

# ORC Omnibus Plan Change - Plan Change 8

Submission Reference no: 12

Gillian I Marshall, Marshalls Redfern Partnership (Gillian Marshall)



**Submitter Type:** Not specified

**Source:** Email

## Overall Notes:

### Clause

Are you a trade competitor?

### Position

I am a person who would not gain an advantage in trade competition through this submission

### Notes

### Clause

What are you submitting on? You can submit on specific parts of Plan Change 8 or the whole plan change.

### Position

I am submitting on specific parts of the plan change (please detail below).

### Notes

Please see attached written submission

### Clause

The specific parts of the plan change that my submission relates to are:

### Notes

Please see attached written submission

### Clause

What is your view on the Plan Change 8 or the specific parts listed above? Please select one, if you have multiple views state clearly in the notes box below.

### Position

Oppose

### Notes

Oppose, or alternatively support with suggested amendments. Please see attached written submission

### Clause

The reason(s) for my views are:

### Notes

Please see attached written submission

### Clause

What decision would you like the Environment Court to make?

### Position

Decline the plan change

### Notes

or, alternatively with amendments. Please see attached written submission

### Clause

The reasons form my view and/or any amendment(s) I am seeking are:

### Notes

Please see attached written submission

**Clause**

Do you wish to be heard in support of your submission? All submissions will be considered by the Environment Court. Please indicate if you wish to be heard in support of your submission.

**Position**

I wish to be heard in support of my submission

**Notes****Clause**

Please indicate your choice(s) below. If you do not indicate your intention to call experts, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Environment Court might make.

**Position**

If others make a similar submission I/we would consider presenting a joint case with them at a hearing

**Notes****Clause**

Authority to act:

**Position**

I confirm I have the authority to sign this submission on behalf of the submitter

**Notes**

**The submitter have elected to withhold their personal details from publication.**

## **Submission on behalf of Marshalls Redfern: Gillian Marshall**

### **Background**

We are a small family owned 162 hectare hill country sheep and beef farm. We have 500 in lamb ewes and a small beef herd. We supplement our income by winter grazing 300 dairy cows for two dairy farmers on the Taieri plains and have done so since we purchased this farm in 2014. We worked extremely hard in order to be in a position to purchase our own farm and it only survives financially because we have the two separate income streams and we can be flexible in the way we select and manage our pastures and summer and winter crops. My husband also has to work off farm for part of the year in order to make ends meet. We consistently produce lamb and beef of the highest weights and quality. We have low nitrogen leaching and have always worked well below the limits that have now been set. We are Platinum suppliers to Alliance and are Farm Assured. We are passionate about animal health and the limited ecological impact we have.

### **General impact of these Plans and Plan Changes**

New Zealand's dry stock sector survives because of its ability to be creative, adaptable and flexible. Family owned and managed farms are the leaders in the industry and staunch supporters of their local rural communities and have the unwavering desire to do what is best for their land, water, stock and community. These provisions are eroding of all these. They provide a framework with rules and regulations that have a "one fits all" approach, taking no account of the differing farming sectors and systems: placing the large corporate dairy syndicates in the same basket as the small sheep and beef producer; the low emission, low leaching farms are treated the same as the high emitting systems; the low lands are treated exactly the same way as hill country properties. In practice, we have very little in common. This "one fits all" approach has a significant detrimental effect. It ties our hands behind our backs by removing that essential flexibility, adaptability and creativity.

Farms such as ours will not survive. Whilst we are all trying to make a difference and improve our farming practices in order to achieve the Government and local strategic goals, we cannot continue to run our farms if the rules and regulations mean we become unprofitable.

In our immediate area we have already lost five farms to forestry plantation. More will go with the introduction of these rules. Ours will certainly be among them if we are not granted discretionary resource consent for winter dairy grazing. Whilst we strive to manage our farm within the conditions imposed upon us, the discretionary nature of the resource consent makes our future farming life very uncertain.

