



**Wairau - Awaterere Resource Management Plan**

**Proposed Plan Change No. 62: New Dairy Farms**

**Marlborough Sounds Resource Management Document**

**Proposed Plan Change No. 27: New Dairy Farms**

Report prepared to fulfil the requirements of Section 42A of the Resource Management Act 1991

## **1 Introduction**

My name is Paul Whyte and I hold the qualification of Bachelor of Town Planning from Auckland University. I am a full member of the New Zealand Planning Institute. I have practiced in the field of resource management and planning since 1984 primarily working for both local government and planning consultants in Dunedin and Christchurch. Currently I am Senior Planner (Associate) in the Christchurch office of Beca New Zealand Ltd (Beca).

This report has been commissioned by Marlborough District Council (MDC) in accordance with Section 42A of the Resource Management Act 1991 (RMA). The report relates to Proposed Plan Change 62 to the Wairau - Awatere Resource Management Plan (WARMP or the Plan) and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan (MSRMP or the Plan).

The Plan Changes were notified on 25 April 2013, with the submission period closing on 24 May 2013. Within this period 8 submissions were received. A summary of the submissions received was publicly notified on 11 July 2013, with the further submission period closing on 25 July 2013. One further submission was received within this period (see Section 3).

The Proposed Plan Changes 62 and 27 are Council initiated changes to the WARMP and MSRMP respectively made under Part 2 of the First Schedule of the RMA.

The purpose of the Plan Changes is to control the establishment and operation of new dairy farms by requiring these activities to obtain resource consent as a discretionary activity. MDC wishes to assess these activities, particularly in respect of non-point discharges, in order to maintain and enhance the water quality of the district.

## **2 Structure of this report**

The Section 42A report contains the following items:

### 3. Submissions

The report then addresses the following provisions/matters raised in submissions.

### 4. Withdrawal of Plan Changes

### 5. Issue 12.2.1(WARMP)

### 6. Introduction 11.1 and Introduction 11.2 (MSRMP)

### 7. Policy 12.2.2.3.6 (WARMP) and Policy 11.3.1.10 (MSRMP)

### 8. Policies 12.2.2.3.7 and 12.4.2.3.7 (WARMP) and Policy 11.3.1.11 (MSRMP)

### 9. Methods of Implementation 12.2.3 (WARMP) and 11.4 (MSRMP)

### 10. Rule 30.4.1 (WARMP) and Rule 36.4 (MSRMP)

### 11. Definition of New Dairy Farming (WARMP and MSRMP)

### 12. New Provisions Relating to Additional Activities (WARMP and MSRMP)

### 13. Conclusion

Where the provisions of each plan change are identical they are considered together in this report.

Where submissions support the proposed provisions without any requested amendment no assessment is generally undertaken.

The proposed changes are shown by underlining ~~strikethroughs~~ and the recommended amendments as a result of the submissions are shown as underlining and strikethroughs.

**Appendix 1** sets out in full all changes proposed to the Plan arising from the proposed Plan Change and recommendations on the submissions.

**Appendix 2** sets out the Staged Programme of MDC for the implementation of Policy 1 of the National Policy Statement of Freshwater Management (NPSFM).

### 3 Submissions

Submissions to the Plan Changes were received as follows:

Submitter	Plan Change 62	Plan Change 27	Oppose/Support	Further Submission
Dairy NZ	✓	X	Oppose	Support <i>Marlborough Province of Federated Farmers of NZ-</i>
Department of Conservation (DOC)	✓	✓	Support with amendments	Oppose <i>Marlborough Province of Federated Farmers of NZ</i>
Marine Farm Association Incorporated (MFA)	X	✓	Support	-
Marlborough Province of Federated Farmers of NZ (Federated Farmers)	✓	✓	Oppose	-
Nelson/Marlborough Fish and Game Council (Fish and Game)	✓	✓	Support with amendments	Oppose <i>Marlborough Province of Federated Farmers of NZ -</i>
Parkes, Sharon	X	✓	Oppose	-

Te Atiawa Manawhenua Ki Te Tau Ihu Trust (Te Atiawa)	X	✓	Support with amendments	-
Woolley, PJ and SM	✓	✓	Oppose with amendments	Oppose/Support <i>Marlborough Province of Federated Farmers of NZ -</i>

✓ Submitted

X Did not submit

#### 4 Withdrawal of Plan Changes

Dairy NZ and Federated Farmers request that the Plan Changes are withdrawn. Sharon Parkes also infers the same outcome in her submission.

Dairy NZ in support of their position note that dairy sector initiatives such as the Sustainable Dairying Accord (the Accord) will meet the underlying objectives of the Plan Changes and that the issues are best addressed in an integrated manner in the review of the respective plans.

