

IN THE MATTER OF the Resource Management Act 1991 (the 'Act')

AND

IN THE MATTER OF primary submissions on Proposed Plan Change 5 to the Canterbury Land and Water Regional Plan ('PC5')

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

STATEMENT OF EVIDENCE OF POUL ISRAELSON

22 July 2016

1.0 INTRODUCTION

1.1 My full name is Poul Timothy Israelson. I hold a Master of Regional and Resource Planning degree from the University of Otago and I am a full member of the New Zealand Planning Institute. I am a Planning Manager and Technical Director with Harrison Grierson Consultants Limited.

1.2 I have over 20 years planning experience and I am familiar with the provisions of Proposed Plan Change 5 ('PC5') to the Canterbury Land and Water Regional Plan (the 'LWRP').

1.3 I appear in relation to submissions lodged by the Egg Producers Federation New Zealand (EPFNZ) and the Poultry Industry Association of New Zealand (PIANZ). EPFNZ is the national organisation that represents the interests of commercial egg producers and PIANZ is the national organisation that represents the interests of poultry companies nationwide. EPFNZ and PIANZ collectively represent a range of poultry farming activities in the Canterbury Region.

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 2014. 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 PC5:

- Policies for Nutrient Management and Policy 4.11;
- Rules for Nutrient Management; and
- Implementation methods.

3.2 My evidence is set out as follows:

- Background;
- EPFNZ and PIANZ submission; and
- Requested changes.

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

- The submission lodged on behalf of EPFNZ and PIANZ;
- Notified Proposed Plan Change 5 to the Canterbury Land and Water Plan; and
- LWRP Plan Change 5 Section 42A Report.

3.4 I have also read the statement prepared by Ms Emma Coote from Tegel Foods Ltd which has been prepared in support of the submission made by EPFNZ and PIANZ.

3.5 I note that the s42A report has generally rejected the relief sought by the submitters on the basis that the PC5 requirements are intended to apply to all farming activities and that poultry wash water has similar composition to dairy shed and piggery effluent. Further, the report notes that many poultry activities are likely to be permitted¹.

4.0 BACKGROUND

4.1 EPFNZ and PIANZ represent the interests of approximately 111 farms in the Canterbury Region. The poultry industry is an expanding sector of primary production in New Zealand, and includes the production of both meat and eggs. The farms include meat chicken breeders, meat chicken growers, non-meat growers, processing plants, layer farms, rearer farms, a hatchery and feed mills.

4.2 EPFNZ and PIANZ's interest in PC5 relates to the proposed rules for discharge to land. This is relevant to the industry as broiler farms require the wash down of sheds on a regular basis. This is typically done every eight weeks at the end of a 'run' (a run being the cycle of birds through the shed), before they are removed for processing. The process involves the removal of the solid litter to an approved processing facility then washing down the shed, allowing the shed to dry and then placing new litter for a new run of birds. There are normally six runs a year.

¹ CLWRP Plan Change 5 Section 42A Report paragraph 6.23-6.24.

4.3 Further detail on the operations of the poultry industry is provided in the statement prepared by Ms Emma Coote, National Environmental Advisor and EHS Manager Northern for Tegel Foods Limited. This includes detailed information on the nature of the wash down water and how this compares to other rural activities such as dairy farming.

5.0 EPFNZ AND PIANZ'S SUBMISSION

- 5.1 The submission by EPFNZ and PIANZ was made in respect of the proposed changes and how they broadly applied to all farming activities without consideration of the fundamental differences between most farming activities and poultry farming operations.
- 5.2 Compliance with the proposed rules in PC5 effectively requires poultry farmers to use tools and management practices that are not specifically relevant to the poultry industry. For example, PC5 relies heavily on the use of OVERSEER model which was developed for the dairy industry, and is not designed to be used for individual poultry farms. Furthermore, the Good Management Practices and Farm Management Plans do not cover poultry farm management.
- 5.3 This lack of recognition of the different farming practices in the poultry industry compared to that of the dairy industry has resulted, perhaps unintentionally, in it being difficult for poultry farmers to achieve a permitted activity status under the rules contained in PC5. For this reason, the submission by EPFNZ and PIANZ sought to exclude poultry farming from the requirements of PC5 as a whole. This included amending policies², rules³ and schedules⁴ to specifically exclude poultry farming.
- 5.4 Given the rejection of the submission points in the s42A report, and on further reflection of the operation of PC5, the submitters have spent some time considering how the implementation methods could be updated to address poultry farming. If the Council is supportive of making changes to Schedule 7a 'Management Plan for Farming Activities' contained in PC5 and Good Management Practices to reflect poultry farming operations, then the submitters would no longer seek a blanket exclusion from the provisions of PC5.
- 5.5 The submission also sought that Policy 4.11 be amended to remove the reference to a five year consent duration. This was sought on the basis that consent duration should be assessed on a case by case basis. This amendment is still being sought by the submitter.

