

From: [Olly Hermans](#)
To: [Mailroom Mailbox](#)
Cc: [Poul Israelson](#); [Craig Friedel](#)
Subject: Plan Change 7 to the LWRP Submission
Date: Friday, 13 September 2019 9:57:33 AM

Hi there,

Please find attached a submission in relation to Plan Change 7 on behalf of the Egg Producers Federation of New Zealand and Poultry Industry Association of New Zealand.

Regards,



OLLY HERMANS
Graduate Planner

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Submission on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

FOR OFFICE USE ONLY

Submitter ID:

File No:

Form 5: Submissions on a Publicly Notified Proposed Policy Statement or Regional Plan under Clause 5 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by 5.00pm Friday 13 September 2019 to:

Proposed Plan Change 7 to the Land and Water Regional Plan
Environment Canterbury
P O Box 345
Christchurch 8140

Full Name: Rachel Duches Phone (Hm): _____
 Organisation*: Egg Producers Federation of NZ and Canterbury Phone (Wk): 03 421 6131
* the organisation that this submission is made on behalf of
 Postal Address: Association of NZ Egg Producers Phone (Cell): _____
PO Box 4293, Christchurch 8024 Postcode: _____
 Email: r.duches@hansoneggproducers.com Fax: _____
 Contact name and postal address for service of person making submission (if different from above): _____

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

- I could not gain an advantage in trade competition through this submission; or
- I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

- I am directly affected by an effect of the subject matter of the submission
- I am not directly affected by an effect of the subject matter of the submission

Signature: _____

Date: 13/09/19

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

- I do not wish to be heard in support of my submission; or
- I do wish to be heard in support of my submission; and if so,
- I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

Under Clause 6 of the First Schedule to the Resource Management Act 1991

TO Environment Canterbury
SUBMISSION ON Plan Change 7 to the Canterbury Land and Water Regional Plan
NAME OF SUBMITTER Egg Producers Federation of New Zealand; and
Poultry Industry Association of New Zealand
ADDRESS C/- Harrison Grierson Consultants Limited
PO Box 4283
Addington
Christchurch
Attention: Rachel Ducker

This is a submission on the Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (CLWRP). The Egg Producers Federation of New Zealand ('EPFNZ') and the Poultry Industry Association of New Zealand ('PIANZ') cannot gain an advantage in trade competition through this submission.

SUBMISSION IN SUPPORT SUBJECT TO THE FOLLOWING

1.0 THE SPECIFIC PROVISIONS OF THE PROPOSAL THAT EPFNZ'S AND PIANZ'S SUBMISSION RELATES TO ARE:

- **Part A:** Region wide changes
- **Part B:** Changes to the Orari-Opihi-Pareora sub-region
- **Part C:** Changes to the Waimakariri sub-region.

This submission generally relates to how nutrient management provisions are broadly applied to all farming activities without consideration of the fundamental differences between different types of farming activities and poultry farming operations. It also relates to water takes and the uncertainty the rules create, particularly for existing poultry activities seeking replacement water takes.

2.0 EPFNZ'S AND PIANZ'S SUBMISSION IS:

EPFNZ and PIANZ (the 'submitters') are the national organisations that represents the interests of commercial egg and meat producers and a range of poultry farming activities within the Canterbury Region. The poultry industry includes the production of both meat and eggs and is an expanding sector of primary production in New Zealand. The egg industry is going through a period of transition driven by the major supermarkets' position of ceasing cage laid eggs sales. This in turn is leading to increased demand for free range poultry farming as an alternative to traditional shed based poultry farms.

Proposed Plan Change 7 amends the policy framework for water takes and nutrient losses from farming activities within the Orari-Opihi-Pareora and Waimakariri sub-regions. This proposed planning framework presents a potentially significant constraint to the poultry industry operating within Canterbury. It requires registration of each farm on the Farm Portal, preparation of a Management Plan, and compliance with other conditions which apply to the sub-region in order to meet the permitted activity standards. This is problematic for the poultry industry as it involves identifying the activities' nutrient budget using the OVERSEER model.

It is our understanding that OVERSEER was developed for the dairy industry where the farms 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 nitrogen loss outputs. We note that the poultry industry is not listed on the OVERSEER website as one of the primary industries it supports.

