

ORC Omnibus Plan Change - Plan Change 8

Submission Reference no: 98

New Zealand Deer Farmers Association - Otago Branch (Richard Currie)

PO Box 10702, Wellington

6143

New Zealand

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Lindsay.Fung@deernz.org

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

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

Multiple views

Notes

Clause

What decision would you like the Environment Court to make?

Notes

see 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

From: Lindsay Fung <lindsay.fung@deernz.org>
Sent: Monday, 17 August 2020 3:25 pm
To: ORCplanchanges
Cc: Richard Currie - NZDFA Otago
Subject: Submission [New Zealand Deer Farmers Association - Otago Branch] ORC Plan Change (Omnibus)
Attachments: Submission_Form_Omnibus_Plan_Change_8 - NZDFA Otago - 2020-08-17 .docx;
Submission_Form_Omnibus_Plan_Change_8 - NZDFA Otago - 2020-08-17 .pdf

Please find attached the submission (as Word and PDF files) for the ORC Plan Change (Omnibus) on behalf of the New Zealand Deer Farmers Association - Otago Branch

Kind regards
Lindsay Fung



SUBMISSION FORM

6 July 2020

Otago Regional Council Omnibus Plan Change - Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago

This form is for making submissions on a change the Otago Regional Council (ORC) has prepared for the Regional Plan: Water for Otago. This plan change is one of two comprising the Omnibus Plan Changes (also known as the Water Quality Plan Change). The Omnibus Plan Change has been called in by the Minister for the Environment under section 142(2) of the Resource Management Act 1991 (RMA).

Plan Change 8 proposes to introduce a range of amendments targeting specific issues or activities known to be contributing to water quality issues in parts of Otago.

NB: Please use a **separate form** if you wish to make a submission on the other part of the Omnibus Plan Change - Plan Change 1 (Dust suppressants and landfills) to the Regional Plan: Waste for Otago.

This submission form includes guidance to aid the submitter. For more information on Plan Change 8, please refer to the Public Notice or further information on the EPA website:

www.epa.govt.nz/ORCplanchanges.

Where to get help preparing your submission

If you have any queries about making a submission or the plan change itself please contact the EPA by phone on 0800 401 673 or by email at ORCplanchanges@epa.govt.nz.

How to make a submission

Your submission on Plan Change 8 must be received no later than **5pm on Monday, 17 August 2020**.

You must also send a copy of your submission on Plan Change 8 to the ORC when you make a submission.

Submissions on Plan Change 8 can be made by either:

1. Using the online submission form on the EPA website under www.epa.govt.nz/ORCplanchanges
All submissions made online will automatically be forwarded to the applicant and the form includes a space to upload any supporting documents;

OR

2. Filling out this form and:

- a. Emailing it and any supporting information to ORCplanchanges@epa.govt.nz (if smaller than 10 MB) with the following subject line: Submission [Your Name] ORC Plan Change (Omnibus); OR
- b. Posting it and any supporting information to: Environmental Protection Authority, ORC Proposed Plan Changes, Private Bag 63002, Wellington 6140; OR
- c. Delivering it in person to the Environmental Protection Authority office on Level 10/215 Lambton Quay.

Submissions made on this form must be forwarded to ORC by either:

1. Emailing it and any supporting information to policy@orc.govt.nz (if smaller than 10 MB) with the following subject line: Submission [Your Name] ORC Plan Change (Omnibus);
2. Posting it and any supporting information to Otago Regional Council (attention Rachel Currie), Private Bag 1954, Dunedin 9054
3. Delivering it in person to Otago Regional Council (attention Rachel Currie), at any of the Otago Regional Council office:
 - Alexandra (William Fraser Building, Dunorling Street),
 - Dunedin (70 Stafford Street); or
 - Queenstown (Terrace Junction, 1092 Frankton Road).

Privacy statement

The personal information you provide on this form will be held by the EPA, 215 Lambton Quay, Wellington. It will be used by the EPA for the purpose of administering the public consultation aspects of the Omnibus Plan Change. Copies of your full submission will be provided to the Environment Court and the ORC, and your address for service may also be provided to other parties in the process. Other than your name, your personal contact information in Part A of this form will not be published on the EPA website.

Your name, the information in Part B of this form, and any attached information will be published on the EPA website, and made available to the Environment Court, the ORC and the public for use in the processing and consideration of the proposed WPPC.

By completing this submission form, you give the EPA permission to use the information for the purpose stated above. You have the right to access and correct personal information held by the EPA. All information held by the EPA is subject to the Official Information Act 1982. Note: If the submitter is a company, full business contact details will be published on the website.

