

ORC Omnibus Plan Change - Plan Change 8

Submission Reference no: 102

Pomahaka Water Care Group (Lloyd McCall)



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.

Notes

see submission

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

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: Craig Simpson <craig.simpson@landcare.org.nz>
Sent: Monday, 17 August 2020 4:04 pm
To: ORCplanchanges
Subject: Submission on Otago Omnibus Change
Attachments: Submission_Form_Omnibus_Plan_Change_8.docx; Signature page.pdf

Good afternoon,

Please find a copy of the Pomahaka Water Care Group's submission on the Omnibus Plan Change.

Nga mihi,

Craig Simpson | Otago Regional Coordinator



M +64 27 286 4611

E craig.simpson@landcare.org.nz | **W** www.landcare.org.nz | Agresearch Private Bag 50034 Mosgiel 9053
Invermay Agriculture Research Centre; Room 4 Wing A, 159 – 183 Puddle Alley Mosgiel 9092

Tena koutou, this e-mail message (and attachments) may contain information that is confidential to New Zealand Landcare Trust [NZLT]. If you are not the intended recipient you cannot use, distribute or copy the message or attachments. In such a case, please notify the sender by return e-mail immediately and erase all copies of the message and attachments. Opinions, conclusions and other information in this message and attachments that do not relate to the official business of NZLT are neither given nor endorsed by the organisation.

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):	Pomahaka Water Care Group		
Title:	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other: <i>(Please tick the appropriate title)</i>		
First name of submitter:	Lloyd	Surname of submitter:	McCall
First name of contact person (if different to above):		Surname of contact person (if different to above):	
Home Ph:	NA	Work Ph:	027 248 9090
Mobile:	027 248 9090		
Email address for service:	lloyd@m90fs.co.nz		
Postal Address (or alternative address for service):	PO Box 10, Tapanui	Postcode:	9522

Part B

Submitter Name: Pomahaka Water Care Group

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 <input type="checkbox"/>
---	---

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 <input type="checkbox"/>	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:

Provision 12.C Other discharges

Provision 14.7 Animal Waste Systems

Schedule 18 Schedule of storage pond drop test requirements and criteria

Schedule 19 Schedule of progressive implementation of animal waste storage requirements

Provision 7.D Policies for discharges of water and contaminants, excluding those discharges provided for in 7.C

Provision 14.6 Rural land uses

Provision 13.5 Alteration of the bed of a lake or river, or of a Regionally Significant Wetland

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 <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>
The reasons for my view(s) are:		
Provision 12.C Other discharges		
Position Support in part		
Reasoning:		
We believe there should be criteria around slurry application rates and transferring effluent via slurry tanker or muck spreader from one farm to another.		
Example: Effluent from a cow wintering facilities being transferred off farm.		
Solution: Include some provisions to help control this practice.		
Provision 14.7 Animal Waste Systems		
Position Support in part		
Reasoning: 14.7.1.1(a) We support the criteria surrounding the need for animal waste ponds to be of sufficient storage capacity and sized according to the Dairy Effluent Storage Calculator.		
14.7.1.1(b)(iv) We support the criteria requiring a Suitably Qualified Person to inspect and certify existing ponds, however we feel there is some confusion as to what level of certification is required.		
14.7.1.1(c) (i) We support the use of a pond drop test, however we would prefer this to be every five years as a minimum, and this align to discharge consenting period renewals .		
Example: Pond drop tests being undertaken every three years introduce added expense to the farm operation (\$3,500 plus per test). Provided that ponds are inspected and drop test shows no sign of leakage, we believe a five year timeframe would be ample		
Solution. Clarify the level of certification required in 14.7.1.1 (b)(iv).		
Change provision 14.7.1.1(c)(i) to require pond drop test every five years, or to align with consenting period renewals.		
Schedule 18 Schedule of storage pond drop test requirements and criteria		
Position Support in part		
Reasoning: We support this schedule in part, however question the requirement for the pond to be de-sludged in the 12 months prior to the test being undertaken, believing this introduces an unwarranted cost to the landowner.		

Example: To fully de-sludge a pond can be very expensive. Many existing large ponds have not been constructed to be easily de-sludged. The environment will be better off with large storage capacity that passes the drop test than minimum sized ponds whose capacity would be challenged in rain events. If the pond passes the drop test without being de-sludged this should be sufficient to illustrate there is no pond leakage.

Solution: Remove this requirement or clarify it so the pond only needs to be emptied sufficiently to allow a visual assessment as to its integrity.

Schedule 19 Schedule of progressive implementation of animal waste storage requirements

Position Support in part

Reasoning: We support this schedule as a simple system to prioritise the requirement to obtain consents.