Federated Farmers in support of their position note the following;

- There are few dairy conversions taking place
- Dairy farm performance has increased markedly and dairy farm operations will be subject to the Accord.
- The economic benefits of dairying have not been taken into account
- Concern that a single industry is singled out and the Plan changes may be based on the behaviour of one person.

Sharon Parkes considers that additional consents should not be required given the existing compliances that farms must comply with.

Generally the matters raised by the submitters are addressed in the Section 32 report. In particular the reliance of voluntary accords was considered but it did not provide enough certainty. I also understand the targets of previous accords were not always achieved. It is acknowledged that the Accord is new and appears to provide more certainty and rigour. However I consider that reliance on the Accord only is not considered appropriate given that:

- The document is a new one with no record as yet as to its practicality;
- While monitoring will be carried out the actions for non-compliance do not appear to be clearly spelt out.
- Auditing is retrospective only whereas the plan changes ensure management practices are put in place at the time of conversion.

I note the Accord itself acknowledges the document may not be regarded as an adequate response by Regional Councils.

While the District Plan Review is an option for incorporating the changes I understand that the timing of the notification of the review is still not definite and is likely to be some time next year. Even for the Review the Council will not hold the data required to implement the NPSFM in respect of water quality. Councils staged programme to implement the NPSFM is set out in **Appendix 2** with the appropriate provisions to be implemented by 2024.

While the dairying sector is relatively small in Marlborough the Section 32 report identifies there are significant areas available for expansion (refer to Appendix 1 of the Section 32 report for areas) which are not necessarily water constrained.

It is acknowledged there are economic benefits from dairying to the district which are a matter to be considered. Certainly the dairy industry will face additional costs through the resource consent process but the rules are relatively straightforward applying only to conversions (existing dairy farms are unaffected) and likely to result in measures which are similar to the ones indicated in the Accord.

The Plan Changes also enable the conversion of the dairy farm to be considered as an integrated land use allowing potential adverse effects to be addressed more effectively.

While it is clear that the plan change only applies to a single land use (dairy farm conversions) evidence indicates that dairy farming is a major contributor to the deterioration of water quality if inappropriate practices are implemented. As indicated in the plan change other land use activities may potentially be added at a later date as additional data becomes available. In terms of the reference to the "behaviour of one person" leading to the plan change I understand the monitoring undertaken by MDC indicates the issue is far bigger than this.

#### Recommendation

That the Plan Changes are not withdrawn.

### **5 Issue 12.2.1.4 (WARMP)**

DOC submit the addition of the words "dairy farm effluent run off" in the Issues should be further amended by the deletion of the word "effluent" given that the provisions could be interpreted to only apply to dairy effluent from dairy sheds whereas the plan changes are designed to capture non-point discharge/contaminants associated with dairy farms. I agree the deletion of the word probably better reflects the plan changes given, that for example, items such as fertiliser discharge are also an issue.

F and G submit the words "dairy farm effluent run off" should be changed to "farm development or intensification". While such activities may be a source of contamination the Plan Changes pertain only to dairy farming and in order to retain this focus an amendment in the manner sought is not favoured.

#### Recommendation

That Issue 12.2.1.4 (WARMP) is amended as follows:

**Water resources, both ground and surface waters, are vulnerable to contamination from various activities undertaken on land or on the surface of lakes and rivers. Sources of contamination may include dairy farm effluent run off; septic tank effluent disposal; waste disposal from wineries; offal and refuse pits; mining operations; roading and tracking; spray or fertiliser application; or discharge of inadequately treated urban sewage."**

## 6 Introduction 11.1 and Issue 11.2 (MSRMP)

DOC request that “wetlands” and “coastal water” are added to surface and groundwater resources in respect of the above sections of the MSRMP. In my view surface water quality can be construed to apply to wetlands and it is not considered necessary to specifically refer to this term. However, given that the MSRMP is an integrated plan that contains the coastal marine area I consider it appropriate to refer to coastal water quality. This will also give effect to the New Zealand Coastal Policy Statement and in particular Policy 22 Sedimentation and Policy 23 Discharge of Contaminants

DOC has also requested that the second part of the issue be deleted as it implies that all effects can be avoided or mitigated. In my view the wording simply notes that adverse effects can be addressed by appropriate farming practices but does not imply that resource consents will be granted particularly as the matter is only an “Issue”. No change is recommended.

