

Marlborough Sounds Resource Management Plan

Plan Change 27 – New Dairy Farms

Submissions Summary

May 2013

Submission Summary - Marlborough Sounds Resource Management Plan - Plan Change 27 - New Dairy Farms - By Name

Marine Farm Association Incorporated (Graeme Coates) - Submitter #: 1

Submission Point: 01 - General

Submission: Terrestrial enrichment of the coastal marine environment through run-off is increasingly of concern to marine farmers. It is important to the Marine Farming Association that downstream effects of water quality on the coastal marine environment are identified and provided for.

Relief sought: Support Plan Change 27 and its attempts to restrict the effects of new dairying operations on water quality.

Marlborough Province of Federated Farmers of NZ (Michael Bennett) - Submitter #: 2

Submission Point: 01 - General

Submission: Federated Farmers opposes Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan in its entirety.

The submitter does not see that there is an issue with new dairy farm conversions in Marlborough that would justify the Plan Change.

The environmental performance of dairy farms has improved substantially in recent years. All dairy farms are subject to strict standards.

Discretionary activity status for new dairy farms is a significant constraint on future growth due to the uncertainty of a positive outcome, through the consent process and inability to secure credit to undertake farm purchase.

Relief sought: Withdraw Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan.

If the plan is not withdrawn amend Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan, as sought in the remainder of our submission.

Make any consequential amendments to give effect to the decisions sought.

Submission Point: 02 - Section 32 Analysis

Submission: Federated Farmers opposes Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan because the analysis of the issues is deficient in content.

The description of the issue on pages 1 - 3 of the Planning Report fails to achieve a sufficiently complete and balanced understanding to develop a coherent planning solution.

Much of the information included in the Planning Report is national level information that is only of passing relevance to the situation in Marlborough.

The analysis of economic benefits of dairying are lacking. An expansion of dairying in Marlborough would bring with it enormous economic and social benefits that have not been adequately recognised.

The examples cited of the costly remediation of Lake Rotorua, Lake Taupo, and Te Waihora, are not applicable because there are no large lake catchments with particular sensitivities that are analogous to the Marlborough District.

Relief sought: Recognise that the understanding of issues underpinning Proposed Plan Change 27 to the

Marlborough Sounds Resource Management Plan, are deficient in critical areas and that the objectives, policies, and rules that follow from them are equally deficient.

Do not progress Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan unless the deficiencies in understanding of issues identified in our submission are suitably amended and the objectives, policies, and rules that flow from them amended in turn.

Submission Point: 02 - Section 32 Analysis

Submission: Federated Farmers opposes Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan because the section 32 assessment omits critical information and makes incorrect conclusions about costs, efficiency and effectiveness of the various options considered.

The Section 32 assessment omits key information on costs/benefits and efficiency/effectiveness of assertions about the effectiveness of voluntary programmes and fails to recognise the wider cost implications of the regulatory approach.

Relief sought: Recognise that the section 32 information underpinning Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan, is deficient in critical areas and that the objectives, policies, and rules developed on the basis of this information are equally deficient.

Withdraw Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan and only re-notify it if the deficiencies in the section 32 information are suitably amended and decisions of the Council undertaken in light of the more complete evaluation that results.

Submission Point: 07 - 36.4 Rules

Submission: The proposed rule will create significant obstruction to purchase of farms for conversion to dairying, and may create uncertainty of investment for future irrigation schemes.

Consented activity status will either replicate the requirements of the Sustainable Dairying Accord, or else include requirements that are unworkable or achieve little environmental improvement.

Relief sought: If Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan is adopted, administer new dairy conversions through a permitted activity rule subject to conditions such as approval under the Sustainable Dairying Accord, or specific requirements of this document.

Te Atiawa Manawhenua Ki Te Tau Ihu Trust (Ian Shapcott) - Submitter #: 3

Submission Point: 01 - General

Submission: Te Atiawa iwi members are the tangata whenua, who hold manawhenua and manamoana over the area subject to Plan Change 27.

