

**IN THE MATTER** of the Resource Management Act 1991 ("**Act**")

**AND**

**IN THE MATTER** of an application by Airport Farm Trustee Limited to the Taranaki Regional Council to renew an air discharge consent for a poultry farm at 58 Airport Drive, New Plymouth.

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**STATEMENT OF EVIDENCE OF CHRISTIAN JAMES MCDEAN**

**FOR AIRPORT FARM TRUSTEE LIMITED**

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TRUSTEE LIMITED**

**1. INTRODUCTION**

**Qualifications and Experience**

- 1.1 My full name is Christian James McDean.
- 1.2 I am a Principal Planner & Director at Kinetic Environmental Consulting Limited in Hamilton.
- 1.3 I hold a Bachelor's degree in Social Sciences (Hons) obtained in 2000 from the University of Waikato and a Post Graduate Diploma in Resource and Environmental Planning obtained from the University of Waikato in 2002. I am a Member of the New Zealand Planning Institute.
- 1.4 I have been engaged in the field of resource and environmental planning for over 20 years. The majority of my experience has been in consultancy-based resource management, with a significant proportion of that work within the poultry industry for both major poultry producers and local growers. I have been involved with the poultry industry since 2002, when I was employed as a Planner by the Matamata Piako District Council processing resource consent applications for multiple broiler (meat chicken) operations.
- 1.5 My evidence is given on behalf of Airport Farm Trustee Limited (AFTL) in support of the application lodged with the Taranaki Regional Council (TRC) on the 3<sup>rd</sup> June 2021. I note that I was not involved in the preparation of the resource consent application, I have only been involved with the project since October 2021.
- 1.6 I visited the site with Mr Whiting, a Director of AFTL on Tuesday 7<sup>th</sup> December 2021. Mr Whiting explained how the sheds are currently operated and how they are proposed to be operated under the free-range model including the equipment and management practices that will be used to manage the site going forward. I also undertook a self-guided drive in the local area to better understand the neighbourhood and its various uses.

### **Code of Conduct**

- 1.7 I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014), have complied with it, and will follow the Code when presenting evidence to the Committee. I also confirm that the matters addressed in this Statement of Evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **Scope of Evidence**

- 1.8 This Statement of Evidence provides the following (the relevant subheading is noted in brackets in each case):
- (a) A brief overview of the Project and application (**The Project and application**);
  - (b) Comments on the Officer Report under section 42A (Officer Report) in relation to the Project (**Response to the Officer Report**);
  - (c) Comments on submissions lodged in relation to the Project (**Response to Submissions**);
  - (d) Comments on the draft conditions and proposed mitigation (**Conditions / Mitigation**); and
  - (e) **Conclusions.**

## **2. THE PROJECT AND RESOURCE CONSENT APPLICATIONS**

- 2.1 Subject to the contents of this evidence, the contents of the resource consent application are confirmed.
- 2.2 The Project is described in full in the application document and is again described within the TRC Notification and Officer Reports, which have done an excellent job in setting out the application and the findings of the TRC staff. For the sake of brevity, I don't intend on repeating that information within my evidence.

## **3. RESPONSE TO THE OFFICER REPORT**

- 3.1 In this section, I have addressed the key planning issues raised in the Officer Report where there is agreement or I believe further clarification is required. In this case there are no areas of disagreement with the TRC and only a small number of clarifications that I have considered necessary to discuss. Importantly these points of clarification

do not impact the overall conclusions and ultimately the recommendation of the Officer Report, which I support.

### **Applicable Rule/Standard**

- 3.2 It is my opinion that the activity should be assessed as a restricted discretionary activity under Rule 52 of the Regional Air Quality Plan for Taranaki (RAQP) for an Intensive Farm, with the standard being that the nature and scale of effects of the activity are unchanged.
- 3.3 I agree with the Officer Report in paragraphs 6-9 and then again in paragraphs 206-207 that the application meets that standard, with the activity continuing to be a poultry farm under the '*Intensive poultry farming*' definition in the RAQP, which does not preclude free range farming.
- 3.4 Based on the evidence provided by AFTL's Air Quality Specialists (Mr Pene & Ms Ryan) the proposed operation will operate in such a way that will not increase the nature and scale of the effect.
- 3.5 It is noted that Mr Pene and Ms Ryan conclude that when compared to the existing operation, the effects will be less than currently produced and that the site has adopted the best practical option for farm management, which has been elaborated on within both Mr Pene's and Mr Whiting's evidence and agreed by the Officer Report in paragraph 13.
- 3.6 On the basis of the information provided within the Officers Report and the AFTL team I reiterate my agreement with the conclusion reached in the Officers Report regarding the applicable rule (Rule 52) for assessing this application.