### Recommendation

That Introduction 11.1 and (MSRMP) is amended as follows:

- **Changes to surface and groundwater quality and coastal water quality;**

That Issue 11.2 is amended as follows

**Dairying farming has the potential to have significant adverse effects on the quality of surface and groundwater resources and coastal water. These effects can be avoided or mitigated by using environmentally sound farming practices that include strategies to manage the effects of dairy farming on water quality**

## 7 Policy 12.2.2.3.6 (WARMP) and Policy 11.3.1.10 (MSRMP)

F and G request these policies extended to include new dairy farms. This is discussed below under New Provisions.

## 8 Policies 12.2.2.3.7 and 12.4.2.3.7 (WARMP) and Policy 11.3.1.11 (MSRMP)

DOC have requested in the introduction to the respective policies reference is also made to “wetlands” and “coastal water quality” and “the life supporting capacity and health of any associated ecosystem.”

Given that wetlands are included in the definition of surface water in the WARMP and the term “life supporting capacity and health of any associated ecosystem” is an integral part of water quality it is not considered necessary to include these terms.

In respect to the MSRMP it is considered that surface water surface quality can be construed to apply to wetlands and it is not considered necessary to specifically refer to this term.

However, given that the plans are integrated ones that contain the coastal marine area I consider it appropriate to refer to coastal water quality. This will also give effect to the New Zealand Coastal Policy Statement and in particular Policy 22 Sedimentation and Policy 23 Discharge of Contaminants.

F and G oppose the use of the term “more than minor adverse effects” in the policies as they are difficult to define, monitor and measure particularly when cumulative effects are taken into consideration. No alternative wording is suggested.

In the absence of detailed information on limits some descriptive wording is likely to be necessary. The wording reflects that there is likely to be some kind of discharge but that those adverse effects should be of an acceptable degree. While the proposed wording is associated with public notification thresholds in a statutory sense its use can nevertheless be applied to a policy position. Potentially

other words such as “negligible” or the “minimising of effects” could be utilised but may not provide sufficient flexibility. The definition of “effects” under Section 3 of the RMA includes cumulative effects and so are required to be had regard to. It is also noted the Plan Changes are intended as an interim one and in all of these circumstances no amendment is recommended in terms of the F and G submission.

In respect of Matter (a) of the respective policies DOC, F and G and Federated Farmers request amendments. The parties suggest the reference to “measures” needs to be defined with more specificity and DOC for example suggests changing this term to “fencing, culverts or bridges.” While it is agreed these are the likely measures this specification could exclude other potential measures. It is considered more appropriate for the measures to be defined in the respective applications by the applicants depending on circumstances. Council will if necessary be able to impose the specific measure in any resource consent applications.

F and G also query as to whether (a) applies to drains, creeks, ephemeral waterbodies etc and that water bodies should be specified. The only waterbody it is unlikely to apply to is a drain as it may not be a “river, lake or wetland”. It is noted that “drains” are included in (b) of the policies and therefore its exclusion from (a) appears to be deliberate. Presumably this is because the inclusion of a “drain” may be too onerous in respect of this rule although I understand a number of the drains in the district are steep sided and narrow with stock access difficult.

Accordingly it is acknowledged stock could enter or pass across a drain but not graze the riparian margins. While this may not be ideal from an environmental point of view the right balance appears to have been applied in terms of these requirements.

In respect of Matter (b) of the respective policies DOC, F and G and Federated Farmers request amendments. DOC asks for the word “fenced” be added and F and G request that the “appropriate” distance be specified. Again it is considered “fenced” is too specific and it is not excluded from consideration. Generally I agree with F and G that the distance will depend on the type of waterway, and accordingly I do not believe a specific distance should be stated. The policy enables a case by case approach to be taken in determining appropriate buffers.

Federated Farmers request (b) is deleted as experience to date shows that a riparian buffer does not necessarily lead to an increase in water quality. Notwithstanding this it appears that it is a useful tool and it is included as a potential measure in the Accord.

In addition the policy requires that a risk analysis is undertaken and appropriate measures provided in response to that risk. It appears to me that if no or little risk is identified a measure may not be necessary which provides flexibility for applicants.

F and G in respect of Matter (c) of the Policies request that “sufficiently sized” storage ponds need to be specified. This is not supported as it will depend on the individual application and the specific requirements of each operation. The proposed wording is considered appropriate in a policy context and sufficient to capture the matters referred to in the submission.

A similar submission is made by F and G in respect of Matter (d) of the Policies in relation to the reference to “appropriate” separation distances. For the reasons above this amendment is not supported.

In relation to Matter (e) of the Policies, F and G state that the provision of a nutrient management plan should be a condition of consent and the plan verifiable and able to be audited. I do not consider that there needs to a reference to the plan as a condition of consent given the wording of the policy. In addition as the plan will be submitted as part of a resource consent application Council has sufficient power in terms of verifiability and auditability (which is assumed in any case). No change is recommended.

