

Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council - Planning Unit

Date received: 15/12/2022

Submission Reference Number #:46

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

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Submission on behalf of:

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Attachments:

Names for Submission.jpg

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

Submission points

Point 46.1

Section: Definitions

Sub-section: Definitions

Provision:

means primary production activities involving the keeping or rearing of livestock that principally occurs outdoors, where the regular feed source for the livestock is substantially provided from off-site sources, but excludes:

INTENSIVE OUTDOOR
PRIMARY PRODUCTION

- a. calf-rearing for three months in any calendar year;
- b. pig production for domestic self-subsistence home use;
- c. extensive pig farming;
- d. free range poultry farming; and
- e. the feeding of supplementary feed during adverse weather events such as drought or snow.

Sentiment: Oppose

Submission:

We do not agree that free range poultry farming should be excluded from the definition of Intensive Outdoor Primary Production for the following reasons;

- 1) The regular feed source for the poultry is substantially provided from off-site sources, which fits the definition provided for Intensive Outdoor Primary Production
- 2) The area in which the poultry are kept is often a paddock area that is not rested at all for the duration of that stock's lives - for example the poultry will enter that paddock and live there permanently for 18 months until they are euthanised.
- 3) The vegetation on the outdoor area in which the poultry live on, is not their primary food source and often there is no or limited amounts on permanent vegetation on the outdoor area.

We also note that in the cases of the Rural Lifestyle zone and the Māori Purpose Zone;

In the Rural Lifestyle Zone (RLZ), Free Range Poultry Farming is grouped into the category of Intensive Primary Production, identified as an activity with significant potential adverse effects on the environment and is a restricted activity.

In the Māori Purpose Zone (MPL), rule MPZ-R19 includes Free Range Poultry Farming with Intensive indoor primary production, intensive outdoor primary production and extensive pig farming as non-complying restricted activity.

We feel for consistency of the rules and definitions in the District Plan, it is only fair and consistent to also include Free Range Poultry Farming within the definition of Intensive Outdoor Primary Production definition. It is either an activity with significant potential adverse effects or it is not.

We would also like to bring to your attention how other District Councils have defined Free Range Poultry in their District Plans:

New Plymouth District Council	Generalised as Poultry with rules
Auckland Council (Franklin)	Free Range Poultry Farming
Rangitikei District Plan	Intensive Farming

Ruapehu District Council	Depending on size – Factory Farming or Low Density Free Range Poultry
Waikato District Council	Free Range Poultry Farming
Matamata District Council	Intensive Farming
Western Bay of Plenty	Intensive Farming Activities Western Bay of Plenty Operative District Plan - Western Bay of Plenty Operative District Plan
Ashburton District Council	Intensive Farming Ashburton District Plan (ashburtondc.govt.nz)
Taranaki District Council	Factory Farming
Waitaki District Council	Intensive Farming
Selwyn District Council (proposed plan)	Free Range Poultry but must adhere to Intensive Primary Production rules
Hurunui District Council	Free Range Poultry/Primary Production
Waimakariri District Plan (proposed plan)	Intensive Outdoor Primary Production
Westland District Council	Commercial Livestock
Kaikoura District Council	Intensive Farming
Mackenzie District Council	Factory Farming (unclear)

We are also aware that the Canterbury Air Regional Plan (CARP) has Free Range Poultry Farming individually defined and not included in the Intensive Outdoor Primary Production definition which causes some limitations on how the Timaru District Council can deal with this situation.

After careful consideration, we would firstly like to see Free Range Poultry Farming included in the Timaru District Plan definition of Intensive Outdoor Primary Production, due to its significant potential adverse effects on neighbouring properties and the environment. We would like to see a minimum setback for buildings used house stock to be 100m from the notional boundary of a sensitive activity on a neighbouring site under different ownership. We believe this setback distance would mitigate most odour issues associated with the activity of Free Range Poultry Farming, and is the figure suggested in other District Plan Consultation processes in other Districts that looked to make Plan Amendments that contradicted the CARP.