Incentivise dairy operations to meet the requirements of an approved farm management.

Rethink the additional dairy-shed trigger as without tight prescription it will be vulnerable to legal loop-hole abuse.

Consider potential for goat and sheep farming for milk production.

Relief sought: Te Atiawa seeks freshwater management outcomes that will provide for integrated, sustainable and equitable management of freshwater resources, including wetlands and freshwater-related habitats, in a way which will promote genuine sustainable management of the natural and physical resources of the rohe.

Look at developing rating incentives for dairy operations that meet requirements of an "approved farm management plans".

Submission Point: 05 - 11.3 Objectives and Policies

Submission: Reword policy to give priority to natural environment.

Relief sought: It is suggested that the wording of the explanation after policy 11.3.1.11 read as follows:

The quality and quantity of Marlborough's water resources are essential for a continued healthy natural environment, which will in turn, support quality Marlborough lifestyles and also ensure that optimal water quantity enables sustainable primary production.

Submission Point: 06 - 11.4 Methods of Implementation

Submission: Under 11.4 Water Quality Management Plans to be encouraged and Nutrient Management Plans will be required.

There is potential for wider environmental effects, particularly soil health, via pasture management and spray irrigation of effluent, along with the likes of odour, location amenities etc

Neither Water Quality or Nutrient Plans will provide the source of optimal sustainability outcomes without the context of an overall Farm Management Plan.

Relief sought: That a Farm Management Plan is required and it shall include the aforementioned Water Quality Plan and Nutrient Management Plan and also cover issues, such as riparian margin management and all aspects conceived to meet the challenges of the unique environment of each particular unit.

Department of Conservation (Anna Cameron) - Submitter #: 4

Submission Point: 03 - 11.1 Introduction

Submission: It is unclear from the drafting of the Introduction if the intent is to include coastal water and wetlands. Wetlands and the coastal environment are significant aspects of the Marlborough region and are vulnerable to the adverse effects associated with land intensification through dairying activities.

Relief sought: Retain as notified and amend as follows:
Changes to surface, groundwater, wetlands and coastal water quality.

Submission Point: 04 - 11.2 Issue

Submission: It is unclear from the drafting of this issue if the intent is to include coastal water and wetlands. Wetlands and the coastal environment are significant aspects of the Marlborough region and are vulnerable to the adverse effects associated with land intensification through dairying activities.

The issue is drafted in manner that states that all adverse effects associated with dairying activities can be avoided or mitigated. It is inappropriate to indicate this level of certainty.

Relief sought: Dairying farming has the potential to have adverse effects on the quality of surface and groundwater resources, wetlands and coastal water.

Submission Point: 05 - 11.3 Objectives and Policies

Submission: Objective 11.3.1.10

The rule requirements as consistent with RMA, Freshwater Management NPS, the NZCPS and the MRPS

Objective 11.3.1.11

The objective restricts Council's assessment to the adverse effects of new dairying activities to surface and ground water quality. The intent of the objective is not clear that addresses potential adverse effects on wetlands and the coastal environment.

Objective 11.3.1.11(a) should be more direct. Fencing, culverts and bridges are the only methods that effectively prevent stock from accessing these areas.

Objective 11.3.1.11(b) would benefit from being drafted more directly, stating that these

buffers areas are required to be fenced.

The Director-General supports the requirement to prepare a nutrient management plan as these are essential to avoid adverse effects on water quality.

Individually new dairy farms may achieve 'no more than minor' adverse effects on the environment. However, collectively new and existing dairy farm operations could cumulatively have a more than minor adverse effect on water quality. It is appropriate that any new dairy farms applications are considered with respect to any existing or consented dairy farms.

Relief sought: Objective 11.3.1.10

Retain as notified.

