

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

**AND**

**IN THE MATTER** of the Proposed Waikato District Plan ("Proposed Plan")

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**STATEMENT OF EVIDENCE OF CHRISTIAN JAMES MCDEAN**

**FOR MAINLAND POULTRY LIMITED**

**HEARING 18 – RURAL ZONE**

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**STATEMENT OF EVIDENCE OF CHRISTIAN JAMES MCDEAN FOR MAINLAND  
POULTRY 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 20 years. The majority of my experience has been in consultancy-based resource management work, with a significant proportion of that work within the poultry industry. 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 Mainland Poultry Limited (Mainland) in support of the submission lodged with the Waikato District Council in 2019.

**Code of Conduct**

- 1.6 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.

## **2. BACKGROUND**

- 2.1 Mainland Poultry Limited (Mainland) own and operate a number of poultry layer farms across New Zealand. Work is currently underway for the construction of a barn-raised poultry layer farm 64 Old Road, Orini, being Pt Lot 1 DP 12365 (SA15B/102) as per resource consent LUC0441/17. This consent was the subject of appeal to the Environment Court...
- 2.2 The Mainland submission to the Proposed Waikato District Plan sought to ensure that poultry farming is recognised and provided for in the Waikato District and in particular the Rural Zone. Poultry farming is a rural activity that is most appropriately located within the Rural Zone. Typically it has no greater effect than many other farming activities that are provided for as a Permitted Activity.

## **3. RESPONSE TO S42A REPORT**

- 3.1 I have reviewed the two section 42A reports in relation to Hearing 18. Mainland agrees with the recommendations made in relation to the following provisions:
- (a) Policy 5.3.2
  - (b) Policy 5.3.6
  - (c) Policy 5.3.7
  - (d) Policy 5.3.15

Mainland does not wish to challenge the other recommendations for Hearing 18 further except as discussed below.

- 3.2 Mainland disagrees with the recommendations provided for in relation to rule 22.1.3 (RD1). The Officers Report recommends that this rule be amended as follows:

RD1	<p>(a) Intensive Farming that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Land Use – Effects in Rule 22.2</li> <li>(ii) Land Use – Building in Rule 22.3</li> <li>(iii) Building coverage does not exceed 3% of the site: <ul style="list-style-type: none"> <li>A. Rule 22.3.6 (Building Coverage) does not apply;</li> </ul> </li> <li>(iv) Building height does not exceed 15m: <ul style="list-style-type: none"> <li>A. Rule 22.3.4 (Building Height) does not apply;</li> </ul> </li> </ul> <p>(b) <del>Intensive farming</del> is not located in:</p> <ul style="list-style-type: none"> <li>(i) An Outstanding Natural Feature;</li> <li>(ii) An Outstanding Natural Landscape;</li> <li>(iii) A Significant Amenity Landscape;</li> <li>(iv) An Outstanding Natural Character Area; or</li> <li>(v) A High Natural Character Area</li> </ul> <p>(c) For <del>intensive</del> pig farming, buildings and <del>adjacent yard areas outdoor enclosures</del> are set back at least:</p> <ul style="list-style-type: none"> <li>(i) 300 metres from any site boundary;</li> <li>(ii) From any boundary of a Residential, Village or Country Living Zone: <ul style="list-style-type: none"> <li>A. 1200 metres (500 or <del>fewer less</del> pigs); or</li> <li>B. 2000 metres (more than 500 pigs);</li> </ul> </li> </ul> <p><del>(d) For free range poultry farming, buildings and outdoor enclosures are set back at least:</del></p> <ul style="list-style-type: none"> <li><del>(i) 100 metres from any site boundary; and</del></li> <li><del>(ii) 500 metres from any boundary of a Residential, Village and Country Living Zone;</del></li> </ul> <p><del>(d) (e) For housed or free range poultry that meets the definition for intensive farming, and all other intensive farming, buildings and adjacent yard areas outdoor enclosures are set back at least:</del></p> <ul style="list-style-type: none"> <li>(i) 300 metres from any site boundary; and</li> <li>(ii) 500 metres from any boundary of a Residential, Village and Country Living Zone.</li> </ul>	<p>(a) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) traffic effects;</li> <li>(ii) effects on amenity values, including <del>odour</del>, visual impact, landscaping;</li> <li>(iii) location, type and scale of development; <del>and</del></li> <li>(iv) noise effects; <del>and</del></li> <li>(v) <del>odour and dust, except where a Certificate of Compliance or resource consent has been obtained from the Waikato Regional Council for air discharges.</del></li> <li>(vi) <del>Whether the farm will operate in accordance with an approved farm Environment Plan or relevant industry codes of practice.</del></li> </ul>
D3	Any activity that does not comply with (Rule 22.1.3 RD1 or RD2)	

3.3 Mainland's original submission in relation to the definition of "Intensive Farming" sought to exclude range areas used for free-range poultry (submission 833.2). Mainland also submitted (submission point 833.5) that Rule 22.1.2 be amended to include provision for poultry farming as a Permitted Activity subject to a number of conditions including buildings that house poultry being setback at least 300m from a sensitive activity. Following this, Mainland submitted that poultry farming not complying with conditions shall be a restricted discretionary activity (submission point 833.6). The recommendation in the officer's report does not specifically provide for this relief. However Mainland do not wish to challenge this matter further.

- 3.4 However, the recommendation seeks to require that buildings and outdoor enclosures are setback 300m from the site boundary as per point d of rule 22.1.3 RD1. Failure to comply with this standard will result in the activity becoming a Discretionary Activity. Rule 22.1.3 RD1 as notified required buildings and outdoor enclosures for free range poultry farms to be setback 100m from any site boundary.
- 3.5 At Mainland's current free range poultry farms, the outdoor range areas are typically located around the layer sheds. For example a layer shed with a gross floor area of approximately 5,750m<sup>2</sup> is designed to accommodate 40,000 birds and will be surrounded by an outdoor free range area of approximately 20ha. These free-range areas provide space for chickens to scratch, peck and forage and typically include shelter planting. Post and wire netting fences run around the perimeter of the free-range areas to contain the chickens.
- 3.6 It is unreasonable to require that these outdoor range areas be setback a minimum of 300m from any site boundary. This would result in an inefficient use of the land with a large portion of the site being unusable as part of the free-range farming operation. Where birds are outside within a range area, they are the same as any other livestock that are permitted under the definition of farming. For example, there is no difference in effect of a cow grazing in a paddock, compared to a chicken in an outdoor range area.
- 3.7 On this basis we seek that Rule 22.1.3 RD1(d) be worded as follows:

*For housed or free-range poultry that meet the definition for intensive farming, and all other intensive farming, buildings ~~and outdoor enclosures~~ are set back at least:*

- (i) 300 metres from any site boundary; and*
- (ii) 500 metres from any boundary of a Residential, Village and Country Living Zone.*

#### **4. CONCLUSION**

- 4.1 I support the Council Officer's recommendations on Mainland's submission points concerning policies 5.3.2, 5.3.6, 5.3.7 and 5.3.15. I disagree with the Council Officer's recommendation in relation to rule Rule 22.1.3 RD1 for the reasons outlined in this statement of evidence.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

**Christian McDean**

**8 September 2020**