

ORC Omnibus Plan Change - Plan Change 8

Submission Reference no: 73

Courtney Nimmo



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

Oppose

Notes

Clause

What decision would you like the Environment Court to make?

Position

Approve the plan change with amendments

Notes

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

Authority to act:

Position

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

Notes

[REDACTED]

From: Courtney Nimmo [REDACTED]
Sent: Monday, 17 August 2020 4:59 pm
To: policy@orc.govt.nz; ORCplanchanges
Subject: Submission C Nimmo ORC Plan Change (Omnibus)
Attachments: Submission_Form_Omnibus_Plan_Change_8 (1).docx

Good afternoon
Please find attached my submission.

Kind regards
Courtney

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):			
Title:	Mr Mrs v Miss Ms Dr Other: <i>(Please tick the appropriate title)</i>		
First name of submitter:	Courtney	Surname of submitter:	Nimmo
First name of contact person (if different to above):		Surname of contact person (if different to above):	
Home Ph:		Work Ph:	
Mobile:	[REDACTED]		
Email address for service:	[REDACTED]		
Postal Address (or alternative address for service):	[REDACTED]	Postcode:	[REDACTED]

Part B

Submitter Name: Courtney Nimmo

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 <input checked="" type="checkbox"/>	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) <input checked="" type="checkbox"/>
The specific parts of the matter that my submission relates to are:	
Part A – Policy 7.D.6 Nitrogen grandparenting for high N emitters (p7)	
Part C – Policy 7.D.9 (b)(i) Progressive exclusion of stock from waterways (p33), and – Policy 7.D.9(d) stock exclusion from waterbody setbacks and bare soil restrictions (p34)	
Part D – Rule 14.6 Intensive Grazing permitted activity (p41), and – The Intensive Grazing definition (p43)	
Part E – Rule 13.5.1.8A(b) dairy cattle exclusion from waterways and setback distances (p47)	

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 v
The reasons for my view(s) are:		
<p>13.5.1.8A (b) states that from 2022, “all dairy cattle and pigs are excluded from the beds of lakes...”.</p> <p>(b) (ii) identifies the requirement for a set back from waterways of 5m. This does not align with the recently released Resource management (Stock Exclusion) Regulations 2020 which requires a 3m setback. We have made significant investment into fencing our property with setbacks based on science. I recommend that the plan change is aligned with the new regulations. It is also noted that the stock exclusion regulations do not come into effect until 1 July 2023, and I suggest that ORC consider aligning the timeframe of this policy to the national regulations. Now that we have National standard these need to align. There are also different definitions of rivers for the Otago Plan than national standards. Otago states “Continually flow rivers wider than a meter”. The NES states “a bed that is wider than 1 meter anywhere in a land parcel” but not specifying flow. These also need to align.</p> <p>I recommend that the policy is amended to the following:</p> <p>(b) from 2022 <u>July 2023</u></p> <p>(i) All dairy cattle and pigs excluded from the beds of lakes, continually flowing rivers wider than 1 metre and regionally significant wetlands; and</p> <p>(ii) where stock are excluded under (i), a setback of five <u>three</u> metres from the beds of lakes, continually flowing rivers wider than 1 metre and Regionally Significant Wetlands is implemented.</p> <p>Policy 7.D.6 - Discharge of Nitrogen</p> <p>It is not clear why ORC has adopted a maximum consent duration of 10 years for discharges of nitrogen. Restricting consents to 10 years across the board can unfairly impact some farmers who are meeting water quality standards and create uncertainty for farmers ability to operate which in turn can impact on decisions on investment for farm infrastructure. I would like the methodology of operative Policy 7.C.4 to remain as this policy allows discharge consents to be granted up to 35 years, 15 years or 5 years depending on the associated effect.</p> <p>I therefore recommends that Policy 7.D.6 is amended as follows:</p> <p>(a) Restrict the duration of resource consents to a term of no more than 10 years</p> <p><u>i. 35 years where the discharge will meet the water quality standard required to support that value for the duration of the resource consent;</u></p> <p><u>ii. 15 years where the discharge does not meet the water quality standard required to support that value but will progressively meet that standard within the duration of the resource consent; and</u></p>		

Policy 7.D.9 – Reducing Adverse Environmental Effects of Farming Activities

Based on the s32 report on Water-PC8, ORC use ‘intensive grazing’ synonymously with ‘intensive winter grazing’. However, for the avoidance of doubt and for consistency with other regions in New Zealand, and with conventional terminology found in higher order documents (such as the National Environmental Standards for Freshwater (‘NES-FW’)), I recommend amending the term ‘intensive grazing’ to be ‘intensive winter grazing’ and therefore recommend that Policy 7.D.9 be amended as follows:

- (c) Setting minimum standards for intensive **winter** grazing; and

Rule 14.6.1.1 – Rural land uses

Consistent with comments on Policy 7.D.9, I recommend adopting the terminology ‘intensive **winter** grazing’ in place of ‘intensive grazing’. Additionally, I recommend reducing the size of the vegetated strip required around water bodies to 5 metres, for consistency with other regions and the NES-FW. Accordingly, Rule 14.6.1.1 be amended as follows:

The use of land for intensive winter grazing is a permitted activity providing:

- (a) The total cumulative area of the landholding used for intensive **winter** grazing is the lesser of:

- (i) **100** hectares; or **[note the NES states 50ha]**

- (ii) 10% of the total cumulative area of the landholding.

- (b) There is no intensive winter grazing in any critical source area; and

- (c) Stock are progressively grazed (break-fed or block-fed) from the top of a slope to the bottom of a slope; **unless alternative directions of feeding can be shown to have a lesser effect on waterways than top down. Some paddocks due to shelter, topography etc are more suitable to being grazed across to reduce losses.**

- (d) A vegetated strip of at least **40-5** metres is maintained between the intensively grazed area and any water body, and all stock are excluded from this strip during intensive winter grazing.

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:		

AMMEND Part A – Policy 7.D.6 Nitrogen grandparenting for high N emitters (p7) robust scientific review and consultation with farmers needs to be undertaken

AMMEND Part C – Policy 7.D.9 (b)(i) Progressive exclusion of stock from waterways (p33), and – Policy 7.D.9(d) stock exclusion from waterbody setbacks and bare soil restrictions (p34) To reflect best practice and what is practical in South Otago.

AMMEND Part D – Rule 14.6 Intensive Grazing permitted activity (p41), and – The Intensive Grazing definition (p43) to align with NES

AMMEND Part E – Rule 13.5.1.8A(b) dairy cattle exclusion from waterways and setback distances (p47) to align with NES

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

I do not wish to be heard in support of my submission

I wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at the hearing

I intend to call an expert witness(es)

(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)

Authority to Act

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

Signature: _____ c nimmo _____ Date: _____ 14/8/20 _____