Te Atiawa have requested that the Explanation to Policy 11.3.1.11 be amended to give priority to the natural environment. The proposed Explanation in their submission is not dissimilar to the Plan Change but the notified version is preferred as it appears more aligned with Section 5 of the RMA and is more succinct.

#### Recommendation

That Policies 12.2.2.3.7 and 12.4.2.3.7 (WARMP) and Policy 11.3.1.11 (MSRMP) be amended as follows:

**Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on groundwater ~~quality, or~~ surface water quality or coastal water quality. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:**

**(a) Measures to prevent stock entering onto, or passing across, the bed of any river, lake or wetland;**

**(b) Provision of an appropriate, non-grazed, buffer along the margins of any water body, including a river, lake, or wetland, and any drain, to intercept the runoff of contaminants from grazed pasture;**

**(c) Provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;**

**(d) Demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events);**

**(e) A nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser, and any other nutrient input.**



## **9 Methods of Implementation 12.2.3 (WARMP) and 11.4 (MSRMP)**

In respect of Methods of Implementation 12.2.3 (WARMP) and 11.4 (MSRMP) DOC requests that an additional method be added stating that Council will undertake work to set cumulative limits by 2024. While this may be correct it is not considered appropriate to include it as part of the Plan Changes given it is dealing with dairy conversions whereas the proposed method by DOC will have wider application.

In respect of 11.4 (but not 12.2.3) DOC has also requested amended wording to the Explanation as the existing wording may provide unrealistic expectations that dairying consents will be granted. I do not believe the words can necessarily be interpreted as this. In my view the wording simply notes that management plans are a useful tool for both Council and the farmer in the resource consent process and for on going management. No change is recommended.

F and G request that Water Quality Plans be “required” rather than “encouraged” as set out in 12.2.3 (WARMP) and 11.4 (MSRMP). Te Atiawa also makes a similar submission in respect of 11.4.

I note Nutrient Management Plans are required (as per Rule 12.2.2.3.7) and are quite specific as to their requirements given the critical role they play in managing water quality.

The Water Quality Plan on the other hand is more generic in nature and is a more non – regulatory tool although the Plan Changes seem to indicate that the submissions of such a plan will assist in a resource consent application. However it appears the balance between the requirement for a Nutrient Management Plan and the option of a Water Quality Management Plan is appropriate given the contents of the respective documents. There should be some encouragement for farmers other than regulatory means.

Te Atiawa have submitted that the development of rating incentives should be investigated for dairy operations that meet the requirements of approved farm management plans. It appears that it is envisaged such farm plans would include both the water quality and nutrient plans. The submitter should comment on this matter in more detail at the hearing but I note my comments above in respect of a balance in imposing requirements on farmers.

### Recommendation

That Methods of Implementation 12.2.3 (WARMP) and 11.4 (MSRMP) be retained without amendment.

## **10 Rule 30.4.1 (WARMP) and Rule 36.4 (MSRMP)**

Federated Farmers oppose the rule and seeks to have dairy conversions as a permitted activity subject to conditions such as those in the Accord. Little detail is provided in respect of the actual conditions and a list of detailed conditions could make it more difficult to comply with than a discretionary activity. Compliance with the Accord essentially means relying on the voluntary approach and it is likely to be very difficult for Council to monitor. A similar option in the form of a controlled activity was considered in the Section 32 report but was not considered to provide sufficient control. The permitted activity option results in even less control.

F and G request that the rule (and associated rules) be amended to also apply to existing farms. This is discussed below in New Provisions.

PJ and SM Woolley requests the rule be a “conditional activity” subject to the Fonterra conditions of supply and best practices based on data from Dairy NZ. The submitter should clarify this as a “conditional activity” no longer exists under RMA. Its equivalent under RMA is the “discretionary activity” and accordingly it appears the submitter is supporting this class of activity as per the Plan

Changes. The conditions however appear somewhat uncertain and are dependent on outside third parties such as Fonterra and Dairy NZ) which creates uncertainty and may be ultra vires.

#### Recommendation

That Rule 30.4.1 (WARMP) and Rule 36.4 (MSRMP) be retained without amendment.

### **11 Definition of New Dairy Farming (WARMP and MSRMP)**

DOC states it is concerned about the intensification of existing dairy farms and suggests that the reference to an “additional dairy shed” is deleted from the definition so that any increase in area or intensity of the operation requires resource consent. The difficulty with this amendment is that it is very difficult for Council to monitor such changes and there would be debate as to whether an increase of say an additional 1ha or 5 cows justifies resource consent. On the other hand an “additional dairy shed” will require a building consent and hence can be monitored and represents a reasonable substantial change. Accordingly the proposed amendment is not favoured.