### **We are submitting on specific parts of Plan Change 8**

**We oppose the following changes, for the reasons set out below and therefore decline Plan Change 8 or, alternatively, Approve Plan Change 8 with suggested amendments**

1. **Discharge policies under Rule 7 which relates to Rule 12C Other Discharges Rules 7D5(b),(d) (ii) and (f):** the introduction of the following word or words: **"particular sensitivity", "any any receiving water", "ongoing reduction", and "avoided"**.

The definitions of and/or limitations provide too wide a discretion in interpretation.

For example: there are areas on our property which could fall within these definitions, but have no or very little ecological value. These definitions could be interpreted to include natural stock water storage ponds which on hill country properties are essential for animal welfare in order to ensure access to water if the stock water supply to troughs is interrupted or cut off completely.

This needs to be redefined to provide clarity and remove stock water ponds from the definition.

The word “ongoing” means forever, without any bottom line. This is unachievable. Impractical. Bottom lines need to be provided for clarity of obligation.

The word “avoided” means “no”. This is too restrictive and gives neither farmer nor decision maker any discretion. It seems contrary to the overall purpose by ensuring there is in fact no discretion. There should be scope to take account of work done to negate negative impacts.

### **Desired outcome**

The Environment Court delete these changes or alternatively amend them to provide clarity and achievable limitations.

2. **Rule 7D6(a):** The 10 year consents together with the grand parenting provisions adversely penalise already low nitrogen leaching farms and takes from us any flexibility.

For example: our farm survives because we have diversified and raise lamb, beef and winter dairy cows. We are currently low N users and thus low N leachers. These provisions mean that we will be unable to be flexible and adapt our systems by putting in new or different crops, take on more stock, add extra N in the event of drought or other adverse weather conditions. As we are low leachers we will not be able to do anything which increases that already low N number even though we already fall well below the required limits.

We do not use fertilizer unless it is essential, but we will be penalised for our good practices as we are placed under the same umbrella as high leachers. In practice, these already high leaching properties will have more scope than we do because they will be limited to their existing higher levels

### **Desired outcome**

The Environment Court delete the grand parenting provisions and permit flexibility within the limits that are already set.

3. **Part C Good Farming Practices and Part D Intensive Grazing Rules:**

The definition of “intensive grazing” does not differentiate between summer and winter crops which means that a significantly higher number of farms, if not all, will be required to apply for discretionary resource consent.

The definition should be limited to winter grazed cropping areas only where the risks are higher.

In considering whether or not to grant a discretionary resource consent, there should be a limited and well defined number of conditions to be met and it should not be extended to allow the decision maker to take account of any other matters outside this remit. To permit such a wide discretion provides no certainty and opens the door to allegations of unfairness and abuse of power.

*Rule 14.6.1.1(c)*: this takes no account of animal health and allows for no flexibility.

For example: in the event of severe adverse weather conditions, we would need the flexibility to graze stock in sheltered parts of the paddock, which would not necessarily comply with the absolute rule of grazing the paddock from top to bottom. If we are forced to only graze in this way then, in certain circumstances, it will be to the detriment of the stock we care for.

There should be recognition that there may on occasion be a requirement to graze in a different way that is necessary for the best interest of the stock.

#### **Desired outcome**

The Environment Court delete these provisions or amend to reflect the above.

#### 4. **Part F Sediment traps**

**Rule 13.5.1.10(d)**: sediment traps cannot be accessed by livestock.

This definition of sediment trap is too wide and can be interpreted to include natural stock water ponds and is also inclusive of sheep in the definition of stock.

Such ponds are essential for hill country sheep farmers particularly in the event of an interruption to normal stock water supply. Some neighbouring properties do not have the benefit of an alternative stock water supply and rely exclusively on these ponds in order to utilise their land effectively and efficiently. To prevent sheep access would have the effect of retiring this land from production.

#### **Desired outcome**

The Environment Court should amend to exclude sheep from this definition and/or exclude natural stock water ponds.