### **Receiving Environment**

- 3.7 During my initial review of the application, aerial photography and during my site visit, I noted the character of the area being a mixture of agricultural activities and small holdings. I observed the lack of separation between the poultry operation and surrounding dwellings. However, this was balanced by the knowledge that in my experience, this is a very small poultry farm operation with low bird numbers even at current consented limits, the free-range proposal only further reduces its scale, which is an opinion confirmed by the evidence of Mr Pene and Ms Ryan.
- 3.8 It is acknowledged that the nearest existing dwelling is some 55m from the nearest corner of the sheds. The effect of the proposal on this and other surrounding existing

dwelling has been assessed by Mr Pene within both his Air Quality Assessment and evidence and peer reviewed by Ms Ryan who has also provided evidence for this hearing.

- 3.9 The effect of new dwellings that could be built as permitted activities in proximity to the poultry operation have not been taken into consideration within this specialist air quality assessment due to the impracticality of doing so.
- 3.10 To understand whether additional dwellings could be constructed I have undertaken an assessment of surrounding properties in relation to New Plymouth District Council (NPDC) planning instruments to determine whether this is possible.
- 3.11 All directly adjoining and adjacent properties other than the large block directly to the south identified as 1205 Devon Road, Lot 101 DP539349 currently have existing dwellings. I note that 1205 Devon Road has a consent notice registered on the title (Record of Title 901786) that prevents habitable buildings being constructed while the land is zoned within the Rural Environment or equivalent zoning. It is currently zoned rural, as such no habitable building can be constructed on the property.
- 3.12 The Operative New Plymouth District Plan (ONPDP) identifies the eastern side of Airport Drive as Rural Zone with a Future Urban Development Overlay (the Overlay). Rule OL33D within the Overlay allows for a single habitable dwelling, with any additional habitable buildings to be assessed as a restricted discretionary activity with discretion restricted to the effect on the Future Urban Growth Area. This would allow NPDC to grant consent for an additional habitable dwelling without considering the potential reverse sensitivity effects from the poultry farm.
- 3.13 However, Rule 12 of the ONPDP Rural Zone allows for only one habitable dwelling per property unless they are able to provide each dwelling with an available area allocation of 20ha. In this case, given the surrounding properties are less than 40ha any additional dwelling would require resource consent to be assessed as a 'Fully Discretionary' activity, where potential reverse sensitivity effects from the poultry farm could be considered.
- 3.14 The ONDP also has rules 28-31 within the Rural Zone that provides permitted activity setbacks from existing intensive poultry farms. These setbacks increase based on the number of birds. At present based on the existing resource consent, the setback would be 400m, this decreases to 300m with the proposed 61,000 birds. However, this only defaults to a controlled activity (must be granted) should an application be made to breach these setbacks, with control being limited to the construction and siting of the

habitable building and mitigation measures such as landscaping or screening. However, this rule is moot based on the discretionary activity rule applying to the surrounding properties discussed above which provides for the more onerous activity status which would take precedence.

- 3.15 Those properties adjacent, on the western side of Airport Drive are zoned Residential A under the ONDP and as noted in the Officer Report fall within the Area Q Structure Plan, where they are further identified as being Stage 3E of this Structure Plan. Urban residential type subdivision or development is a prohibited activity within this stage until Area R (the eastern side of Airport Drive including AFTL) is rezoned. All other activities continue to be regulated through the Rural Environment Area Rules and the Overlay before Stage 3E is released. Therefore, those properties on the western side of Airport Drive in proximity AFTL's site must comply with the same rules as described above in paragraphs 7.11-7.13 and no additional dwelling can be constructed without the need for resource consent.
- 3.16 The Proposed New Plymouth District Plan (currently being heard) provides for a setback of 400m for new sensitive activities (including dwellings) from established intensive indoor primary production buildings, which includes poultry operations within the Future Urban Zone. I note that other than submissions in support from Tegel and Horticulture NZ proposing some minor amendments to amend definitions (in the industries favour) and strengthen consideration of reverse sensitivity there are no submissions in opposition to this proposed standard.
- 3.17 In summary no additional dwellings can be constructed in close proximity to the property without a discretionary activity consent due to the size of the adjoining and adjacent landholdings.
- 3.18 The assessment of these rules confirms the air quality assessment undertaken by T&T (Mr Pene) and confirmed by Ms Ryan can be relied on as having accurately taken into account the receiving environment in relation to dwellings.