DOC also suggests that “related activities” contained in the definition be defined. While the specified list is useful it could exclude activities not listed. It is also clear the major activity (dairy cattle for milk production) will trigger the resource consent. At this stage no change is recommended.

F and G have requested that the definition should be deleted and replaced by a definition that recognises all intensification of land use although no actual definition is provided. This is discussed in more detail below under New Provisions.

#### Recommendation

That the definition of New Dairy Farming (WARMP and MSRMP) be retained without amendment.

### **12 New Provisions for Additional Activities (WARMP and MSRMP)**

F and G submit that the plan changes should be extended to cover all land use activities and not just new dairy farming. Reference is also made to land uses such as irrigated dry stock farming, deer farming and intensive cropping resulting in stock access to water and/or nutrient enrichment in water bodies.

F and G state that it will be impossible to assess whether any land use change would have an adverse effect on water quality given that no limits have been set for those water bodies. F and G note that the approach does require the setting of nutrient and sediment limits in the plan. F and G have not provided an alternative set of objectives, policies or rules.

It appears Council has acknowledged that the Plan Changes are not a perfect solution. Rather the plan changes are part of interim step until data is available to establish cumulative limits for all water bodies. Council has set a staged programme to complete this task by 2024. Accordingly the request by F and G to implement limits is not possible. It is also noted that Council is not working in a complete vacuum of information as Appendix J of the WARMP contains water quality classifications for various waterbodies and there are various monitoring reports available.

While it is agreed all land use intensification can result in a deterioration of water quality evidence clearly indicates that dairy farming is the major contributor if inappropriate practices are implemented. Accordingly I support Council’s view that the most appropriate course of action is a provision that addresses the key type of land use by placing some checks and balances when conversions occur in order management practices can be implemented at the commencement of operations.

In my view it is difficult to justify this approach extending to all land uses at this point in time.

As indicated in the Section 32 report other land use activities may potentially be added a later date as additional data becomes available.

Accordingly given this and the lack of specificity in the submission in respect of alternative provisions no amendment is recommended to the plan changes.

#### Recommendation

That the plan changes are retained without amendment in respect of new provisions relating to additional activities.

### **13 Conclusion**

It is recommended that Plan Change 62 and Plan Change 27 are approved as set out in Appendix 1 for the reasons set out above.



## Appendix 1

# PLAN CHANGE 62 TO WARMP AND PLAN CHANGE 27 TO MSRMP

## SCHEDULE OF CHANGES INCLUDING THOSE ARISING FROM RECOMMENDATIONS ON SUBMISSIONS

### Wairau/Awatere Resource Management Plan

Volume 1, Chapter 12 - Rural Environments – Issues, Objectives and Policies

#### 12.2.1 Issue

*Insert the underlined text into paragraph two of 12.2.1.4 as follows:*

Water resources, both ground and surface waters, are vulnerable to contamination from various activities undertaken on land or on the surface of lakes and rivers. Sources of contamination may include dairy farm effluent run off; septic tank effluent disposal; waste disposal from wineries; offal and refuse pits; mining operations; roading and tracking; spray or fertiliser application; or discharge of inadequately treated urban sewage.

#### 12.2.2 Objectives and Policies

*Insert the underlined text under Objective 12.2.2.3 (in accordance with the numerical order) as follows:*

12.2.2.3.6 Require land use consent for the establishment and operation of any new dairy farm.

12.2.2.3.7 Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on groundwater quality, or surface water quality or coastal water quality. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:

- (a) Measures to prevent stock entering onto, or passing across, the bed of any river, lake or wetland;
- (b) Provision of an appropriate, non-grazed, buffer along the margins of any water body, including a river, lake, or wetland, and any drain, to intercept the runoff of contaminants from grazed pasture;
- (c) Provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;

- (d) Demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events);
- (e) A nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser, and any other nutrient input.

### 12.2.3 Methods of Implementation

*Insert the underlined text into 12.2.3 as follows:*

#### **Rules**

Rural activities with the potential to cause significant adverse effects such as dairy farming, factory farming and intensive livestock farming are provided for as Discretionary Activities.

*Insert the underlined text as the last method in 12.2.3 as follows:*

#### **Management Plans**

Water Quality Management Plans will be encouraged as a means of demonstrating on an ongoing basis that any adverse effects on water quality resulting from dairy farming will be avoided or sufficiently mitigated. They provide the ability to consider all farm management practices that have the potential to adversely affect surface water and groundwater and manage these risks in an integrated way. This also enables the dairy farmer to progressively plan farm upgrades based on priority or, in the case of new farms, at the time of establishment. Water Quality Management Plans can be used to support applications for land use consent to convert the use of land to dairying.

