BEFORE THE CANTERBURY REGIONAL COUNCIL

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

AND

IN THE MATTER of the Proposed Land and Water Regional Plan

BETWEEN Silver Fern Farms Limited
Submitter

A N D The Canterbury Regional Council
Local Authority

SUPPLEMENTARY WRITTEN STATEMENT BY KATHERINE MCKENZIE FOR SILVER FERN FARMS LIMITED IN SUPPORT OF THEIR SUBMISSION TO THE PROPOSED LAND AND WATER REGIONAL PLAN
INTRODUCTION

1. My full name is Katherine McKenzie, but I am commonly known as Kate. I hold a Bachelor of Arts (Geography) from the University of Canterbury and have been an Associate Member of the NZPI for 2 years. I am a Consultant Planner for Resource Management Group Ltd (RMG), a Christchurch-based resource and environmental management firm.

2. I have five and a half years of experience in resource management planning in New Zealand. The majority of this time was spent working at Grey District Council as a Consents Planner. My experience there included processing land use and subdivision resource consent applications, notices of requirement and various other planning related applications. I was also required to provide resource management advice to councillors, senior Council staff members and the general public.

3. I have been employed at RMG Ltd as a Consultant Planner since February 2012. During the course of my employment I have been involved in the preparation of resource consent applications, notices of requirement and submissions on planning documents; and providing resource management advice to clients.

EXCEUTIVE SUMMARY

4. This matter relates to the submission of Silver Fern Farms Limited on the Proposed Land and Water Regional Plan (“the Proposed Plan”). The purpose of this statement is to consider the classification of Silver Fern Farm Limited’s activities under the Proposed Plan, to provide context for the brief of evidence being presented for the submission.

5. Silver Fern Farms operates a number of industrial meat processing facilities in Canterbury, and their concern is that the draft provisions in the Proposed Plan do not provide sufficient clarity as to whether aspects of their meat processing operations are classified as industrial activities, and whether they would be subject to the farming provisions. Silver Fern Farms have submitted on Schedules 7 and 8, insofar as they wish to seek clarification as to whether these schedules and associated rules apply to their stock holding and effluent disposal areas which are part of the meat processing operations.

6. This statement sets out my opinion in relation to these matters.

INTRODUCTION

7. Silver Fern Farms is New Zealand’s leading procurer, processor and marketer of sheep, beef, lamb and venison. The company has a co-operative structure and represents more than 20,000 sheep, cattle and deer farmers throughout New Zealand. Silver Fern Farms employs more than 7,000 staff with operations in New Zealand and overseas.

8. Silver Fern Farms has five meat processing facilities in the Canterbury Region, two of which treat and discharge wastewater to land. Activities at processing sites include the receipt and temporary yarding of livestock, prior to processing stock into wholesale and retail products. The wastewater discharges contain both animal effluent and other industrial wastewater from...
the processing plants. Discharge permits are held for the application of the waste water to land at the Pareora and Fairton sites\(^1\).

DISCUSSION

9. Silver Fern Farms believes that its meat processing operations including ancillary activities are industrial activities. Their concern is that the meat processing operations include the temporary holding of livestock in paddocks, and land based application of effluent and other waste. They are concerned that this aspect of the overall operation may be considered a farming activity. If the provisions of the Proposed Plan were interpreted in such a manner, the “Farming” provisions in the Proposed Plan relating to nutrient discharges may apply to the stock holding yards and effluent disposal areas.

10. The Silver Fern Farms’ properties which discharge wastewater to land apply the wastewater to land adjacent to the processing operations. The pasture/crops from the disposal area are harvested and sold off-site in order to maintain nutrient budgets on the site. Stock are also used to keep non-harvestable parts of the pasture down, and to tidy up harvested areas.

11. The Proposed Plan contains the following definition:

*Industrial or trade premises* means –

a) Any premises used for any industrial or trade purposes; or

b) Any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials;

c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process – but does not include any production land.

*Industrial or trade process* includes every part of a process from the receipt of raw material to the dispatch or use in another process or disposal of any product or waste material, and any intervening storage of the raw material, partly processed matter, or product.

12. No definition of “farming activity” is provided.

13. In my opinion, Silver Fern Farms’ entire operations at their meat processing facilities would be considered an industrial or trade process, as the activity involves the processing of a raw material (livestock). The “intervening storage of the raw material” (holding livestock in paddocks) is also part of this process. Therefore, my opinion is that the temporary holding of livestock as part of a meat processing operation is an industrial or trade process, and not a farming activity.

14. The disposal of effluent and other trade wastes from the meat processing operations is also included in the definition of “industrial or trade process” under the “disposal of any product or waste material”. I therefore conclude that the appropriate methods for addressing this discharge under the Proposed Plan are Rule 5.69 and 5.70, which control “the discharge of any liquid or sludge from an industrial or trade process”.

\(^1\) CRC 925138 and CRC 051833.2
15. Silver Fern Farms’ wastewater disposal area does produce primary products, however these products are incidental to the wastewater disposal. In fact, the sowing and harvesting of crops is required as a condition of one of the discharge permits. I therefore consider the use of the land is not for the production of primary products, but for the disposal of waste from an industrial process, and should not be considered production land as defined in the Proposed Plan. This would further indicate that the ancillary activities are not farming activities.

16. While I believe that these ancillary operations are clearly part of the industrial or trade process, I believe that it is not explicitly clear that the Farming provisions do not apply. Therefore, I consider that there would be benefit in providing a definition of farming activity, which excludes industrial or trade processes. This would provide certainty for Silver Fern Farms that their ancillary operations are not subject to the Farming provisions in the Proposed Plan.

CONCLUSION

17. The purpose of this statement is to provide an opinion as to whether Silver Fern Farms’ ancillary stock holding and effluent disposal operations are part of an “industrial or trade process”, or could be considered a farming activity.

18. My opinion is that the temporary holding of stock occurs after the receipt of the raw material, and that the disposal of animal effluent is disposal of a waste material, and therefore these aspects of the meat processing operations are all part of the industrial or trade process. Consequently, these ancillary operations should not be subject to the Farming provisions in the Proposed Plan. There is, however, benefit in defining what constitutes a farming activity to make it clear to plan users exactly which activities these provisions are intended to capture.

Kate McKenzie
Consultant Planner
Resource Management Group Limited

Dated: 30 January 2013

2 CRC 925138 – Condition 20 states “Records shall be kept of the areas sown in crops, the type of crop, the areas mechanically harvested, and the areas grazed. Records shall also be kept of the yield of pasture or crop mechanically harvested and removed from the irrigated area. Copies of the records shall be made available to the Canterbury Regional Council on request.”

3 CRC 051833.2 – Condition 10 states “The applicant shall prepare a management plan for the land discharge and exercise this consent in accordance with the management plan... The management plan shall provide, but is not limited to, details of:...
e. types of crops to be grown and their location in each discharge area;...
h. management of any stock that may be present on the discharge areas from time to time;”