However if the definition of Free Range Poultry Farming could not be included in the Intensive Outdoor Primary Production definition, we would like to see that a specific rule for minimum setback for buildings associated with housing of stock of Free Range Poultry Farming be made and we would like to see that setback made 100m from the notional boundary of a sensitive activity on a neighbouring site under different ownership This would complement the proposed GRUZ-R13 Keeping of poultry for domestic self-subsistence home use building setback rule of 25m for 30 poultry, as a Free Range Poultry Farm stocking rate is significantly higher than domestic use numbers and needs to reflect the higher level of stock concentration and associated odour issues.

Relief sought

Our first option would be to see Free Range Poultry Farming INCLUDED in the definition of Intensive Outdoor Primary Production.

Our second option should the above not be possible would be to amend **GRUZ-R1 PER-4** to include a minimum setback for buildings used house stock, to be 100m from the notional boundary of a sensitive activity on a neighbouring site under different ownership in the General Rural Zone.

Point 46.2

Section: GRUZ – General Rural Zone

Sub-section: Rules

Provision:

GRUZ-R3 Keeping of poultry for domestic self-subsistence home use

General Rural Activity status: Permitted Zone

Activity status where compliance not achieved: Discretionary

Where:

PER-1

The poultry are for the subsistence of the people residing on the site and are not sold to anyone not residing on the site; and

PER-2

There is no more than 30 birds located on the site; and

PER-3

Any building or structure with an area of less than 50m² used to confine chickens is setback a minimum distance of 25m from a building containing an existing sensitive activity on a separate site under different ownership; and

PER-4

No roosters are kept within 100m from the notional boundary of an existing sensitive activity on a separate site under different ownership; and

Note: any associated building and structure must be constructed in accordance with GRUZ-R13.

Sentiment: Support

Submission:

We agree and applaud the Timaru District Council for including a section for domestic poultry keeping, however we would like to note that with this Rule, there is now more rules for an owner of less than 30 poultry, than there is for a commercial free range poultry farm.

GRUZ-R3 PER-2 states a limit of 30 to the number of poultry located on the site, whereas the District Plan Definition of Free Range Poultry stated 'the stocking rate of the runs and weatherproof shelter to which the birds have access does not exceed the industry standard for the relevant bird type.' The Code of Welfare - Layer Hens (1 October 2018) states in 5.1 Stocking Densities Minimum Standard No. 6 - Barns iii) Stocking density of the outdoor ranging area must not exceed 2,500 hens per hectare. The Recommended Best Practice section on Stocking Densities states a) Stocking of the outdoor ranging area should be less than 900 hens per hectare.

GRUZ-R3 PER-3 notes that the building or structure used to confine chickens is setback a minimum distance of 25m from a building containing an existing sensitive activity on a separate site under different ownership. In the proposed District Plan, with Free Range Poultry Farming considered a primary activity, we believe the District Plan rule that would affect the buildings used to

house free range poultry would be covered by GRUZ-S3 which states the setback of buildings is 10m from any other site boundary in a different ownership.

To put this into plain English, if one neighbour was to have 30 hens for their own home egg supply, their chicken coop would need to be 25m away from a neighbouring house. If the neighbour next door had a commercial free range chicken farm, they could have a maximum of 2,500 hens per hectare on their property and the chicken sheds to house the hens at night would only need to be at least 10m away from the neighbours boundary.

We support the GRUZ-R3 rule and have chosen to make a point of mentioning it in our submission to highlight the issues we see in the lack of rules for Free Range Poultry Farming in the proposed plan.

Relief sought

No relief sought for this rule.

Point 46.3

Section: GRUZ – General Rural Zone

Sub-section: Rules

Provision:

GRUZ-R1 Primary production and intensive primary production, not otherwise listed in this chapter	
General Rural Activity status: Permitted Zone	Activity status where compliance not achieved with PER-3: Restricted Discretionary
Where:	Matters of discretion are restricted to:
PER-1 The activity does not include any offensive trade; and	1. the ability to manage grazing practices to ensure amenity effects on adjoining neighbours are minimised.
PER-2 GRUZ-S5 is complied with; and	Activity status where compliance not achieved with PER-4: Restricted Discretionary
PER-3 For grazing of stock within 50m of a residential unit under different ownership located in the Māori Purpose Zone, permanent ground cover of no less than 90% must be maintained, except during crop renewal or resowing.	Matters of discretion are restricted to: 1. any adverse effect on adjoining properties; and 2. mitigation measures.
PER-4 For milking sheds and buildings used to house or feed stock are located at least 200m from any land in the Māori Purpose Zone, Settlement Zone and Residential Zones.	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
Note: any associated building and structure must be	