Nutrient Management Plans will be required as a means to demonstrate how nutrient inputs associated with dairy farming are to be managed to ensure any adverse effects on water quality will be avoided or mitigated. Nutrient Management Plans should be written documents that incorporating a nutrient budget developed by an accredited nutrient adviser using OVERSEER® or similar, that describes how the major plant nutrients (nitrogen, phosphorus, sulphur and potassium, and any other of importance to specialist crops) will be managed, including all sources of nutrient, for example discharges from farm dairy effluent systems, animal discharges, atmospheric nitrogen fixation.

*Insert the underlined text at the end of the explanation, after the methods, in 12.2.3 as follows:*

Management Plans as part of resource consents for new dairy farm conversions will enable rural land to be used in such a way as to avoid adverse effects on water quality, while providing farmers the flexibility to manage their activity in a manner best suited to achieving the outcomes they are seeking.

## 12.4.1 Issue

*Insert the underlined text into 12.4.1 as follows:*

The Plan seeks to enable a wide range of appropriate activities to establish in the General Rural area, subject to standards and controls to avoid or mitigate adverse effects on vegetation and soil resources, landscape and amenity values, and water quality.

## 12.4.2 Objectives and Policies

*Insert the underlined text under Objective 12.4.2.3 (in accordance with the numerical order) as follows:*

**12.4.2.3.6 Require land use consent for the establishment and operation of any new dairy farm.**

**12.4.2.3.7 Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on groundwater ~~quality, or~~ surface water quality or coastal water quality. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:**

- (f) Measures to prevent stock entering onto, or passing across, the bed of any river, lake or wetland;
- (g) Provision of an appropriate, non-grazed, buffer along the margins of any water body, including a river, lake, or wetland, and any drain, to intercept the runoff of contaminants from grazed pasture;
- (h) Provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;
- (i) Demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events);
- (j) A nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser, and any other nutrient input.

## 12.4.3 Methods of Implementation

*Insert the underlined text into the existing Management Plan method in 12.4.3, after the existing text, as follows:*

### Management Plans

Water Quality Management Plans will be encouraged as a means of demonstrating on an ongoing basis that any adverse effects on water



quality resulting from dairy farming will be avoided or sufficiently mitigated. They provide the ability to consider all farm management practices that have the potential to adversely affect surface water and groundwater and manage these risks in an integrated way. This also enables the dairy farmer to progressively plan farm upgrades based on priority or, in the case of new farms, at the time of establishment. Water Quality Management Plans can be used to support applications for land use consent to convert the use of land to dairying.

Nutrient Management Plans will be required as a means to demonstrate how nutrient inputs associated with dairy farming are to be managed to ensure any adverse effects on water quality will be avoided or mitigated. Nutrient Management Plans should be written documents that incorporating a nutrient budget developed by an accredited nutrient adviser using OVERSEER® or similar, that describes how the major plant nutrients (nitrogen, phosphorus, sulphur and potassium, and any other of importance to specialist crops) will be managed, including all sources of nutrient, for example discharges from farm dairy effluent systems, animal discharges, atmospheric nitrogen fixation.

## 12.9 Anticipated Environmental Results

*Insert the underlined text as the last sub-bullet point under bullet point three in 12.9 as follows:*

- Environmentally sound farming practices based on:
  - Strategies avoiding and mitigating adverse effects of land use activities on water quality.

## Wairau/Awatere Resource Management Plan

### Volume 2, Chapter 30 – Rural 3 and 4 Zones

*Insert the underlined text as the last bullet point in 30.4.1 as follows:*

#### 30.4.1 Application must be made for a resource consent for a Discretionary Activity for the following:

- New dairy farming.

*Insert the underlined text in 30.4.3 (in accordance with the numerical order) as follows:*

### 30.4.3.12 New Dairy Farms

#### 30.4.3.12.1 Standards

New dairy farm activities should be established in such a manner to ensure that no surface and groundwater quality is adversely affected by the operation of the dairy farm.

#### 30.4.3.12.2 Assessment Criteria

- (a) The extent to which the proposed dairy farming operation is consistent with the policies for new dairy farms in this Plan.

