

Wairau/Awatere Resource Management Plan

Plan Change 62 – New Dairy Farms

Submissions Summary

May 2013

Submission Summary - Wairau/Awatere Resource Management Plan - Plan Change 62 - New Dairy Farms - By Name

Marlborough Province of Federated Farmers of NZ (Michael Bennett) - Submitter #: 1

Submission Point: 01 - General

Submission: Federated Farmers opposes Proposed Plan Change 62 to the Wairau/Awatere 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 62 to the Wairau/Awatere Resource Management Plan.

If the plan is not withdrawn amend Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan, as sought in the remainder of our submission.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 62 to the Wairau/Awatere 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 62 to the Wairau/Awatere 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 62 to the Wairau/Awatere 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 62 to the Wairau/Awatere 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 62 to the Wairau/Awatere 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 62 to the Wairau/Awatere 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: 04 - 12.2.2 Objectives and Policies

Submission: Federated Farmers oppose the additional clause 12.2.2.3.7 (b) to Objective 12.2.2.3

The efficacy of riparian setbacks is variable, and does not on its own reliably improve water quality.

Improvements achieved by excluding stock from riparian margins are limited by the topography and climate.

Relief sought: Delete additional test to Objective 12.2.2.3

If Objective 12.2.2.3 is adopted, 12.2.2.3.7 (b) from additional text to Objective 12.2.2.3:

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

Submission Point: 10 - 30.4.1 Rules

Submission: Federated Farmers opposes the addition to Rule 30.4.1 which makes new dairy farming a discretionary activity rule.

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 62 to the Wairau/Awatere 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.

Department of Conservation (Anna Cameron) - Submitter #: 2

Submission Point: 03 - 12.2.1 Issue

Submission: The Director General of Conservation supports the intent of this amendment. However dairy farm effluent run off could be interpreted to only catch effluent from dairy sheds. The purpose of this plan change is to capture non-point discharges/contaminants associated with dairy farming activities.

Relief sought: Remove the word effluent from the underlined text of 12.2.1.14.

'Dairy farm run off'.

Submission Point: 04 - 12.2.2 Objectives and Policies

Submission: Objective 12.2.2.3.6

The Director-General of Conservation supports the requirement for land use consents to be obtained for the establishment and operation of any new dairy farm operation.

Objective 12.2.2.3.7

The Director General Supports the intent of this objective.

The objective restricts Council's assessment to the adverse effects of new dairying activities to surface and ground water quality. The groundwater definition excludes groundwater associated with wetlands and the surface water definition excludes water associated with the coastal environment. The objective therefore does not address the potential adverse effects on wetlands and the coastal environment.

12.2.2.3.7(a) the submitter believes the objective would be more effective if it was more direct and required fencing, culverts and bridges to prevent stock entering or crossing rivers,

Objective 12.2.2.3.7(b) the objective would benefit from being drafted more directly and 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.

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.

Relief sought: Objective 12.2.2.3.6

Retain as notified

Objective 12.2.2.3.7

Retain and amend as follows:

Objective 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, 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 the 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, groundwater, coastal water and wetland quality.

Submission Point: 05 - 12.2.3 Methods of Implementation

Submission: The Director General of Conservation supports the amendment to identify 'dairy farming' as an activity that requires a discretionary consent and supports the additional text added to the explanation text.

Relief sought: Retain as notified the reference to 'dairy farming' within the rule Method of Implementation,

the reference to the management plans and the text insert into the explanation text after the methods in 12.2.3.

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

Submission Point: 06 - 12.4.1 Issue

Submission: The Director General of Conservation supports the amendment to this Issue to identify 'water quality' as a resource that needs to be managed appropriately with regard to certain activities.

Relief sought: Retain as notified.

Submission Point: 06 - 12.4.1 Issue

Submission: Objective 12.4.2.3.6

The Director-General of Conservation supports the requirement for land use consents to be obtained for the establishment and operation of any new dairy farm operation.

Relief sought: Objective 12.2.2.3.6

Retain as notified

Submission Point: 07 - 12.4.2 Objectives and Policies

Submission: Objective 12.4.2.3.7

The Director General Supports the intent of this objective.

