

**Before the Independent Hearings Panel appointed by the  
Waimakariri District Council**

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**under** the Resource Management Act 1991 (the  
'Act')

**in the matter of:** Submissions and further submissions in  
relation to the Proposed Waimakariri  
District Plan

**and:** Hearing Stream 6: Rural Zones

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

**STATEMENT OF EVIDENCE OF MARY MCCONNELL**

**25 SEPTEMBER 2023**

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## 1.0 INTRODUCTION

1.1 My full name is Mary Helen McConnell. I hold a Master of Planning degree from the University of Auckland, and I am a full member of the New Zealand Planning Institute. I am a Planner with Harrison Grierson Consultants Limited, a land development consultancy with offices in Auckland, Hamilton, Tauranga, Wellington, Christchurch, and Queenstown. I am based in the Queenstown Office.

1.2 I have 13 years' planning experience and I am familiar with the provisions of the Proposed Waimakariri District Plan (PWDP).

1.3 I submit evidence in relation to a submission lodged by the Egg Producers Federation New Zealand (EPFNZ) and the Poultry Industry Association of New Zealand (PIANZ)<sup>1</sup>.

1.4 The EPFNZ is the national organisation that represents the interests of commercial egg producers and the PIANZ is the national organisation that represents the interests of poultry companies nationwide. The EPFNZ and PIANZ collectively represent a range of poultry farming activities in the Canterbury Region. There are eighteen farms operating in the Waimakariri District, which represent a mixture of rearers, layer farms and meat chicken farms.

## 2.0 CODE OF CONDUCT

2.1 Although this is not an Environment Court hearing I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2023. In that regard, I confirm that this evidence is within my area of expertise (except where otherwise stated) and I have not omitted to consider material facts known to me that could alter or detract from the opinions I express in this statement of evidence.

## 3.0 SCOPE OF EVIDENCE

3.1 My evidence focuses on the following provisions of the PWDP:

- The provisions of the PWDP relevant to Hearing Stream 6 Rural Zones.
- The EPFNZ and PIANZ submission; and

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<sup>1</sup> Submitter Reference 351

- Relief sought.

3.2 In preparing my evidence I have read the following documents:

- The Proposed Waimakariri District Plan.
- The Section 32 Report Whaitua Taiwhenua/Rural prepared for the PWDP.
- The Officer's Report: Whaitua Taiwhenua - Rural Zones.
- The Officer's Report: Rautaki ahunga - Strategic Directions.
- The submission lodged on behalf of the EPFNZ and PIANZ.

3.3 I note that the Section 42A (S42A) Hearing Report has accepted most of the relief sought by the submitters.

#### 4.0 THE EPFNZ AND PIANZ SUBMISSION

##### **Objective RURZ-01**

4.1 I support the S42A Officer's conclusions regarding retaining the wording of RURZ-01 as notified. RURZ-01 prioritises primary production activities and those with a functional need to locate within the RURZ. I consider that it is essential to retain this objective to uphold the integrity and purpose of the RURZ and ensure that the RURZ serves its intended purpose effectively.

##### **Objective RURZ-02**

4.2 I support the S42A Officer's conclusions regarding retaining the wording of RURZ-02 as notified. Supporting the objective of prioritising primary production activities, activities that directly support primary production, and activities with a functional need to be located within the RURZ is essential for promoting economic sustainability, food security, environmental responsibility, and the overall well-being of rural communities. I consider that this objective serves an important purpose of striking the necessary balance between development and preservation of rural amenity values while ensuring that the RURZ serves the intended purposes effectively.

4.3 RURZ-02 is supported by the notified version of Strategic Direction Objective 04. The amended version of SD-O4 Rural land environment contained in the Officer's

Report: Rautaki ahunga - Strategic Directions upholds the intent of RURZ-O2 as notified, through encouraging rural land to be available for providing for primary production and ensuring primary production is not *limited by new incompatible sensitive activities*.