## Wairau/Awatere Resource Management Plan

### Volume 2, Chapter 26 – Definitions

*Insert the underlined text into the definition of Farming as follows:*

**FARMING** means a land based activity, having as its primary purpose the commercial production and sale (other than from a rural selling place) of any livestock, milk or vegetative matter except as excluded below and unless the context otherwise requires, includes the cultivation and reshaping of land necessary and appropriate to normal agricultural activity. For the purposes of the Plan farming does not include intensive farming, commercial forestry and in the case of vegetative matter, does not include the processing of farm produce beyond cutting, cleaning, grading, chilling, freezing, packaging and storage of produce grown on the farming unit.

*Insert the underlined text into the Definitions, in accordance with the alphabetical order, as follows:*

**NEW DAIRY FARMING** means a land based activity, having as its primary purpose the farming of dairy cattle for milk production, and related activities on land converted for that purpose after the date of the public notification of the Resource Management Plan Change 62, but does not include any increase in the area or intensity of an existing dairy farming operation that is undertaken without any additional dairy shed.

## Marlborough Sounds Resource Management Plan

### Volume 1, Chapter 11 - Rural Environments

#### 11.1 Introduction

*Insert the underlined text as the last bullet point under paragraph five in 11.1 as follows:*

Resource use in the rural environment may result in:

- Changes to surface and groundwater quality and coastal water quality.

## 11.2 Issue

*Insert the underlined text as a new paragraph at the end of in 11.2 as follows:*

Dairying farming has the potential to have significant adverse effects on the quality of surface and groundwater resources and coastal water. These effects can be avoided or mitigated by using environmentally sound farming practices that include strategies to manage the effects of dairy farming on water quality.

## 11.3 Objectives and Policies

*Insert the underlined text under Objective 11.3.1 (in accordance with the numerical order) as follows:*

11.3.1.10 Require land use consent for the establishment and operation of any new dairy farm.

11.3.1.11 Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on groundwater quality, or surface water quality or coastal water quality. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:

- (a) Measures to prevent stock entering onto, or passing across, the bed of any river, lake or wetland;
- (b) Provision of an appropriate, non-grazed, buffer along the margins of any water body, including a river, lake, or wetland, and any drain, to intercept the runoff of contaminants from grazed pasture;
- (c) Provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;
- (d) Demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events);
- (e) A nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser, and any other nutrient input.

*Insert the underlined text at the end of the explanation, after the new policy 11.3.1.1, as follows:*

The quality and quantity of the District's water resources are essential to the prosperity and pleasantness of the Marlborough Sounds, in terms of their life supporting capacity and availability for domestic and productive use.

## 11.4 Methods of Implementation

*Insert the underlined text at the end of the table in 11.4 as follows:*

### Management Plans

Water Quality Management Plans will be encouraged as a means of demonstrating on an ongoing basis that any adverse effects on water quality resulting from dairy farming will be avoided or sufficiently mitigated. They provide the ability to consider all farm management practices that have the potential to adversely affect surface water and groundwater and manage these risks in an integrated way. This also enables the dairy farmer to progressively plan farm upgrades based on priority or, in the case of new farms, at the time of establishment. Water Quality Management Plans can be used to support applications for land use consent to convert the use of land to dairying.

Nutrient Management Plans will be required as a means to demonstrate how nutrient inputs associated with dairy farming are to be managed to ensure any adverse effects on water quality will be avoided or mitigated. Nutrient Management Plans should be written documents that incorporating a nutrient budget developed by an accredited nutrient adviser using OVERSEER® or similar, that describes how the major plant nutrients (nitrogen, phosphorus, sulphur and potassium, and any other of importance to specialist crops) will be managed, including all sources of nutrient, for example discharges from farm dairy effluent systems, animal discharges, atmospheric nitrogen fixation.

*Insert the underlined text at after the “Methods of Implementation” table in 11.4 as follows:*

Management Plans as part of resource consents for new dairy farm conversions will enable rural land to be used in such a way as to avoid adverse effects on water quality, while providing farmers the flexibility to manage their activity in a manner best suited to achieving the outcomes they are seeking.

## Marlborough Sounds Resource Management Plan

Volume 2, Chapter 36 – Rural Zones 1 and 2

*Insert the underlined text as the last bullet point in 36.4 as follows:*

### **36.4** Application must be made for a Resource Consent for a Discretionary Activity for the following:

- New dairy farming.

