

10 November 2009

One Plan Hearings Administrator
Horizons Regional Council
Private Bag 11025
Manawatu Mail Centre
PALMERSTON NORTH 4442

Attention Robyn Harrison
Facsimile 03 365 3194

WITHOUT PREJUDICE

Dear Robyn

PROPOSED ONE PLAN HEARINGS: WATER QUALITY, FARM STRATEGY, WATER ALLOCATION, GROUNDWATER, AND BEDS OF RIVERS AND LAKES

PIANZ and others (Submitter 526)
HG Ref 1020-122510-01

Thank you for advising us of the above hearings relating to various chapters on the Proposed One Plan.

We represent the Poultry Industry Association of New Zealand and Tegel Foods Limited who are submitters on the proposed plan.

We will not be attending the above Hearing, however we request that this letter be tabled before the Hearings Committee in support of our clients' submissions in this matter.

Rule 13-1 Dairy farming, cropping, market gardening and intensive sheep and beef farming and associated activities

Our primary submission point 5 and further submission point 2 supported the inclusion of intensive poultry farming within 13-1(e) to provide for recognition of poultry operations within the region alongside the other main agricultural activities listed in Rule 13-1. The Rule provides for the existing use of land and the conversion of land use in the Water Management Sub-Zones in the region as a Controlled activity.

The Reporting Officer recommended that both submissions be rejected. After further review of this rule it is considered that the exclusion of intensive poultry farming operations from Rule 13-1 will result in poultry operations within the water management zones being a permitted activity under the One Plan, which is acceptable to the submitters.

Objectionable Odour

It is considered that the use of the FIDOL framework is appropriate when determining what is offensive and objectionable and that the retention of conditions relating to objectionable odour is appropriate as this is a standard condition within many regional council plans.

Rule 13-3 Stock feed including feed pads

After further assessment it is considered that the exclusion of feed mills from Rule 13-3 is acceptable as feed mills are unlikely to discharge contaminants onto land.

Poultry Manure and Litter

Our further submission points 16 and 19 supported a number of submissions that requested a permitted activity rule for the *“discharge of poultry manure to land where it is immediately cultivated into the soil subject to the condition of ensuring that there is no direct discharge to a water body and a nutrient budget is used”*.

The Reporting Officer recommended that the submission be rejected, but has proposed the matter be worked through with the submitters and returned to in the supplementary report. The reporting officer states *“I understand the poultry effluent like other discharges can, if not appropriately managed, result in adverse effects including odour and run-off issue to water bodies. It is a matter of ensuring the Rules appropriately target the effects of concern and it is this I will return to in my Supplementary Report”*.

It is considered that standards and conditions could be included in a permitted activity rule that could avoid the adverse effects identified by the reporting officer. For example see the draft rule below:

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion
13-x Solid Poultry Manure	The discharge of solid poultry manure and poultry farm litter and any consequential discharge of contaminants into air, except where the discharge is undertaken in association with a use of land controlled by Rule 13-1.	Permitted	(a)The poultry manure or litter shall be immediately cultivated into the soil. (b)There shall be no direct discharge of poultry manure or litter into any waterbody including groundwater. (c)There shall be no discharge into any rare or threatened habitat or at risk habitat, except for the purpose of enhancing such habitats. (d)A nutrient budget, which takes into account all other sources of nitrogen and which is designed to minimise nitrogen leaching rates, shall be used to plan and carry out application of poultry manure and litter. (e)The discharge shall not result in any objectionable odour to the extent that causes an adverse effect beyond the property boundary.	

Subsequent amendments would include the removal of poultry farm litter from Rule 13-6.

Inclusion of Wash Water in Rule 13-6

We sought clarification of the activity status for discharging wash water onto production land under Rule 13-6.

The Reporting Officer recommended our submission be accepted in part, however the Planning and Recommendations Report has not provided any justification or comments regarding our further submission. Effluent wash water has not been included in Rule 13-6. The rule includes *"farm animal effluent including effluent from dairy sheds, poultry farms and existing piggeries"* however it is unclear if this includes wash water or not.

We seek further clarification from Council as to whether or not wash water is included within the existing activity description for Rule 13.6. We consider the explicit inclusion of wash water in Rule 13-6 would clarify the poultry industry's concerns.