Sentiment: Oppose

Submission:

It is interesting to note that in regards to GRUZ-R1, PER-4 – it states milking sheds and buildings used to house or feed stock are located at least 200m from any land in the Māori Purpose Zone, Settlement Zone and Residential Zones, which would suggest that if a building that houses stock such as poultry needs to be 200m away from the specified Zones, then these types of buildings have been identified as having adverse effects on the neighbouring Zones, like odour. It does not make sense that for example, a GRUZ property that neighbours a Residential Zone on one side has to have a building that houses animals 200m away from that boundary, but the neighbouring GRUZ property boundary on the other side, is only a 10m setback for the same building that house animals.

We believe that buildings used to house or feed stock should be located at least 100m from the notional boundary of an existing sensitive activity on a property under different ownership. This wording would allow buildings to be closer to a boundary, if required due to location, but not to the residential homes of the neighbouring property, where the odour and noise is likely to have an adverse effect on the residents.

We would like to bring to your attention what other District Councils have put in place in their District Plans, in terms of set backs for buildings for free range poultry from sensitive activities:

We feel 100m is a fair and consistent distance.

Plymouth District Council	100m for 2000 - 29,999 poultry
Auckland Council (Franklin)	20m
Rangitikei District Plan	Restricted Discretionary Activity – distance not listed
Ruapehu District Council	500m
Waikato District Council	300m
Matamata District Council	500m
Western Bay of Plenty	300m
Ashburton District Council	80m
Waitaki District Council	100m
Selwyn District Council (proposed plan)	300m – Rule GRUZ-REQ8 as per district planner
Hurunui District Council	10m (primary production rule)
Waimakariri District Plan (proposed plan)	300m
Westland District Council	45m
Kaikoura District Council	50m intensive farming 5m domestic poultry
Mackenzie District Council	30m

We realise that it might not be possible to include Free Range Poultry Farming in the definition of Intensive Outdoor Primary Production due to the limitations set out in the Canterbury Air Regional Plan (CARP) as per our other Point in this submission, so we feel that by including a setback in the rule about buildings that house stock, then this would be an effective way for the Timaru District Council to protect the intentions of the General Rural Zone for primary production activities, but also protect the interests of home owners who live in the General Rural Zone as a fair compromise to both parties. The suggested relief sort below is specifically aimed at the dwelling in which a home owner would reside in, not the boundary of the property as we feel to limit the setback of milking sheds and buildings used to house or feed stock from the boundary of a neighbouring property would not be a good compromise at all and is likely unnecessary for mitigating the adverse effects that an adjoining property may experience. We believe the sensitive activity that needs to be protected is the residential house area of the adjoining property, hence the use of the notional boundary of an existing sensitive activity (ie home).

Relief sought

We wish to see PER-4 amended to the following:

GRUZ-R1 Primary production and intensive primary production, not otherwise listed in this chapter

General Rural Activity status: Permitted

Activity status where compliance not achieved

Zone

Where:

PER-1

The activity does not include any offensive trade; and

PER-2

GRUZ-S5 is complied with; and

PER-3

For grazing of stock within 50m of a residential unit under different ownership located in the Māori Purpose Zone, permanent ground cover of no less than 90% must be maintained, except during crop renewal or resowing.

PER-4

For milking sheds and buildings used to house or feed stock are located at least 200m from any land in the Māori Purpose Zone, Settlement Zone and Residential Zones, or at least 100m from the notional boundary of an existing sensitive activity on a property under different ownership in the General Rural Zone.

Note: any associated building and structure must be constructed in accordance with GRUZ-R13.

with PER-3: Restricted Discretionary

Matters of discretion are restricted to:

1. the ability to manage grazing practices to ensure amenity effects on adjoining neighbours are minimised.