² Policies 4.34 to 4.41D for Nutrient Management

³ Rules 5.41A to 5.59A for Nutrient Management

⁴ Schedules 7, 7a and 28

6.0 REQUESTED CHANGES

Policy 4.11

- 6.1 The submission by EPFNZ and PIANZ sought that the proposed amendment to Policy 4.11 be deleted and an amended policy wording be included that does not restrict consent duration. I do not consider it appropriate to provide policy direction that restricts consent duration to five years when in some circumstances a longer consent duration would be acceptable. I consider that consent duration should be set on a case by case basis and applied on the requirement to effectively manage the potential effects of the activity.
- 6.2 Furthermore, the five year consent duration could have the potential to influence investment decisions as farmers will not have any certainty of consent renewal after five years. This is not considered to meet the purpose of the Act which includes providing for economic well-being.
- 6.3 The submitters suggested replacement policy as outlined in the submission and which I support, is:

'Policy 4.11: When determining a suitable duration of any resource consent granted under the region-wide rules in this Plan consideration shall be given to any plan change that introduces water quality or water quantity provisions into Sections 6-15 of this plan.'

Policies 4.34 to 4.41D and Rules 5.41 to 5.59A for Nutrient Management

- 6.4 The submission by EPFNZ and PIANZ sought that Policies 4.34 to 4.41D and Rules 5.41 to 5.59A for Nutrient Management be amended to exclude their application to poultry activities. This request was made on the basis that compliance with the rules could not be achieved as the other implementation methods, including Farm Portal, the Good Management Practice guideline and Schedule 7a did not provide an avenue for poultry activities to meet the permitted activity standards in PC5. EPFNZ and PIANZ are considering some proposed amendments to the implementation methods, so that poultry activities can be effectively addressed and an appropriate permitted activity pathway be included in the provisions of PC5.

OVERSEER

- 6.5 My understanding is that OVERSEER was developed for the dairy industry where the farmers tend to be on a much larger scale than individual poultry farms. There is also no poultry specific input built into OVERSEER and farmers will have to manually estimate their pollution outputs. I note that the poultry industry is not listed on the OVERSEER website as one of the primary industries it supports. Anecdotally I am aware that OVERSEER would require amending to include poultry if it was to be used for poultry activities in the manner sought by PC5.
- 6.6 The reliance on OVERSEER in turn creates an issue with respect to the definition of 'nitrogen baseline' which also references OVERSEER. I note that the definition allows for an alternative model to be approved by the Chief Executive of Environment Canterbury; however, I am not aware of any appropriate model for the poultry industry.

Farm Portal

- 6.7 Rule 5.44A requires the property to be registered in Farm Portal by 1 July 2017. It was understood that to do so, OVERSEER model results needed to be submitted, which is problematic for the poultry industry as OVERSEER is not used by the poultry industry.
- 6.8 If Farm Portal cannot be used due to not having OVERSEER data then a poultry farm could not meet condition (1) of Rule 5.44A and therefore triggered the need for consent. It is considered that this is not an effective outcome nor is it an appropriate means of managing the potential effects of nutrients from the wash water from poultry farms. It is noted that Farm Portal itself does not generate the need for consent, however, the inability to register with Farm Portal does.
- 6.9 Further clarification has been sought from Environment Canterbury with respect to how Farm Portal works. Environment Canterbury have stated that in a situation where a farming activity would otherwise be permitted under PC5's rules, the condition of permitted activity rules in PC5 relating to registering in the Farm Portal, and reviewing and updating their information every 24 months it is not obligatory for a person to prepare an OVERSEER file or files in order for their use of land for a farming activity in order for that activity to remain a permitted activity. They have stated that it will not be necessary for the property owner or their agent to prepare an OVERSEER file in this situation. The "reviewing and updating" relates to answers that the person provided to a series of questions and OVERSEER file is required to be uploaded in this situation.

Management Plan / Schedule 7a / Industry-agreed Good Management Practices relating to water quality

- 6.10 Condition (5) of Rule 5.44A requires the preparation of a Management Plan in accordance with Schedule 7a. It is suggested that Schedule 7a requires amendments to make it applicable to the poultry industry. If these amendments are not made and agreed, then poultry farms will not be able to meet the requirements in the Schedule and therefore lose permitted activity status. This is not considered to be an efficient outcome nor an appropriate means on managing the potential effects from poultry farms. Poultry farms should not be penalised simply due what is effectively a template non-compliance, rather than any non-compliance which has material environmental effect.
- 6.11 EPFNZ and PIANZ is currently working through some proposed amendments to Schedule 7a and the Good Management Practices guideline to insure they can properly accommodate poultry activities.

7.0 CONCLUSION

- 7.1 I consider that the following changes should be made to the PC5 (or alternative relief that achieves these outcomes) as follows:
- 7.2 Replace Policy 4.11 with the amended wording outlined in paragraph 6.3 above.
- 7.3 Recognition within PC5 of the poultry industry and the differences between poultry and other primary industries such as dairy, through amendments to the implementation methods, including Schedule 7a and the Good Management Practice guideline.
- 7.4 On the basis of including these relevant changes, I consider that the matters raised on behalf of EPFNZ and PIANZ's will generally be addressed.

Dated: 22 July 2016

Poul Israelson
Planning Manager