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**BEFORE AN INDEPENDENT HEARINGS COMMISSIONER  
AT INVERCARGILL**

**COUNCIL REF: APP 20222765**

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**UNDER THE**

Resource Management Act 1991

**IN THE MATTER OF**

Applications by Paihia Dairies Limited for land use consents to use land for intensive winter grazing, to expand an existing dairy farm and to discharge contaminants to land at 171 Ruahine Road West, Orepuki, Southland

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**SUMMARY OF EVIDENCE OF OSKA REGO ON BEHALF OF NEW ZEALAND ANIMAL  
LAW ASSOCIATION**

4 October 2023

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PO Box 10 318  
Wellington 6140  
P 021 385 130  
**Counsel:** Dhilum Nightingale  
**Dhilum.Nightingale@kschambers.co.nz**

## BACKGROUND

1. I am an Australia-based local government, planning and environmental lawyer. I have been involved in Aotearoa animal law and welfare advocacy for around ten years, including with the New Zealand Animal Law Association (**NZALA**).
2. NZALA is a coalition of lawyers, law students and law graduates working to improve the welfare and lives of animals through the legal system. It currently has over 500 members nation-wide, and is entirely volunteer-run.
3. NZALA has presented legal, planning, and animal welfare science considerations relevant to having regard to the actual and potential effects of Pahia Dairies Limited's (**PDL's**) Activities on animals.

## INTENSIVE WINTER GRAZING

4. NZALA has been concerned about IWG practices in Aotearoa for some years. It published a report on farmed animal welfare law in New Zealand which highlights animal welfare impacts associated with IWG,<sup>1</sup> and has engaged with Government on improving IWG regulation, including providing a joint submission with Greenpeace Aotearoa, Save Animals From Exploitation – SAFE, SPCA NZ and Animals Aotearoa on the National Animal Welfare Advisory Committee (**NAWAC**) review of the Code of Welfare: Dairy Cattle (**Code**).
5. Proposed amendments to the Code would address many concerns with IWG, namely access to clean water and sufficient lying space, and preventing calf births in mud. Unfortunately, these have not yet been adopted.
6. The primary sector and Government acknowledge that animal welfare in IWG needs to be improved with effort across the board, including careful planning and the adoption and enforcement of good management practices.<sup>2</sup>

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<sup>1</sup> New Zealand Animal Law Association *Farmed Animal Welfare Law in New Zealand* (February 2021) <[https://static1.squarespace.com/static/62b2caeb504e402d6ea5f73e/t/6504f754dfdc12f54ac3a1/1694824288657/NZALA\\_Farmed\\_Animal\\_Report.pdf](https://static1.squarespace.com/static/62b2caeb504e402d6ea5f73e/t/6504f754dfdc12f54ac3a1/1694824288657/NZALA_Farmed_Animal_Report.pdf)>.

<sup>2</sup> *Statement of Evidence of Oska Rego on Behalf of New Zealand Animal Law Association* (28 September 2023), at [13] to [17].

**WHY REGULATION UNDER THE RMA IS APPROPRIATE**

7. The Animal Welfare Act 1999 (**AWA**) recognises the sentience of animals. Although they are much more than just “natural resources”, this term is defined in the Resource Management Act 1991 (**RMA**) to include “animals”. Animals are part of ecosystems, and the RMA requires effects on animals to be assessed as part of the statutory Assessment of Environmental Effects.
8. Therefore, where an activity that requires resource consent may or will affect animals, it is entirely appropriate that actual or potential effects on those animals are considered as part of the assessment of the application. This is particularly the case where, as with IWG, adverse impacts on animal welfare can be managed or at least improved through land use practices such as a requirement to provide cattle with adequate shelter, a plentiful water supply, suitable lying down areas and ensuring there are separate areas for calving.
9. Proactive animal welfare management through the RMA does not risk ‘overlapping regulation’ or over-reach of roles and responsibilities. The AWA regime is largely reactive. Compliance with it can be improved through consideration of animal welfare at the consenting stage.
10. NZALA’s primary position is that IWG should not be granted consent, particularly in Southland where the winter climate does not allow cattle to exhibit natural behaviours, meaning IWG practices have a more than minor effect on cattle and cut across sustainable management. If consent is granted, NZALA strongly supports the inclusion of land use conditions to avoid or at least mitigate animal welfare issues.
11. My *Statement of Evidence* sets out examples of consent conditions directed at animal welfare at [27] to [34] and the Annexures.



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**Oska Rego**