### **New Plymouth District Council Planning Instruments**

- 3.19 The Officers Report accurately sets out both the existing and proposed planning controls within the area of AFTL's site within Paragraphs 92-99. I agree with their assessment with regard the unpredictability of future development given NPDC has only signalled its intention for the area. AFTL's poultry farm is a legitimate rural use, within an existing Rural Zone albeit within the Overlay and proposed Special Purpose Future Urban Zone. These zones and overlay discourage intensification so as not to

adversely impact future structure planning or growth proposals and supports the ongoing rural use of the area.

### **Existing Environment and Permitted Baseline**

- 3.20 The Officers Report touches on the permitted baseline in paragraphs 129-132 and while I agree with that assessment, I would also like to elaborate specifically on the permitted activity rules for poultry farming.
- 3.21 While the site currently operates with an existing resource consent that is not due to expire until 2026, it is important to note that Regional Air Quality Plan (RAQP) Rule 51 allows for permitted activity air discharges from small intensive poultry farms of no more than 30,000 birds.
- 3.22 At this limit of bird numbers TRC acknowledges that these activities where appropriately managed will not result in offensive or objectionable odour or dust effects beyond the boundary.
- 3.23 On this basis, there is a permitted baseline that exists, where regardless of the outcome of this application and following the expiry of the existing consent in 2026, poultry farming can and will continue on this site, as confirmed in paragraph 49 of Mr Whiting's evidence. The only question is whether it is with 30,000 birds or 61,000 birds and this will be determined by the outcome of this application.

### **Statutory Assessment**

- 3.24 I agree with the statutory assessment within Section 11 of the Officer Report, in that it has provided a robust assessment of the relevant planning instruments.
- 3.25 I do note that the Officer Report in Section 6. Description of the Existing Environment, paragraph 94 makes reference to the Regional Policy Statement (RPS), AQU Policy 3, which states:
- 'Land use and subdivision should be managed to avoid, remedy or mitigate adverse effects on people and the environment from reverse sensitivity effects arising from the inappropriate location of sensitive activities in proximity to legitimate activities discharging contaminants to air.'*
- 3.26 It is my opinion that this paragraph should form part of the statutory assessment by the commissioners, as I see it being a key regional policy in providing protection for AFTL's poultry operation, which is then required to be given effect to by the TRP in the form of the RAQP and NPDC's district planning documents.

- 3.27 I would also like to raise an additional matter in relation to 104(1)(c) of the Resource Management Act 1991 (the Act), relating to other matters relevant to considering this application. It is my opinion that the commissioners could have regard to the ongoing upgrades, improved management practices and substantial investment discussed within Mr Whiting, Mr Pene's and the Officer Report when considering this application.
- 3.28 The Officer Report at paragraph 208-215 discusses the social and economic effect of neighbours not being able to develop their properties and this being a reason they oppose any new consent being issued. While I agree with the assessment undertaken within the Officer Report, I would also reiterate my statement in paragraph 4.22 that there will be a legitimate poultry farming operation post 2026 regardless of the outcome of this application, operating with either 30,000 or 61,000 birds.

#### **4. SUMMARY OF AND RESPONSE TO SUBMISSIONS**

- 4.1 I wish to adopt the summary of submissions presented within the Officer Report within paragraphs 110-128 and the 'Consideration of matters raised by the submitters' in Section 11.4. I believe the Officer Report has accurately summarised and considered those issues raised in the submissions.
- 4.2 Mr Pene's evidence in paragraphs 97-102 has also specifically addressed a number of the submission points in relation to odour.

#### **5. CONDITIONS / MITIGATION**

- 5.1 The conditions proposed are accepted in their entirety by Airport Farm, with a suggested amendment to Condition 11, which has been discussed within Mr Whiting's evidence, on the basis that the shelterbelt is not within his property and therefore beyond his control to manage.

#### **6. CONCLUSIONS**

- 6.1 The resource consent application, specialist assessments, Officer Report and the evidence submitted in support of the AFTL application has outlined the details of the proposal and has demonstrated that the effects of granting this resource consent with conditions are acceptable.
- 6.2 It is important to reiterate that the owners of AFTL are experienced broiler poultry operators with two farms within the region as discussed in the evidence of Mr Whiting.



- 6.3 AFTL through its management take an active, hands on role in managing their sites both through operational activities and through the formal regulatory consent process, in order to maintain high operating standards with acceptable environmental effects.
- 6.4 The application and Officer Report have considered the proposal against the terms of the relevant planning instruments, particularly the Regional Policy Statement and Taranaki Regional Air Quality Plan and found that it will be consistent with the relevant objectives and policies in those instruments.
- 6.5 The proposals consistency with relevant planning documents and the Resource Management Act 1991 has been demonstrated in the application and confirmed in the Officer report.
- 6.6 For the reasons outlined above, I consider that the Project will meet the sustainable management purpose of the Act and can be granted with conditions.

**Christian McDean**

**28<sup>th</sup> January 2022**