Surface and Groundwater Takes

We noted that S14(3)(b)(ii) of the Resource Management Act 1991 provides for the taking of freshwater for the reasonable needs of an individual's animals for drinking water. We recommended that the One Plan follow the Waikato Plan which allows for the following:

"In addition to the taking of surface water as permitted by s14(3)(b) of the RMA

- 1. The taking of up to 1.5 cubic metres per day of water from properties equal to or less than one hectare;*
- 2. The taking of up to 15 cubic metres per day of water from all other properties; and*
- 3. The taking of up to 150 cubic metres of water per day for no more than five days per annum from any river or aquifer"*

The Reporting Officer recommended our submission be accepted in part. In the Planning Evidence and Recommendations Report the reporting officer noted, *"Section 14 of the Act requires that the reasonable needs for drinking water for livestock be provided. The Act does not state that there is to be an unrestricted amount of water taken. The rule sets out to provide for reasonable needs."* No significant changes have been proposed to the wording of Rule 15-1.

The poultry industry has reviewed the proposed takes and can confirm that the takes permitted under the One Plan should sufficiently provide for the drinking water needs of poultry farms.

Individual's animals

Our further submission point 7 supported submission number 277 point 8 by Inghams Enterprises which sought clarification on the Rules as they apply to the limits on daily takes.

The Reporting Officer recommended our submission be accepted and has noted the issues identified by Inghams Enterprises. It is considered that the inclusion of commercial operations within the term *"individual's animals"* is implicit within the Resource Management Act 1991 and as such no further clarification is required.

Feedpad

The inclusion of the following feedpad definition in the glossary is supported:

"Feedpad means an area of land or a structure to which animals are kept or brought for supplementary feeding on a regular basis (more than 15 days in any 30 day period), where the stocking density or feedpad structure (e.g. a concrete pad) precludes the maintenance of pasture or ground cover."

Intensive Livestock Farming

In our submissions we sought the following definition (or similar definition) of intensive livestock farming be added to the glossary:

"Intensive Livestock Farming means the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is dependent upon a high input of food from beyond the site and not dependant upon the soil fertility of the land on which that activity is undertaken."

The Reporting Officer recommended that the submission be rejected, as the term intensive livestock farming is not used in Chapter 13 at this time. Council's justification for the exclusion of an intensive livestock farming definition is considered acceptable. As we no longer seek the inclusion of intensive livestock farming within Rule 13-1 it is considered the definition is no longer necessary.

Agriculture

Our further submission point 49 supported submission number 357 point 4 by Horticulture New Zealand which sought to add the following definition of agriculture to the glossary:

"The raising of crops and livestock, including pastoral farming, arable farming, horticulture and forestry."

The Reporting Officer recommended that the submission be rejected at this time. It is noted that Rule 13-8 refers to agricultural land uses not covered by other rules and provides for them as permitted activities. It is considered that intensive farming activities would be covered, implicitly, by this rule. We seek further confirmation from Council regarding the above.

Animal Effluent

Our primary submission point 251 and further submission point 6 sought confirmation that poultry shed wash water is included in the animal effluent definition within the glossary.

The reporting officer recommended that the submission be rejected. In their evaluation of the submission they noted *"the term animal effluent is used mainly through Chapter 13 and particularly in Rule 13-6. The term is not intended to capture anything other than animal effluent. Rule 13-6 covers effluent from dairy sheds, poultry farms and existing piggeries e.g. the washdown water and poultry farm litter"*.

The explicit inclusion of wash water in Rule 13-6 would alleviate the poultry industry's concerns and no amendment to the animal effluent definition would be required.

Fertiliser

Our primary submission point 6 sought confirmation that poultry litter is a *fertiliser*, as defined in the Glossary section of the Proposed Plan, so that the discharge of poultry litter onto land becomes a permitted activity under Rule 13-2, subject to compliance with

relevant Conditions and consequential amendments to Rules 13-1 vii (d) and 13-6 (d) to remove reference to *poultry farm litter*.

The Reporting Officer recommended our submission be accepted but in the evaluation provided in the Planning Evidence and Recommendations Report it appears unclear. The report states "*Poultry litter is effluent and is covered under Rule 13-6 as a Controlled activity*".

In the instance that the recommended rule for the discharge of solid poultry manure and poultry farm litter is not accepted, we seek clarification from Council as to what rule applies to the discharge of poultry litter onto land as the Planning Evidence and Recommendations Report and Attachment 1 appear to contradict each other.

Thank you for considering the above matters. If you have any queries please contact the undersigned.

Yours faithfully

Harrison Grierson Consultants Limited



Gemma Moleta
Planner

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