Objective 11.3.1.11

Retain and amend 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, surface water, wetlands or coastal water quality, including the life supporting capacity and health of any associated ecosystem. 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) Fencing, culverts or bridges to prevent stock entering onto, or passing across, the bed of any river, lake, wetlands or riparian margins of the coastal marine area;
- b) Provisions of an appropriate, fenced non-grazed, buffer along the margins of any water body, including river, lake or wetlands 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 water bodies and coastal water 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 and methods to reduce losses of nitrogen and phosphorous from the farm.
- f) An assessment of the cumulative effects on the environment, in particular the cumulative effects on surface water, ground water, coastal water and wetland quality.

Objectives (b) and (d) refer 'appropriate' and Objective (c) refers to 'sufficiently sized'. Both of these phrases / terms need to be defined to provide certainty.

Environmental water quality limits and thresholds to be set and measured against which any application can be measured to assess whether the effects are minor or not.

Explanation 11.3.1.1

Retain is notified.

Submission Point: 06 - 11.4 Methods of Implementation

Submission: Supports the use of water quality and nutrient management plans.

It is possible due to the localised environmental situations, cumulative effects or other matters that even with the development of management plans dairying may not be appropriate in some areas.

Establishing and implementing water quality limits and thresholds need to be set so assessments can be undertaken to assess the level of effects associated with land

intensification.

Relief sought: Retain the Management Plan as notified.

Management Plans as part of resource consents for new dairy farm conversions will provide Council and the applicant a tool to assess and manage effects on the environment. The Management Plans will also provide farmers the flexibility to manage their activity in a manner best suited to achieving the outcomes they are seeking.

Insert an additional Method of Implementation that states that the Council will undertake work to set cumulative limits for all water bodies by 2024.

Submission Point: 07 - 36.4 Rules

Submission: The Director General supports this rule, standard and assessment criterion. A discretionary activity allows Council to fully consider the environmental effects of these activities.

Relief sought: Retain as notified.

Submission Point: 08 - 25.0 Definitions

Submission: Farming

The Director General of Conservation supports the inclusion of 'milk' in the farming definition.

New Dairy Farming

It is essential that the Council manages both the intensification of land use for example increase in the authorised cow numbers and/or any increase in the land holding area.

The definition refers to 'related activities' however the proposed Plan does not define related activities.

Relief sought: Farming

Retain the definition as notified.

New Dairy Farming

Retain the definition of new dairy farming and amend as follows:

Means a land based activity, having 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 (24 April 2013) and includes any increase in the area or intensity of an existing dairy farming operation.

Include the following related activities definition:

Means activities associated with any new dairy farming that are occurring on the same landholding as the milk platform and leased land contiguous with the milking platform, and includes:

- winter forage crop placement;
- winter grazing of forage crops or pasture;
- drainage development;
- wetland management;
- activities that affect significant indigenous ecosystems and habitats with indigenous biodiversity values or adversely affect their ecosystem services;
- sediment management
- contingency arrangements to address those risks to the farming system and water quality that would be posed by wet and dry periods;
- arrangements for stock exclusion from waterways and the margins of waterways;
- new and existing drainage networks (including sub-surface drains).

Submission Point: 01 - General

Submission: Fish and Game is generally supportive of Plan Change 27. While a number of water quality management principles are supported others are loosely defined or not extensive enough and are inconsistent with an integrated approach to managing the environment.

The effect on water quality is caused by either a direct or indirect discharge and any land use that is causing an effect or has the potential to do so should be treated the same.

Of particular concern is the effect on water quality given the lack of set limits for water bodies against which an assessment could be made.

Relief sought: The effects of land use intensification on water quality needs assessment of other or existing water quality issues from intensive land use including but not restricted to dairy farming. Potential contaminants other than nutrients also should be considered; particularly sediment in spring fed water bodies which are not flushed by regular floods.

To require the keeping of relevant records from all intensive land uses to be phased in over a relatively short period to inform the Council of what the current situation is. In addition, a consent requirement must be to fence off all water bodies from stock and ensure there are no stock crossings of water bodies, particularly those nominated in resource management plan schedules.

Submission Point: 05 - 11.3 Objectives and Policies

Submission: 11.3.1.10 - If an existing dairy farm is having an effect or potential for effect then it should be treated the same as any proposed new farm.