The objective restricts Council's assessment to the adverse effects of new dairying activities to surface and ground water quality. The groundwater definition excludes groundwater associated with wetlands and the surface water definition excludes water associated with the coastal environment. The objective therefore does not address the potential adverse effects on wetlands and the coastal environment.

12.2.2.3.7(a) the submitter believes the objective would be more effective if it was more direct and required fencing, culverts and bridges to prevent stock entering or crossing rivers,

Objective 12.2.2.3.7(b) the objective would benefit from being drafted more directly and 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.

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.

Relief sought: Objective 12.4.2.3.7

Retain and amend as follows:

Objective 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, 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 the 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, groundwater, coastal water and wetland quality.

Submission Point: 08 - 12.4.3 Methods of Implementation

Submission: The Director General of Conservation supports the amendment to identify 'dairy farming' as an activity that requires a discretionary consent and supports the additional text added to the explanation text.

Relief sought: Retain as notified the reference to 'dairy farming' within the rule Method of Implementation, the reference to the management plans and the text insert into the explanation text after the methods in 12.4.3.

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

Submission Point: 09 - 12.9 Anticipated Environmental Results

Submission: The Director General of Conservation supports the addition to the Anticipated Environmental Results.

Relief sought: Retain as notified.

Submission Point: 10 - 30.4.1 Rules

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

Relief sought: Retain as notified.

Submission Point: 11 - 26.0 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 62 (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 ecosystems 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).

Nelson/Marlborough Fish and Game Council (Neil Deans) - Submitter #: 3

Submission Point: 01 - General

Submission: Fish and Game is generally supportive of Plan Change 62. 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: 03 - 12.2.1 Issue

Submission: It could be argued that the objective provisions only apply to those parts of the property or the times in which dairy shed effluent was being discharged.

Relief sought: This addition should not refer to 'dairy farm effluent runoff' but to 'farm development or intensification'.

Submission Point: 04 - 12.2.2 Objectives and Policies

Submission: 12.2.2.3.6 - 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.

12.2.2.3.7 - 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.

12.2.2.3.7(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.

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

Relief sought: 12.2.2.3.6 - This requirement should be applied to existing dairy or new other intensive farms

as well.

12.2.2.3.7 - 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.

12.2.2.3.7(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.

12.2.2.3.7(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.

12.2.2.3.7 (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.

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

12.2.2.3.7 (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: 05 - 12.2.3 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 - 12.4.2 Objectives and Policies

Submission: 12.4.2.3.6 - 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.

12.4.2.3.7 - 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.

12.4.2.3.7(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.

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

Relief sought: 12.4.2.3.6 - This requirement should be applied to existing dairy or new other intensive farms as well.

12.4.2.3.7 - 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.

12.4.2.3.7(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.

12.4.2.3.7(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.

12.4.2.3.7 (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.

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

12.4.2.3.7 (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: 10 - 30.4.1 Rules

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

Relief sought: 30.4.1 - Application must be made for a Resource Consent for a Discretionary Activity for the following:
- Dairy farming.

30.4.3.12 - Dairy Farms

30.4.3.12.1 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.

30.4.3.12.2 Assessment Criteria

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

DairyNZ (James Ryan) - Submitter #: 4

Submission Point: 01 - General

Submission: DairyNZ opposes Plan Change 62 on the basis that the dairy sector is already implementing an ambitious range of initiatives that will meet the underlying objectives of the proposed plan change.

The submitter has included information on dairy sector initiatives and programmes to help inform and address environmental issues in farm decisions making. A copy of the Sustainable Dairying: Water Accord is attached to the submission.

Relief sought: Marlborough District Council are reviewing the Marlborough Regional Policy Statement, the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan, and working to a programme to implement the National Policy Statement for Freshwater Management. DairyNZ feel that it is more appropriate for the underlying issues in Plan Change 62 to be addressed through these processes which would enable them to be dealt with in a more integrated manner.

Philip J Woolley - Submitter #: 5

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.