### **Policy RURZ-P8**

- 4.4 Regarding RURZ-P8 Reverse sensitivity, the submission by EPFNZ and PIANZ sought limitations on the establishment of new sensitive activities in proximity to primary production. This included mandating sufficient separation distances between existing sensitive activities and new intensive indoor primary production. The statement contained in the Officer's S42a report that: *the use of "avoid" in the front portion of policy RURZ-P8 is too restrictive given that the establishment of residential dwellings in the Rural zones is a permitted activity and reverse sensitivity effects cannot be eliminated, only reduced to an acceptable level<sup>2</sup>* is accepted.
- 4.5 The S42 Officer's Report has accepted PIANZ & EPFNZ submission point that the policy framework should "require"<sup>3</sup> separation distances between existing sensitive activities and new intensive indoor primary production activities. I support this recommendation as intensive indoor primary production activities can generate various environmental effects, including noise, odour, and dust. Requiring separation distances helps mitigate these effects by ensuring that sensitive activities like residential dwellings, schools, or community facilities are not located close by the source of these primary production activities.

### **Objective GRUZ-O1**

- 4.6 I note that the S42a Officer's Report has accepted NZ Pork's submission on objective GRUZ-O1. This recommended amendment is supported as the objective promotes economic development by focusing on primary production activities that contribute significantly to the local rural economy.
- 4.7 I consider that this amendment will assist in restricting the fragmentation of rural land into small parcels. This helps preserve the rural character and aesthetics of the GRUZ and RURZ and prevents the overdevelopment of rural land with residential or

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<sup>2</sup> Section 42a Officer's Report Paragraph 186

<sup>3</sup> Section 42a Officer's Report Paragraph 186

commercial properties that can disrupt the operation of primary production activities.

#### **Rule GRUZ-R17**

- 4.8 I support in full the recommendation of the S42a Officer to amend GRUZ-R17 as notified and establish free range poultry farming as a permitted activity.

#### **Definition of Free-Range Poultry Farming**

- 4.9 Submission point (3) of the EPFNZ and PIANZ submission on the WPDP requested the definition of “*Free-Range Poultry Farming*” to align with the definition contained in the Canterbury Air Regional Plan (CARP). The S42 Officer has supported this relief<sup>4</sup>.
- 4.10 Intensive outdoor primary production typically encompasses activities involving the raising of livestock (apart from calf-rearing for a specified duration), which are primarily conducted in outdoor settings that inherently prevent the maintenance of pasture or ground cover.
- 4.11 Compliance with the CARP necessitates that free-range poultry farms maintain permanent vegetation ground cover in areas where birds are allowed to roam.
- 4.12 Free-range poultry farms typically produce fewer impacts in terms of scale, intensity, and rural amenity values and therefore should not be subjected to the same planning framework that governs other intensive outdoor primary production activities. There is also a practical need for ground cover to be retained as a primary source of food.
- 4.13 I maintain that a definition of “*Free Range Poultry Farming*” is required to improve the effectiveness of the PWDP and supports the outcomes in the GRUZ chapter objectives and policies. I seek that the Commission adopts the proposed wording contained in Paragraph 695 of the Section 42a Officer’s Report.

#### **Rule GRUZ-R18**

- 4.14 I fully support the proposed amendments to GRUZ-R18 as notified, which establishes setbacks from sensitive activities for Intensive Indoor Primary Production and

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<sup>4</sup> Section 42a Officer’s Report Paragraph 695.

Intensive Outdoor Primary Production. These setbacks represent an effective method to minimise potential conflicts between intensive production activities and neighbouring land uses. In affording clear spatial delineations, the setbacks contribute to providing certainty for parties undertaking activities within the GRUZ and RURZ.