We believe there should be a structured process to identify at risk ponds rather than leaving it to the land owner to self regulate their need for obtaining a consent. This could be simply done as part of the Regional Council's annual effluent compliance check. This would also allow the identification of at risk ponds requiring consents to be promoted up the queue.

Solution: Establish a process to identify at risk ponds.

Provision 7.D Policies for discharges of water and contaminants, excluding those discharges provided for in 7.C

Position Support

Reasoning: We support the intent of this provision to *Enable farming activities while reducing their adverse environmental effects.*

Provision 14.6 Rural land uses

Position Support in part

Reasoning: We support the intent of this provision, however believe the provisions need some clarification and should align with the newly introduced National Environmental Standards.

Examples where this provision should align with NES:

14.6.1.1 *"The land used for intensive grazing is a permitted activity"* – NES 'intensive winter grazing'

14.6.1.1(a) *"The total cumulative area of the landholding used for intensive grazing is the lesser"* – NES "area of the farm"

14.6.1.1(a)(i)(ii) 100 hectares or 10% of the landholding whichever is lesser – NES 50 hectares or 10% of the area of the farm, whichever is greater

14.6.1.1(b) There is no intensive grazing in any critical source area, this is not included in the NES, and we have no knowledge of scientific research proving this. Research undertaken through Pastoral 21 suggest GMP strategies to manage these areas and we believe these should be encouraged through this Plan. We would also support the use of other mitigation measures such as straw bales and sediment cloth.

14.6.1.1(c) Having a rule requiring the feeding of crops from the top of a slope to the bottom does not at times allow for the practicalities of minimising sediment movement, providing shelter or having a safe work environment. Feeding across a face with adequate buffer at the bottom before a waterway would allow for stock to return to shelter and have clean lying area at the top of the slope. There is significant risk feeding supplements and moving troughs down a hill.

14.6.1.1(d) Vegetated strip of at least 10 metres – NES 5 metres. We believe this should reflect slope of land and the intensity of the operation, but should none-the-less align with NES.

Example: There is confusion how this rule applies to one owner who runs three dairy platforms, but has one large runoff acting as one property for the three dairy platforms. This farmer may not have enough area for winter crops.

Some farmers use either brassicas, beet or root vegetables as summer crops and these it appears are inadvertently caught up in these provisions.

Solution: Amend this provision to align with NES.

Clarify “landholding” or align with NES “area of the farm”

Remove 14.6.1.1(b) There is no intensive grazing in any critical source area, and instead introduce GMP provisions with the intent, to graze critical source areas lightly and when conditions are suitable as indicated through scientific research (Mongahan *et al.*2017).

Provision 13.5 Alteration of the bed of a lake or river, or of a Regionally Significant Wetland

13.5.1

Position Support in part

Reasoning: We support the intent of this provision, however believe this should align with the newly introduced Resource Management (Stock Exclusion) Regulations 2020

Examples where this provision should align with NES. 13.5.1.8A(b)(ii) a setback of five metres – NES 3 metres.

Note 13.5.1 Note 1 a continually flowing river is considered to be wider than 1 metre if the river is wider than 1 metre at any point within the boundary of a landholding at its annual fullest flow without overtopping its banks. NES uses the term ‘*wide river means a river (as defined in the Act) with a bed that is wider than 1 metre anywhere in a land parcel.*’

We believe this provision should also include livestock classes as per the NES.

We believe this provision should include intensity of grazing, and slope as per the NES.

Solution: Ammend this provision to align with NES.

Provision 13.5.1.10

Position Support in part

Reasoning: We support the provision to construct and maintain a sediment trap in ephemeral or intermittently flowing rivers as a permitted activity with the provisions as provided. We would also support their placement in perennial waters with additional guidance.

13.5.1.10(e) we do not believe this provision is necessary for the functioning of a sediment trap, and adds ambiguity to the provision.

Example: A sediment trap may only be one third full, still functioning as it should, with conditions suitable for sediment extraction, this provision would encourage removing the “build-up” of sediment “as soon as practicable”, which introduces cost to the landowner when the sediment trap has capacity for further sediment capture.

Solution: Remove 13.5.1.10(e)

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:

As outlined above

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 <input type="checkbox"/></p>	<p>I wish to be heard in support of my submission <input checked="" type="checkbox"/></p> <p>If others make a similar submission, I will consider presenting a joint case with them at the hearing <input checked="" type="checkbox"/></p> <p>I intend to call an expert witness(es) <input type="checkbox"/></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>
--	---

Authority to Act

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

Signature: _____ Lloyd H. McCall _____ Date: 17 August, 2020

As outlined above

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

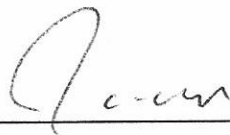
I intend to call an expert witness(es)

(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: _____



Date: _____

17/8/2020