*Insert the underlined text in 36.4.3 (in accordance with the numerical order) as follows:*

### **36.4.3.15 New Dairy Farms**

#### **36.4.3.15.1 Standards**

**New dairy farm activities should be established in such a manner to ensure that no surface and groundwater quality is adversely affected by the operation of the dairy farm.**

#### **36.4.3.15.2 Assessment Criteria**

**(b) The extent to which the proposed dairy farming operation is consistent with the policies for new dairy farms in this Plan.**

## **Marlborough Sounds Resource Management Plan**

Volume 2, Chapter 25 – Definitions

*Insert the underlined text into the definition of Farming as follows:*

**FARMING** means a land based activity, having as its primary purpose the commercial production and sale (other than from a rural selling place) of any livestock, milk or vegetative matter except as excluded below and unless the context otherwise requires, includes the cultivation and reshaping of land necessary and appropriate to normal agricultural activity. For the purposes of the Plan farming does not include intensive farming, commercial forestry and in the case of vegetative matter, does not include the processing of farm produce beyond cutting, cleaning, grading, chilling, freezing, packaging and storage of produce grown on the farming unit.

*Insert the underlined text into the Definitions, in accordance with the alphabetical order, as follows:*

**NEW DAIRY FARMING** means a land based activity, having as its primary purpose the farming of dairy cattle for milk production, and related activities on land converted for that purpose after the date of the public notification of the Resource Management Plan Change 27, but does not include any increase in the area or intensity of an existing dairy farming operation that is undertaken without any additional dairy shed.



## Appendix 2

# Notices

## Decisions on the Proposed Regional Pest Management Strategy for Marlborough

In accordance with section 79B(4) of the Biosecurity Act 1993, the Council is publicly notifying the availability of:

- Decisions on the submissions received to the Proposed Regional Pest Management Strategy for Marlborough (Proposed Strategy); and
- A new pest management strategy (new Strategy) incorporating those decisions.

The decisions and the new Strategy may be inspected without fee at any of the following locations at any time that these places are open to the public:

- The Council's Office, Seymour Street, Blenheim
- The Marlborough Library, Arthur Street, Blenheim
- The Council's Picton Office and the Picton Library, High Street, Picton
- The Havelock, Seddon, Ward and Rai Valley Community Libraries

Alternatively, you can view the decision document and the new Strategy on the Council's website [www.marlborough.govt.nz](http://www.marlborough.govt.nz) in the Biosecurity section under the Environment tab.

Every person who made a submission to the Proposed Strategy will receive a letter from the Council advising of the Council's decision regarding their submission and their rights of appeal to the Environment Court.

For further information contact Dave Grueber Ph: 03 520 7400.

Dated at Blenheim this 8th day of November 2012

## National Policy Statement: Freshwater Management 2011

Pursuant to Policy E1 of the National Policy Statement: Freshwater Management 2011, the Marlborough District Council gives public notice of its Staged Programme for Implementing Policy A1 of the National Policy Statement: Freshwater Management 2011.

The Marlborough District Council is currently reviewing the Marlborough Regional Policy Statement, the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan. The policies of the National Policy Statement will be given effect to through this review process, with the exception of Policy A1. The new Marlborough Regional Policy Statement and Resource Management Plan will not include freshwater quality limits. A staged programme for setting freshwater quality limits has been adopted by the Marlborough District Council. This is available for public inspection at the offices of the Marlborough District Council:

- 15 Seymour Street, Blenheim
- 67 High Street, Picton

Annual reporting on the staged programme will be described annually in the Marlborough District Council's Annual Report prepared under the Local Government Act 2002.





Staged Programme for Giving Effect to Policy A1 – National Policy Statement for Freshwater Management

Stage	Description	Date
<p><b>Stage 1: Interim water quality protection</b></p>	<p>Plan changes notified to require resource consent for the conversion of land to dairy farming.</p> <p>Ongoing and progressive implementation of Council’s Stormwater Strategy</p> <p>Implementation of the Farm Planning Service to assist existing dairy farmers to improve their environmental performance with respect to the effects of their activity on water quality. \$27,000 allocated via the Long Term Plan over three years (2012/13, 2013/14, 2014/15).</p> <p>Ongoing state of the environment monitoring of physical, chemical, biological and macro-invertebrate to establish baseline conditions and detect trends in water quality.</p>	<p>21 December 2012</p> <p>N/A</p> <p>Commenced 1 July 2012</p> <p>N/A</p>
<p><b>Stage 2:</b></p>	<p>Technical investigations to collect, analyse and report data that will support the establishment of cumulative water quality limits on a catchment by catchment basis. The data will include land use information, data on the leaching and runoff of contaminants, the assimilative capacity of water bodies at different flows taking into account the values that the water bodies support. It is likely that modelling will also be required to establish cumulative limits.</p>	<p>1 July 2013 to 30 June 2023</p>
<p><b>Stage 3:</b></p>	<p>Preparation and notification of plan changes to introduce cumulative limits. If necessary, the plan changes will include methods and timeframes for managing water quality improvements if freshwater objectives not being met.</p>	<p>By 30 June 2024, but potentially progressively over this time period, on a catchment by catchment basis</p>