

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** a primary submission and further submissions on the Proposed Environment Canterbury Regional Air Plan

**BY** the Poultry Industry Association of New Zealand (Inc) ('PIANZ') and Egg Producers Federation of New Zealand (Inc) ('EPFNZ')

Submission numbers: C15C/62896 and C15C/103735

**IN RESPECT OF** Environment Canterbury Regional Air Plan

## **STATEMENT OF PRIMARY EVIDENCE OF EMMA-JANE HAYWARD**

**18 September 2015**

### **1.0 INTRODUCTION**

- 1.1 My name is Emma-Jane Hayward. I hold a Bachelor of Resource and Environmental Planning Degree from Massey University, Palmerston North. I am a Grad Plus member of the New Zealand Planning Institute and am a Planner with Harrison Grierson Consultants Limited.
- 1.2 I have four years planning experience within district planning, resource consent preparation and consent processing. Full details of my relevant past experience are contained in Attachment A to this evidence.
- 1.3 My involvement in the Environment Canterbury Regional Air Plan (the 'Air Plan') began when I reviewed the feedback provided by my colleague, Lee Marr on behalf of the Poultry Industry Association of New Zealand (Inc) ('PIANZ') and the Egg Producers Federation of New Zealand (Inc) ('EPFNZ') on the draft version Canterbury Regional Air Plan. I also prepared the primary and further submission on behalf of PIANZ/EPFNZ on the notified Plan.

1.4 I provide planning evidence today on behalf of PIANZ/EPFNZ in relation to the Proposed Canterbury Regional Air Plan.

## **2.0 CODE OF CONDUCT**

2.1 Although this is not an Environment Court hearing I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and I agree to comply with it. Except where I state that I am relying upon the specified evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions which I express.

## **3.0 SCOPE OF EVIDENCE**

3.1 My evidence is set out as follows:

- Support for amendments made to the Air Plan;
- Support for rules which relate to Rural Discharges for Poultry Farming;
- Additional Policies within the Rural Discharge section of the Air Plan;
- Definition of Sensitive Activity; and
- Conclusion.

3.2 In preparing my evidence I have read the proposed notified Canterbury Regional Air Plan dated March 2015 and the Section 42A report prepared by Environment Canterbury.

## **4.0 SUPPORT FOR AMENDMENTS TO THE AIR PLAN**

4.1 Due to extensive and fruitful pre-notification consultation PIANZ/EPFNZ's primary submission was largely supportive of the notified version Air Plan. I consider that many of the amendments recommended in the section 42A report in relation to requests in submissions and further submissions are also positive. In particular I support the following:

- I support the amendment to Section 1 – Introduction, which now reads as *‘Discharges of odour in rural areas can be associated with a variety of farming practices, including farming of stock indoors’*. The notified version stated that poultry farming was one of the main sources of rural discharges. I consider the amended version better reflects the range of activities that can discharge odour in rural areas.
- I support the proposed amendment to Objective 5.8 to read *‘It is recognised that air quality expectations throughout the Region differ depending on the location and the characteristics of the receiving environment, including the underlying landuse patterns or zoning, and discharging activities are located appropriately within the receiving environment.’* The proposed addition clarifies the intention of this objective to make it clear that amenity expectations will vary depending on the zoning and receiving environment.
- I support the Officer’s recommendation to retain policies 6.8, 6.10, 6.19, and 6.26, which relate to reverse sensitivity, industrial areas and the use of best practice management techniques. These policies ensure that activities are able to operate and continue to operate in appropriate locations provided they are well managed.

## **5.0 SUPPORTING RULES WHICH RELATE TO RURAL DISCHARGES FOR POULTRY FARMING**

- 5.1 PIANZ/EPFNZ’s primary submission supported the approach of the notified Plan in relation to intensive poultry farms being permitted activities where they already exist and have not increased in scale. I consider a permitted status for these farms is appropriate as the effects on the receiving environment are already known. This also provides a de-facto existing use right to these farms which may have established prior to the air discharge rules existing.
- 5.2 I consider a restricted discretionary activity status is appropriate where farms change or where new farms establish, as there are a little range of effects that need to be assessed (namely odour and dust effects). I consider the 200m setback performance standard appropriate based on my experience in other regions.
- 5.3 I support Council’s Officer’s recommendation to retain rules 7.60 to 7.63 relating to rural discharges from poultry farming.

## 6.0 DEFINITION OF SENSITIVE ACTIVITY

- 6.1 I support the recommended addition to part (b) of the Sensitive Activity definition which clarifies that it applies to residential areas or zones as they exist in District Plans.
- 6.2 Notwithstanding this I do not support the request by Horticultural New Zealand, adopted by the Council Officer, to amend the definition to include “*Any non-target drop that will actually or potentially be adversely affected by a discharge*”.
- 6.3 The Officer’s Report states that it is appropriate that sensitive crops be protected from damage by a discharge to air but also states that it is important that this is done in an appropriate way to ensure undue requirements are not imposed where there is not likely to be an effect.
- 6.4 I consider that the definition, as proposed, has the potential to place undue requirements on rural production activities. There is no definition provided of ‘non-target plants and crops’, so it is unclear which plants and crops this would apply to. It is also unclear what the adverse effect would be that they would be subject to. It is possible that any crop or plant could be defined as ‘non-target’ and it would be impossible for applicants to determine whether or not they are adjacent to these types of crops and plants.
- 6.5 It is possible that the rule would result in any new intensive farming operation next to any land containing a plant or crop would be required to be setback 200m. In terms of intensive farming specifically this would not be appropriate, as the only air effect is odour, which would not result in an adverse effect on any plant or crop.
- 6.6 I note that the other activities listed within the ‘sensitive activity’ definition are all effects on people (being dwellings, residential areas, public amenity areas and other places where people assemble). It would be inappropriate to extend this definition to sensitive plants.
- 6.7 If the intention of the amendment is to protect sensitive crops and plants from spray drift then a specific rule or policy should be introduced to enable this.

## **7.0 CONCLUSION**

7.1 In conclusion I generally support the recommendations made by the Council Officer, but oppose the inclusion of non-target plants and crops within the definition of sensitive activities.

A handwritten signature in black ink, appearing to read 'Emma-Jane Hayward', with a long horizontal flourish extending to the right.

**Emma-Jane Hayward**

**18 September 2015**

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## **Attachment A: Emma-Jane Hayward, Relevant Experience**

Palmerston North City Council

2011 – 2015 – Planner

- Processing of resource consent application for both subdivision and land use on behalf of the Palmerston North City Council.
- Processing non-notified and limited notified consent on behalf of Palmerston North City Council.

Harrison Grierson Consultants Limited

2015 to present – Planner

- Policy formulation on behalf of the Poultry Industry Association of New Zealand and Egg Producers Federation of New Zealand, including the preparation of feedback, submissions, and participation in consultative processes and mediation.