Activity status where compliance not achieved with PER-4: Restricted Discretionary

Matters of discretion are restricted to:

1. any adverse effect on adjoining properties; and
2. mitigation measures.

Activity status where compliance not achieved with PER-1 or PER-2: Discretionary

Point 46.4

Section: Definitions

Sub-section: Definitions

Provision:

FREE RANGE POULTRY FARMING

means the primary production of poultry for commercial purposes, where:

- a. all of the birds farmed have access to open air runs; and
- b. permanent vegetated ground cover exists on the land where birds are permitted to range; and
- c. the stocking rate of the runs and weatherproof shelter to which the birds have access does not exceed the industry standard for the relevant bird type.

Sentiment: Amend

Submission:

We agree with the definition of Free Range Poultry in principle but feel it is an INTENSIVE primary production as per our other point INTENSIVE OUTDOOR PRIMARY PRODUCTION, however we feel there needs to be specific rules in the General Rural Zone section, should Free Range Poultry Farming is not included in the definition of Intensive Outdoor Primary Production, to protect the interests of both the farmer of the free range poultry and the neighbouring properties.

We would like to see a specific rule added in the General Rural Zone, listed below in Relief Sought, that specifically outlines the rules on the buildings associated with the housing of the poultry. This could be a good compromise if our other Point in regards to **GRUZ-R1 PER-4** is found to not be a workable remit.

We would also like to point out that rooster are often kept on commercial free range poultry farms as a fertilised egg contains higher levels of lysene than unfertilised eggs, and also there is a benefit for predator protection when a rooster is kept with hens. This point was commented on by previous free range poultry farmers Garth and Adrienne Luscombe who kept roosters with their layer hens. We would like to suggest that due to the noise associated with roosters and this already being mitigated in GRUZ-R3, that it should also be addressed in any rule associated with Free Range Poultry Farming.

We would also like to point out that the definition of Free Range Poultry Farming includes a point on permanent vegetation existing in the range however there is no percentage mentioned nor is there a clause for resowing or renewal, which could leave the rule ambiguous. We have hoped to mitigate that by being specific and have used the definition from GRUZ-R1 PER-3 as a template for our submitted Relief Sought. Another possible wording option would be to use the wording from the Code of Welfare - Layer Hens 1 October 2018 which states in the Minimum Standard No 11 - Range Management that: *Vegetation on the range is maintained in good condition.*

We are acutely aware of the challenges for the Timaru District Council in our submission and have tried to find several solutions on how to incorporate fairness for both free range poultry farmers and residents of General Rural Zone, whilst creating a fair set of rules for all and allowing the District Planning team a playbook on how to manage this situation. We wish to be fair to all parties involved.

Relief sought

GRUZ-R30 Keeping of poultry for commercial free range poultry farming

Activity status: Permitted

Where:

PER-1

All of the poultry farmed have access to open air runs; and

PER-2

the stocking rate of the runs and weatherproof shelter to which the birds have access does not exceed the industry standard for the relevant bird type and

PER-3

General Rural Zone

Any [building](#) or [structure](#) used to house poultry is setback a minimum distance of 100m from the notional boundary of a [building](#) containing an existing [sensitive activity](#) on a separate [site](#) under different ownership; and

Activity status where compliance not achieved: Discretionary

PER-4

No roosters are kept within 100m from the [notional boundary](#) of an existing [sensitive](#)

[activity](#) on a separate [site](#) under different ownership; and

PER-5

Option 1) Permanent vegetated ground cover no less than 90% must be maintained on the land where birds are permitted to range, except during renewal or resowing.

Option 2) Permanent vegetated ground cover is maintained in good condition on the land where birds are permitted to range, except during renewal or resowing.

Note: any associated [building](#) and [structure](#) must be constructed in accordance with [GRUZ-R13](#).

We wish for there to be an associated rule in the General Rural Zone for Free Range Poultry Farming. This allows free range poultry farming to be a permitted activity in the General Rural Zone and gives clear instruction on how that activity is permitted.

I wish to see the Proposed District Plan amended to include a specific minimum setback of 100m for buildings used to house free range poultry, from the boundary of neighbouring properties in the General Rural Zone.

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