Not having an appropriate model for the poultry industry to assess nutrient budgets within Plan Change 7 creates uncertainty in determining activity status for poultry farming activities and creates uncertainty for the assessment and management of potential environmental effects. It is therefore considered that the lack of a framework to assess nutrient budgets within Plan Change 7 for the poultry industry is an inappropriate resource management response, nor is it an appropriate means of the Council exercising its functions under the Act. The uncertainty created by Plan Change 7 is likely to impose a significant cost to the poultry industry because the Council has not developed or provided an appropriate standard for assessing nutrient loss.

3.0 REQUESTED CHANGES TO THE PLAN PROVISIONS

3.1 PART A: REGION WIDE CHANGES

3.1.1 SMALL AND COMMUNITY WATER TAKES

Amendments to general rules 5.111 and 5.112 for permitted small and community water takes propose exclusions from minimum flow requirements for a 'person's reasonable stockwater use' including where Water Conservation Orders apply. This will enable the poultry industry to take and use small volumes of water for stockwater only.

The submitters support the intent of this proposed amendment to small water take rules and notes that it is consistent with section 14 (3) (b) of the Resource Management Act (RMA) which provides for the reasonable needs of a person's animals for drinking and promotes animal welfare. However, we are concerned that 'reasonable' use is not defined and will be open to interpretation which creates uncertainty for the poultry industry.

3.2 PART B: CHANGES TO THE ORARI-OPIHI-PAREORA SUB-REGION

3.2.1 TAKE AND USE OF SURFACE WATER

Proposed rules 14.5.4-6 regarding larger water takes are more restrictive than the existing general rules. While Rule 14.5.6 provides for water takes as a restricted discretionary activity, the conditions relating to compliance with minimum flow for rivers and reducing water allocation limits progressively over time, are more restrictive than for the general rules. Non-compliance with these conditions results in a non-complying activity or a prohibited activity. Compliance with these rules for lower water allocation levels is likely to be more difficult for the poultry industry to achieve for replacement and new takes used for irrigation and shed washdown and may prevent farms from establishing or continuing to operate.

The submitters support water allocation management in principle; however, considers that these rules are overly restrictive for the poultry industry. These rules need to be amended to provide exemptions for reasonable water use for established poultry farms requiring replacement consents for shed washdown and irrigation, particularly where significant investment has been made in infrastructure (e.g. poultry sheds).

3.2.2 TAKE AND USE OF GROUNDWATER

Proposed rules 14.5.7 -8 provide for replacement groundwater takes resulting in stream depletion. These rules are restrictive and may result in replacement water take permits for existing poultry operations not being granted. This creates uncertainty for the poultry industry, particularly where investment has been made in facilities.

Proposed rules 14.5.9- 11 regarding other water takes within the sub-region are restrictive for the poultry industry as they require compliance with minimum flows and allocations and bore interference requirements and may limit the ability for existing and new farms to obtain water take permits.

3.2.3 INDIVIDUAL FARMING ACTIVITIES

The submitters support rule 14.5.14 which retains the permitted area threshold for farming activities, including poultry farms, at 10ha which is the same threshold as for general rule 5.41. Larger poultry farms or poultry farming within mixed use farms may not be able to comply with the requirements of Rule 14.5.16 for a discretionary activity for poultry farms over 10ha. They are not likely to have a Baseline GMP Loss Rate, Good Management Practice Loss Rate or be able to use the OVERSEER model which is not typically used for poultry operations or to meet the conditions which require that an accredited farm consultant is engaged to generate a Farm Environment Plan and nutrient budgets. Obtaining this information is likely to be a significant cost to the poultry industry and a clear standard for assessing nutrient loss for the poultry industry is required.

In addition, the nutrient management rules are not clearly drafted which creates confusion regarding the consent requirements for permitted and discretionary activities over 10ha.

3.2.4 INCIDENTAL NUTRIENT DISCHARGES

Rule 14.5.24 permits incidental nutrient discharges for farming activities that are either permitted or have a consent to farm for nutrient discharge. The submitters support this rule as it provides a linkage between permitted and consented poultry farms and incidental nutrient discharge. Rule 14.5.24A which provides for other incidental nutrient discharge where the discharge is not authorised as a permitted or consented activity, is a non-complying activity which is a restrictive activity status.

3.3 PART C: CHANGES TO THE WAIMAKARIRI SUB-REGION

3.3.1 POLICIES

Policies 8.4.25 create the strategic framework for nutrient management rules within the Waimakariri sub-region including the introduction of more restrictive rules for farms greater than 5ha.

