31 October 2019

Ministry of the Environment
consultation.freshwater@mfe.govt.nz

By Email

Foodstuffs South Island Limited
C/O Anderson Lloyd

Dear Sir/Madam

Submission: Action for Healthy Waterways – consultation

Submitter type: Business / Industry

This submission is made by Foodstuffs South Island Ltd (Foodstuffs). Foodstuffs is a retailer owned co-operative company. Members of each co-operative operate supermarkets and grocery stores trading under the Foodstuffs owned brands: PAK’n SAVE, New World, Four Square, Raeward Fresh, Pams Pantry, and On the Spot.

Supermarkets are a desirable component of urban areas and can typically act as an anchor for a successful local or suburban centre. They are carefully designed accounting for operational requirements, access and circulation. The supermarket building must be complemented by plentiful, readily accessible customer parking, contain secure loading facilities, have access suitable for large delivery vehicles, and achieve sufficient setbacks and buffers for amenity and acoustic purposes. A supermarket design can require alteration and infilling of existing open drains for improved access, health and safety, and environmental reasons.

Proposed National Policy Statement for Freshwater Management (NPS-FM) and Proposed National Environmental Standards for Freshwater (NES-F)

The proposed documents are unnecessarily restrictive and will have implications for supermarket developments where a development seeks to pipe or otherwise infill a section of an open urban drain. The activity classification for this activity will be non-complying (NES-F, clause 18), and an application for resource consent will need to be assessed against NPS-FM provisions which focus on prioritising health and wellbeing of waterways before human use and development, maintaining and improving health of rivers and streams, and avoid infilling of a river or stream bed (NPS-FM policy 2, 3.16(5)). Infilling is not conclusively defined, and no robust cost benefit analysis is provided to support the proposed activity status. For a larger development it will likely become difficult to pass through the “gateway tests” and obtain resource consents under the Resource Management Act 1991 unless the infilling of the stream or river bed is avoided. This will not produce the best environmental outcomes.
For example, Foodstuffs is seeking resource consents to pipe an urban drain associated with realignment and landscaping on an existing access for a supermarket development in an industrial zone. The expert evidence (agreed with by the local council) is that the open street drain contains no ecological values. Contamination from adjacent urban areas is leaching into the channel and the proposal to pipe the drain through the section with contaminated soils would assist to stop pollution of the drain. Overall, the resource consent application for the supermarket activity has a discretionary activity status but pursuant to the NES-F, resource consent would be required as a non-complying activity (with the entire proposal bundled to become a non-complying activity). The activity status does not account for the environmental benefits of infilling the stream.

Relief sought

Consideration needs to be given to whether or not it is desirable to maintain and improve all degraded urban waterbodies (such as open urban drains). Foodstuffs seeks a lessor activity status for infilling of a riverbed - a restricted discretionary activity status would still require robust assessment of the site specific circumstances of the activity, and resource consent can either be declined or granted with conditions of consent. Policy provisions should allow for adverse effects on parts of a catchment, provided that overall the health of the catchment is maintained.