Notes about your submission

Please note, your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission or (part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it is supported only by evidence that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter:
- it contains offensive language.

Part A

Submitter details

Name of organisation (if relevant):	New Zealand Deer Farmers Association - Otago Branch		
Title:	Mr Mrs Miss Ms Dr Other: <i>(Please tick the appropriate title)</i>		
First name of submitter:	Richard	Surname of submitter:	Currie
First name of contact person (if different to above):	Lindsay	Surname of contact person (if different to above):	Fung
Home Ph:		Work Ph:	
Mobile:	027 668 0141		
Email address for service:	Lindsay.Fung@deernz.org		
Postal Address (or alternative address for service):	PO Box 10702, Wellington	Postcode:	6143

Part B

Submitter Name: New Zealand Deer Farmers Association - Otago Branch

This is a submission on a matter in relation to which the Minister for the Environment made a direction under section 142(2) of the Resource Management Act 1991. The matter is **Water Plan Change 8**, part of the Omnibus Plan Change prepared by the Otago Regional Council.

If you require additional space for any question(s) please attach further documents or paper to this submission form and clearly state your name and the question(s) you are expanding on.

Are you a trade competitor?

Please select the appropriate option.

I am not a person who could gain an advantage in trade competition through this submission ✓	I am a person who would gain an advantage in trade competition through this submission and am directly affected by an effect of the plan change that adversely affects the environment and does not relate to trade competition or the effects of trade competition
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What are you submitting on?

You can submit on specific parts of Water Plan Change 8 or the whole plan change.

I am submitting on the whole of Plan Change 8	I am submitting on specific parts of Plan Change 8 (please detail below) ✓
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The specific parts of the matter that my submission relates to are:

Part A: Discharge policies (pages 6 and 7 of Proposed Plan Change 8)

- 7.D.5 (b) (d) - When considering any discharge under section 12.C, have regard to:
 - (b) The physical characteristics and any particular sensitivity of the land and any receiving water; and
 - (d) Any staged timeframe and any environmental management plan to achieve: (ii) The ongoing reduction of adverse environmental effects of the discharge
- 7.D.6 (a) - When considering applications for resource consent for discharges of nitrogen under Rule 12.C.3.2: Restrict the duration of resource consents to a term of no more than 10 years

Part B: Animal waste storage and application (pages 17 and 20 of Proposed Plan Change 8)

- 12.C.1.4 (a) (b) - Notwithstanding any other rule in this Plan, the discharge of animal waste, or water containing animal waste, from an animal waste system onto or into land is a permitted activity providing:
 - (a) The animal waste system is permitted under Rule 14.7.1.2;
 - (b) The discharge is not prohibited under Rule 12.C.0.4
- 14.7.1 Permitted activities: No resource consent required

Part D: Intensive Grazing (page 41 of Proposed Plan Change 8)

- 14.6.1 (d) - The use of land for intensive grazing is a permitted activity providing:
 - (d) A vegetated strip of at least 10 metres is maintained between the intensively grazed area and any water body, and all stock are excluded from this strip during intensive grazing

Part F: Sediment traps (page 53 of proposed Plan Change 8)

- 13.5.1.10 (d) – The sediment trap cannot be accessed by livestock;

What is your view on Plan Change 8 or the specific parts listed above?

Please select one, if you have multiple views state clearly in the comments box below.

Support	Neutral ✓	Oppose ✓
The reasons for my view(s) are:		
Part A: Discharge policies		
<ul style="list-style-type: none">• 7.D.5 (b) (d) - When considering any discharge under section 12.C, have regard to:<ul style="list-style-type: none">○ (b) The physical characteristics and any particular sensitivity of the land and any receiving water; and○ (d) Any staged timeframe and any environmental management plan to achieve: (ii) The ongoing reduction of adverse environmental effects of the discharge		
<p>We consider that the wording (“any particular sensitivity of the land or receiving water”) is very broad so can include land and water with no or low values for ecological, connectivity, stock/drinking supply, and recreational reasons.</p> <p>The “ongoing” reduction of adverse effects implies that there is no lower limit – so that activities to reduce impacts are required to continue even if the effects are not apparent in the wider catchment.</p>		
<ul style="list-style-type: none">• 7.D.6 (a) - When considering applications for resource consent for discharges of nitrogen under Rule 12.C.3.2: Restrict the duration of resource consents to a term of no more than 10 years		
<p>We note that in Plan Change 7 (deemed permits) only 6 year consent durations were allowed, and that Otago Regional Council will shortly develop a new regional plan. Allowing nitrogen discharges for up to 10 years effectively grandfathers the discharge for high leachers past the development of new regional plan. This therefore penalises other land users as there is less nitrogen for everybody else when calculating nitrogen discharge allocations in the new plan.</p>		