#### **GRUZ-BFS5**

- 4.15 I fully support the recommendation of the S42a Officer to amend GRUZ-BFS5 as notified and establish separation distances to and from Intensive Indoor Primary Production or Intensive Outdoor Primary Production activities. Reverse sensitivity buffers have been a long-established mechanism for protecting the legitimate operation of existing primary production activities.
- 4.16 I consider that this amendment will assist in achieving the outcomes of the overarching policy framework of the GRUZ and RURZ and SD-O4. It will also provide certainty for parties undertaking activities in the GRUZ and RURZ, offering a clear and structured approach to land use planning within these zones.
- 4.17 These proposed amendments align with the broader policy objectives of the GRUZ and RURZ and serve as a practical means to ensure the coexistence of intensive production activities with neighbouring land uses. These established separation distances will provide certainty and guidance for all stakeholders involved in activities within the GRUZ and RURZ, fostering well-informed decision-making while preserving the integrity of the GRUZ and RURZ.

#### **Definition of “sensitive activity”**

- 4.18 Regarding the original submission by EPFNZ and PIANZ on the definition of “*sensitive activity*,” paragraph 983 of the S42a Officer’s Report indicates the EPFNZ and PIANZ submission requested the deletion of community facility and this to be replaced with “*farmers market*”.

- 4.19 The WPDP as notified listed community facility twice in the definition of “*sensitive activity*”<sup>5</sup> and the submission requested the deletion of one of these (see footnote 5).
- 4.20 I maintain that “*farmers market*” should be included in the definition of “*sensitive activity*.” I note that the S42a Officer’s Report maintains that a “*farmers market*” is a “*temporary activity*” rather than a “*sensitive activity*” (paragraph 983).
- 4.21 However, I consider that many farmers markets around the South Island run week-to-week, throughout the year. As notified, the WPDP defines “*temporary activity*” as: “*infrequent, temporary, of short duration with a defined end time.*” Most farmers markets would be unable to meet these parameters of a “*temporary activity.*”
- 4.22 A farmer’s market could be considered a “*sensitive activity,*” depending on how the market interacts with various aspects of the local community and environment. Farmer’s markets often attract a substantial number of visitors, resulting in increased traffic and parking demands in the area. In addition, the presence of a farmers’ market may result in reverse sensitivity effects which may not be adequately addressed if the market were to be considered a “*temporary activity*” rather than a “*sensitive activity.*”
- 4.23 I maintain that the definition of “*sensitive activity*” should be amended to the following to effectively manage farmers markets and maintain the integrity of the PWDP:

*Sensitive Activity: means activities and facilities including, but is not limited to, educational facilities, community facility, healthcare facility, childcare facilities, residential units, minor residential units, retirement village, visitor accommodation, ~~community facility~~ farmer’s markets, offices, and hospitals.*

## 5.0 RELIEF SOUGHT

- 5.1 Retain the wording of RURZ-O1 and RURZ-O2 as notified.
- 5.2 Incorporate the changes as recommended by the S42a Officer with regard to the revised wording of RURZ-P8.

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<sup>5</sup> WPDP as notified: *Sensitive Activity: means activities and facilities including, but is not limited to, educational facilities, **community facility**, healthcare facility, childcare facilities, residential units, minor residential units, retirement village, visitor accommodation, **community facility**, offices, and hospitals.*

- 5.3 Incorporate the changes as recommended by the S42a Officer regarding the rules GRUZ-R17, GRUZ-R18 and RLZ-BFS5.
- 5.4 Include a definition of “*free-range poultry farming*” as proposed in paragraph 427 of the S42a report and as defined in the Canterbury Air Regional Plan.
- 5.5 Capture “*farmer’s markets*” in the definition of “*sensitive activity*.”

## 6.0 CONCLUSION

- 6.1 Based on including these relevant changes, I consider that the matters raised on behalf of the EPFNZ and PIANZ will be addressed.

MARY MCCONNELL



Date: 25 September 2023

### ADDRESS FOR SERVICE OF SUBMITTER:

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