

**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

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

### **1.0 INTRODUCTION**

1.1 My full name is Emma-Jane Hayward.

1.2 I have the qualifications and experience set out at paragraph 1.1 and 1.2 of my primary statement of evidence dated 18 September 2015.

1.3 My rebuttal evidence today is on behalf of PIANZ/EPFNZ in relation to the Proposed Canterbury Regional Air Plan.

1.4 In this statement of rebuttal evidence, I respond to the relevant sections of evidence of the following witnesses:

- Ms Lynette Pearl Wharfe for Horticulture NZ; and
- Ms Jessica Barbara Tuilaepa for Selwyn District Council.

### **2.0 DEFINITION OF OFFENSIVE AND OBJECTIONABLE**

2.1 Ms Wharfe is of the view that a definition is needed for the term offensive and objectionable, to assist plan users by providing a degree of clarity and certainty regarding application of the terminology<sup>1</sup>. I disagree with this point as discussed below:

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<sup>1</sup> Evidence in Chief of Ms Lynette Pearl Wharfe for Horticulture NZ dated 18 September 2015, paragraph 5.29.

2.2 It has been established through case law, that what may be considered offensive or objectionable under the Resource Management Act cannot be defined or prescribed, except in the most general terms. I consider, there is a need to take account of case law precedent as it develops and inserting a definition may restrict the scope of this term if it changes.

2.3 I support the Council Officer's recommendation to not include a definition for offensive and objectionable.

### **3.0 SENSITIVE ACTIVITY**

3.1 Ms Wharfe supports the addition of non-target plants and crops to the definition of sensitive activities and the recommended wording in the officer's report<sup>2</sup>. I disagree and have major concerns about this addition as outlined below:

- What effects do odour and dust have on non-target crops and plants. I consider that a poultry farm, for instance, would not adversely affect non-target crops and plants.
- It appears that Horticulture NZ concerns are to do with agrichemical spraydrift and fertiliser. If this is the case, is not more important to control the agrichemical spraying near the non-target plants and crops.
- If non-target crops and plants are to be included as a sensitive activity then they need to be treated the same as the other sensitive activities, such as a dwelling which would require them to meet setback regulation within the District Plan. This is to ensure that reserve sensitivity does not occur on existing established activity.
- If Horticulture NZ insists on being a sensitive activity, they should expect to be regulated like any other sensitive activity, for example, required to get resource consent if locating close to a lawfully established activity that discharges to air.

3.2 I feel it would be more appropriate if non-target plants and crops had an individual definition and rules to control unwanted damage from agrichemical spraydrift, and fertiliser from neighbouring properties.

3.3 Overall, I consider it appropriate to remove of non-target plants and crops from the sensitive activity definition. However, if this is a concerning issue, new regulation should be development for non-target plants and crops.

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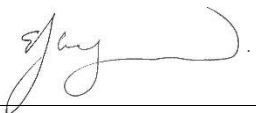
<sup>2</sup> EIC of Ms Wharfe, paragraph 5.39.

#### 4.0 FREE-RANGE POULTRY FARMING

- 4.1 Ms Tuilaepa states the Selwyn District Council now supports the definition of free-range and intensive poultry farming as notified<sup>3</sup>. This is a change from their submission. The Selwyn District Council initially sought to alter free-range poultry farming to include references to an industry standard, but no specific reference to a particular standard<sup>4</sup>.
- 4.2 Ms Tuilaepa is now of the view that this may create extra complexity.
- 4.3 I support the approach, of Ms Tuilaepa. There is no industry limit to ensure ground cover is maintained or a maximum number of free-range poultry. All farms must however, meet the welfare limits which control stocking density.

#### 5.0 SUMMARY

- 5.1 I do not support the request to add a definition for 'offensive and objectionable', as this is unnecessary and its meaning is continually developing through case law.
- 5.2 I do not support the addition of 'non-target plants and crops' to the definition of sensitive activity, as this activity does not fit within the definition. If needed, it would be better regulated under a separate definition and rule.
- 5.3 I support the approach to retain the existing free-range poultry definition by not referring to industry standards or maximum numbers.

<b>DATE</b>	9 October 2015
<b>NAME</b>	Emma-Jane Hayward
<b>POSITION</b>	Planner
<b>SIGNED</b>	

<sup>3</sup> Evidence in Chief of Ms Jessica Barbara Tuilaepa for Selwyn District Council dated 17 September 2015, paragraph 15.

<sup>4</sup> EIC of Ms Tuilaepa, paragraph 14.