissions from these sources;
- (v) Details of instrumental monitoring of shed conditions, including parameters to be measured, alert levels and response actions for alerts;
- (vi) The provision of contact details to neighbours for lodging complaints or feedback;
- (vii) Procedures to minimise dust and odour emissions during litter load out including but not limited to:
  - a. Clean out will not take place at times where the following wind conditions are forecast to occur in the area (unless operational requirements such as bird placement becomes necessary):
    - i. Wind from directions between 10° and 235° (as a 1-hour average); [or alternatively if predictions are in cardinal directions rather than in degrees "Wind from all directions except north, north-northwest, northwest, west-northwest, west and west-southwest"]; or,
    - ii. Wind speeds of greater than 10 m/s (as a 1-hour average)
  - b. The use of misting devices at the end of the sheds where spent litter is being loaded out.
- (viii) Wind speed and wind direction as recorded by the onsite weather station shall be recorded and stored by the consent holder for a period of 12 months and provided to the Taranaki Regional Council or NLG upon request within that period.
- (ix) Protocols to regularly assess litter moisture content and the best practicable steps to be taken to comply with the conditions of this resource consent;
- (x) Protocols for maintenance of the climate control, heating and ventilation systems;
- (xi) Details of contingency measures for significant potential odour or dust events;
- (xii) Procedure for recording and responding to complaints relating to discharges to air. These procedures shall be generally in accordance with the procedures outlined in the Ministry for the Environment Good Practice Guide for Assessing and Managing Odour;
- (xiii) Procedures to be used to inform neighbouring property owners and occupiers of abnormal or isolated potential odour or dust events.

The poultry farm shall at all times be operated in general accordance with the current version of the Management Plan. In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Management Plan, then the conditions of this consent shall prevail.

22. The Air Quality Management Plan prepared in accordance with condition 21 shall be reviewed by the consent holder once every three years, at a minimum, and updated as required. The outcome of each review and any update shall be provided in writing to the Taranaki

**Commented [DVK20]:** We are looking at wind forecasts here, averaging period is not important. Whilst its likely that the consent holder will be using the MetService website to look at the forecast, not all future forecasts provide 1 hour average forecast data...

**Commented [DVK21]:** I consider that there should be a consent condition that requires the consent holder to have and maintain a weather station on-site. I also consider that there should be some minimum parameters for the weather station (i.e. must measure wind direction, wind speed, temperature, rainfall, etc. Also a minimum height above ground level and above the ridgeline of buildings on-site. The higher the better. I suggest minimum height of 6 or 10m and at least 3m above any building/structure... From my photos the silos could be 5m or more above the ground... Jason, what are your thoughts.

**Commented [DB22R21]:** Agreed, it should also include accuracy and resolution specifications for wind speed and direction.



Regional Council Monitoring Team Leader for certification within three months of receipt of the review. A copy of the certified Air Quality Management Plan shall be provided to the NLG for their information.

**Review condition**

23. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review:

- a) annually during the months of June - August 2023 and/or June 2026 and/or June 2029 and/or June 2032 and/or June 2035 for the purpose of reviewing the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the air quality of the locality from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions.
- b) within 6 months of receiving a report required by condition 18 showing that the site cannot comply with condition 13 relative to odour for the purpose of imposing new or amended conditions to ensure that the site can operate without causing an offensive or objectionable odour beyond the boundary.