11.3.1.11 - using the words "no more than minor adverse effects" is problematic and needs revising. If an activity on its own is minor in effect it should not be consented if when combined with other cumulative effects it would cause water quality thresholds to be exceeded.

11.3.1.11(a) Does this include small drains, streams, creeks and wetlands, and those that may be ephemeral? This should include spring fed streams and other valuable streams such as those spawning streams on the North Bank or the Wairau.

11.3.1.11(b) "appropriate" buffer margins need to be defined/specified. This was debated for the Marlborough Sounds Plan more than ten years ago.

Relief sought: 11.3.1.10 - This requirement should be applied to existing dairy or new other intensive farms as well.

11.3.1.11 - Environmental water quality limits and thresholds need to be set and measured against which any application can be measured to assess whether the effects are minor or not.

11.3.1.11(a) Appropriate measure to prevent stock access to water bodies need to be defined as do the rivers, lakes and wetlands to which this would apply.

11.3.1.11(b) Buffer margins of 20 m for large rivers like the Wairau, 10 m for habitat streams such as Mill Stream or spawning streams, and 5 m for other streams. This should be a condition of consent of new developments, as it is to be required under the new Dairy Accord.

11.3.1.11 (c) "sufficiently sized" storage ponds need to be defined/specified as to their size in proportion to both the scale of the farm and the nature of the receiving environment including the ultimate receiving water bodies.

11.3.1.11 (d) "Appropriate" separation distances need to be defined/specified as to their distance.

11.3.1.11 (e) both provision of and adherence to the nutrient management plan should be a condition of consent, with the information in such a plan verifiable and able to be audited by a third party process, or the Council.

Submission Point: 06 - 11.4 Methods of Implementation

Submission: If management plans are to be the means to ensure compliance, they need to be necessary

rather than just encouraged.

Relief sought: Replace "encouraged" in the first sentence on water quality management plans with "required". Land users will need to keep monthly records suitable for use with models such as Overseer, such as when, what, where and how much fertiliser is applied, stock is run on areas and those areas are irrigated. All land users will be required to keep such records, or the runoff from their activities assessed conservatively (i.e. it is assumed that their leaching is high for their activity type). This would encourage use of verifiable and audited nutrient management plans to show actual nutrient losses.

Submission Point: 07 - 36.4 Rules

Submission: The plan change needs to be applied to existing dairy farms to ensure that they are not affecting water quality.

Relief sought: 36.4 - Application must be made for a Resource Consent for a Discretionary Activity for the following:
- dairy farming.

36.4.3.15 - Dairy Farms

36.4.3.15.1 Standards

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

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

Phillip J Woolley - Submitter #: 6

Submission Point: 01 - General

Submission: The submitter opposes the proposed plan change for the following reasons.

1. Section 32 of the Resource Management Act 1991 has not been complied with.
2. Loss of property rights under the proposed rules
3. The Council has signalled itself as having all the skill and knowledge to determine such plan changes, without having determined the effects on the environment or of any concept of the operation of a dairy farm in any particular location.
4. Council has set itself up as a judge and jury without any quantification of effects on the environment.

Relief sought: The submitter proposes the following rules:

1. That the establishment of a new dairy farm be a conditional activity.
2. That the conditions of consent be the term and condition of supply as found in the Fonterra terms and condition of supply.
3. That best practice for the industry be based on data produced by Dairy NZ.

Statement 2 and 3 will allow for the developments in technology and data to be incorporated into the plan as they become known.

Sharon Parkes - Submitter #: 7

Submission Point: 01 - General

Submission: The submitter feels that the existing farms have enough compliance with Fonterra and Marlborough District Council now.

As long as Marlborough District Council consents and compliances are the same and not greater than "Fonterra".

Relief sought: We do not need a "90 day storage" statement for Marlborough farms must be compliant with FDE and GMP. Every farm is different, and with a "Farm" Plan even with "New" conversion the recognition of problems can be seen early in the process.