Part B: Animal waste storage and application

- 12.C.1.4 (a) (b) - *Notwithstanding any other rule in this Plan, the discharge of animal waste, or water containing animal waste, from an animal waste system onto or into land is a permitted activity providing:*
 - (a) *The animal waste system is permitted under Rule 14.7.1.2;*
 - (b) *The discharge is not prohibited under Rule 12.C.0.4*
- 14.7.1 *Permitted activities: No resource consent required*

We note that the focus of the policies and rules is on dairy shed effluent but also note that the definition of animal waste (*faeces or urine from any animal*) will include deer waste from over wintering barns or deer handling sheds.

Since the volume of waste generated for deer is very low and the period required for waste application is over a short duration and the application techniques can be quite different, we oppose the current wording of 12.C.1.4 as it could result in deer farmers having to apply for a consent for an activity which has much lower environmental risk than frequent disposal of large quantities of (dairy) effluent.

Part D: Intensive Grazing

- 14.6.1 (d) - *The use of land for intensive grazing is a permitted activity providing:*
 - (d) *A vegetated strip of **at least 10 metres** is maintained between the intensively grazed area and any water body, and all stock are excluded from this strip during intensive grazing*

We note that:

- i. Environment Southland specifies a minimum of 5 metres as a setback/vegetated and ungrazed strip.
- ii. Five metres is also recognised in the Environment Canterbury "*Winter forage crop grazing and wet weather management. Guidelines for FEP auditors*" that was released in 1 July 2020.
- iii. The recently announced National Environment Standards for Freshwater also specify a minimum of 5 metres.

We oppose the minimum requirement for 10 metres as this is inconsistent with other neighbouring regions with arguably equal or greater environmental risks from winter grazing.

Part F: Sediment traps

- 13.5.1.10 (d) – *The sediment trap cannot be accessed by livestock;*

Sediment traps are used widely in deer farms throughout the country. They require regular maintenance to remain effective. It is common therefore for sediment traps to have low fencing or no fencing so that accumulated sediment can be easily removed. This rule would effectively require sediment traps to have deer fencing erected around them, which would then result in reduced effectiveness over time as the sediment is unable to be cleared.

We oppose this requirement as it effectively discourages deer farmers from constructing an important mitigation tool or reduces the effectiveness of them unless a large area adjacent to the sediment trap is also excluded from deer.

What decision would you like the Environment Court to make?

Approve Plan Change 8	Approve Plan Change 8 with amendments ✓	Decline Plan Change 8
The reasons for my view and/or any amendments I am seeking are:		
<p>Part A: Discharge policies</p> <ul style="list-style-type: none"> 7.D.5 (b) (d) – Re-word to provide more clarity regarding the “priority” of values for any sensitivity of the land or receiving water, so that those areas with low values are not required to make reductions where these are not needed. Similarly clarify the extent that “ongoing” reductions of adverse are required to continue even if the effects are not apparent in the wider catchment. 7.D.6 (a) – Delete this clause <p>Part B: Animal waste storage and application (pages 17 and 20 of Proposed Plan Change 8)</p> <ul style="list-style-type: none"> 12.C.1.4 (a) (b) – Re-word to allow waste from deer wintering barns and deer handling sheds to be a permitted activity. 14.7.1 – Re-word to allow waste from deer wintering barns and deer handling sheds to be a permitted activity. <p>Part D: Intensive Grazing (page 41 of Proposed Plan Change 8)</p> <ul style="list-style-type: none"> 14.6.1 (d) – Amend the clause to read: “(d) A vegetated strip of at least 5 metres is maintained between the intensively grazed area and any water body, and all stock are excluded from this strip during intensive grazing” <p>Part F: Sediment traps (page 53 of proposed Plan Change 8)</p> <ul style="list-style-type: none"> 13.5.1.10 (d) – Delete this 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

<p>I do not wish to be heard in support of my submission</p>	<p>I wish to be heard in support of my submission ✓</p> <p>If others make a similar submission, I will consider presenting a joint case with them at the hearing ✓</p> <p>I intend to call an expert witness(es)</p> <p><i>(If you do not tick this box, 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)</i></p>
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Authority to Act

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

Signature: Lindsay Fung _____ Date: 17 August 2020