The submitters support the inclusion of policy 8.4.27 for the Waimakariri sub-region which provides for an extension of time to achieve nitrogen loss rate reduction. This is considered to be important as there is no established assessment tool available for assessing nutrient loss for the poultry industry and there is a shortfall of accredited farm consultants available to undertake this work. This policy also recognises that the cost of compliance is significant and needs to be budgeted for in advance.

3.3.2 TAKE AND USE SURFACE WATER

The water allocation and flow limits for proposed new surface water take rules 8.5.9- 8.5.11 are proposed to be amended and may affect the poultry industry particularly where surface water is used for shed washdown, irrigation or stockwater. These rules and conditions may affect the ability of poultry farms to establish, continue to operate, or expand as water take permits for established operations may reduce water allocation or refuse new or replacement allocations. This is a significant effect on the poultry industry which has a substantial number of farms within the Waimakariri sub-region.

3.3.3 TAKE AND USE GROUNDWATER

Proposed rules 8.5.12-13 set rules and conditions for taking and using groundwater with stream depletion effects. These new groundwater allocation limits may be difficult for the poultry industry to meet particularly for existing poultry farms requiring replacement consents where groundwater is used for shed washdown, irrigation or stockwater. Rule 8.5.13 prohibits water takes which cannot meet the conditions of rule 8.5.12 and increases the risk that poultry operations within the Ashley, Cust, Eyre, Kowai, Loburn and Lees Valley regions may not be able to obtain replacement water takes which are sufficient to support existing poultry farming needs.

The groundwater allocation limits, and associated conditions in proposed rules 8.5.14-15, may be difficult for the poultry industry to achieve particularly for existing poultry farms requiring replacement consents where groundwater is used for shed washdown, irrigation or stockwater. New water take permits may not be sufficient to support existing poultry farm needs and there is also a risk that they may not be granted.

3.3.4 NUTRIENT MANAGEMENT

Proposed Rule 8.5.21 lowers the threshold area for permitted farming activities within the Waimakaririri sub-region from 10 to 5ha. This will have significant implications for poultry farm viability and operating costs within the sub-region as previously exempt farms between 5-10ha will be required to meet these rules for nutrient management.

Rules 8.5.23A-29 introduce new nutrient management rules for the Waimakaririri sub-region. These rules are difficult to achieve for the poultry industry as they are not likely to have a Baseline GMP Loss Rate, Good Management Practice Loss Rate or be able to use the OVERSEER model which is not typically used for poultry operations or to meet the conditions which require that an accredited farm consultant is engaged to generate a Farm Environment Plan and nutrient budgets. The uncertainty created by Plan Change 7 is likely to impose a significant cost to the poultry industry because the Council has not developed and provided an appropriate standard for assessing nutrient loss.

These rules are also confusing and could be more clearly drafted particularly to distinguish between the intent of rule 8.5.24 which permit farming activities subject to rule compliance and rule 8.5.26 which requires consent for a restricted discretionary activity.

3.3.5 INCIDENTAL NUTRIENT DISCHARGE

Rule 8.5.31 permits incidental nutrient discharges for farming activities that are either permitted or have a consent to farm for nutrient discharge. The submitters support this rule as it provides a linkage between permitted and consented poultry farms and incidental nutrient discharge. Rule 8.5.32, which provides for other incidental nutrient discharge where the discharge is not authorised, is a permitted or consented activity, is a non-complying activity which is a restrictive activity status.

4.0 THE SUBMITTER SEEKS THE FOLLOWING DECISION FROM ENVIRONMENT CANTERBURY

- a) Plan Change 7 should clarify the meaning of the term 'reasonable' in relation to water takes for stockwater or include criteria to determine whether the proposed water take is reasonable.
- b) That Environment Canterbury develop an appropriate framework within Plan Change 7 for the assessment of nitrogen loss for the poultry industry, as an alternative to OVERSEER. In particular, the CLWRP could make provision for an independently audited management system as included in the Southland Regional Plan.
- c) That Plan Change 7 is amended to provide exemptions for reasonable water use for established poultry farms requiring replacement consents for shed washdown and irrigation., This would recognise existing lawfully establish facilities that contribute significantly to both Canterbury Region and to New Zealand's food production and supply.
Or,
- d) Such other alternative relief to satisfy the concerns of the submitters.

5.0 The submitter wishes to be heard in support of their submission.

6.0 If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.

SIGNATURE:



DATE: 13 September 2019

ADDRESS FOR SERVICE OF SUBMITTER:

Egg Producers Federation of New Zealand and the Poultry Industry of New Zealand

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Addington

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