



Recommendation and decision on notification of resource consent application(s) under sections 95-95G of the Resource Management Act 1991 (RMA)

The application

Particulars

| | |
|--|--|
| Applicant: | South Dairy Limited |
| Consents sought: | <ol style="list-style-type: none"> 1. Land Use Consent – to use land for farming 2. Land Use Consent – Existing Agricultural Effluent Storage Facilities 3. Land Use Consent – Feed Pads 4. Discharge Consent – Discharge of Agricultural Effluent 5. Water Permit – Abstraction of Groundwater |
| Application reference: | APP-20191128 |
| Site address or location: | 11 McConachie Road, Winton |
| New consent(s) for new activity(ies) (s88) | <input checked="" type="checkbox"/> |
| New consent(s) for existing activity(ies) (s88) | <input checked="" type="checkbox"/> |
| Change to conditions of existing consent(s) (s127) | <input type="checkbox"/> |
| Activity status | Discretionary |

Overall, the status of the application is a **Discretionary Activity**.

Recommendation and decision

Officer's recommendation

The applicant was issued with two requests for further information under s92(1) of the RMA. The first request was responded to in full within the statutory timeframes. The second request was issued on the 19 August 2019 with the deadline for response being 6 September 2019. The applicant did not respond to this request within the statutory timeframes nor did they seek an extension to respond.

The request for further information related to the effects of the activities occurring on the run-off/wintering blocks that make up the proposal. The effects on these blocks are of most concern. As a response was not received, I do not have sufficient information to make a determination as to the level of effects of the proposed activities.

As a response to the request issued under s92(1) was not received within the statutory timeframes the application must be publically notified under section 95C(2)(1) as directed by s95A(3)(b) of the RMA.

| | | |
|------|---|-------------------------------------|
| 10.1 | The application be processed non-notified | <input type="checkbox"/> |
| 10.2 | Public notification is required | <input checked="" type="checkbox"/> |
| 10.3 | The application be placed on hold while the applicant tries to obtain written approvals from the affected persons | <input type="checkbox"/> |
| 10.4 | Limited notification is required. Persons to be served notice are those listed in 8.2 | <input type="checkbox"/> |



Alex Erceg
Consents Officer

Date: 9 September 2019

Decision under Delegated Authority

| | | |
|------|---|-------------------------------------|
| 11.1 | I agree with the recommendation | <input checked="" type="checkbox"/> |
| 11.2 | The application will be processed non-notified | <input type="checkbox"/> |
| 11.3 | The application will be publicly notified | <input checked="" type="checkbox"/> |
| 11.4 | The application shall be placed on hold while the applicant tries to obtain written approvals from the affected persons | <input type="checkbox"/> |
| 11.5 | The application will be limited notified. The parties to be served notice are those listed in section 8.2 | <input type="checkbox"/> |

This decision is made under delegated authority by:



Michael Durand
Consents Manager

Date: 9/9/19

The Proposal

Current Operations

The applicants own and operate two existing dairy platforms, South Dairy 1 and South Dairy 2, whereby the discharge of effluent and abstraction of groundwater is authorised by Resource Consents (AUTH-20147281-01-V1, AUTH- 20171302-01) and (AUTH-20147281-02, AUTH-20171302-02) respectively. These have expiry dates of 5 December 2019 and 31 May 2028 respectively. South Dairy 2 also operates under Land Use Consent AUTH-20171302-04 which will also expire on 31 May 2028 and authorised the

Notification memorandum

expansion of the dairy platform. The expansion authorised under that consent is yet to be fully undertaken. The applicants also own a 7ha support block which was initially a sheep block and has been transitioned into dairy support. Also utilised by the applicants are three run-off blocks, which are used for production of supplementary feed, grazing of young/dry/support stock and the intensive winter grazing/winter grazing on pasture of all stock.

s124 – Exercise of Resource Consent While Applying for New Consent

The applicants current Resource Consents AUTH-20147287-01-V1 (Discharge Permit) and AUTH-20147281-02 (Water Permit) expire on 5 December 2019. The applicants lodged their application on 26 July 2019. As this was less than 6 months prior to the expiry of those consents s124 rights are not automatically granted. The applicant has made no application for s124 rights, as such they currently have no s124 rights for those consents.

The application

The proposal seeks, as stated in the application;

“The application seeks to create one combined global dairy platform made up of the total area of the three existing properties. The global dairy platform will be serviced by the two existing dairy sheds and will allow for flexibility in the way the current infrastructure is able to be managed to make best use of the dairy shed capabilities and off-paddock infrastructure. As a result, the application seeks to apply for a suite of “global” consents across these three adjoining properties. Despite the transition from individual dairy platforms to a larger combined dairy platform, the application results in:

- *No change in the total number of cows milked on the dairy platform*
- *No change in the total number of cows wintered on the landholding*
- *No change in the total number of young stock numbers on the landholding*
- *A 7ha increase in dairy platform land area as a result of including the neighbouring support block.”*



Figure 1: Proposed Landholding (Taken from application)

Particulars of the Proposal

| Discharge Permit Details: | |
|---|---|
| Replacement of consent no. | AUTH-20171302-01 and AUTH-20147281-01-V2 |
| Number of dairy cows | 1250 |
| Type of milking shed | Rotary Shed (SD2) and herringbone shed (SD1) (Long term plan for replacement of rotary shed) |
| Winter milking? | No. Other than slipped cows |
| Wintering barn? | Herd home for 340 cows located at SD2 – covered, underground bunkers |
| Feed pad/stand off pad? | Feed pad for 750 cows at SD1 – uncovered, concrete, scraped Calving pad for 170-300 cows at SD1 – uncovered, gravel base |
| Other sources of effluent? | Stock underpass – not constructed yet but in future plans Silage pads -one located at SD1 and one located at SD2 |
| Effluent treatment | SD1 - FDE: gravity from shed, sludge bed/weeping wall, effluent storage pond Feed pad: Scraped to sludge bed, liquids via concrete saucer Calving pad: Liquid drained to liquid effluent system via concrete saucer, solids scraped and gravel washed at end of season Silage leachate: directed to liquid effluent storage facility |
| | SD2 – FDE: gravity from shed, concrete saucer, sludge bed/weeping wall, effluent storage pond or from existing tanks Wintering shed: Stored in underground bunkers, liquid to effluent storage system Silage leachate: gravity to effluent storage system |
| Storage available (m ³) | SD1 – 6,384m ³ existing pond for liquid effluent 660m ³ in sludge bed/weeping wall for slurry effluent SD2 – 5,545m ³ existing pond for liquid effluent 33m ³ in existing tanks for liquid effluent 348m ³ in sludge bed/weeping wall for slurry effluent 854m ³ in wintering shed bunkers for slurry effluent |
| Storage required (m ³) according to DESC report | SD1 – 5,954m ³ for liquid effluent 652m ³ for slurry effluent SD2 – 5,038m ³ for liquid effluent 1081m ³ for slurry effluent |
| Disposal area (ha) | Liquid effluent: 288ha discharge area Slurry effluent: Approx. 130ha being the remainder of dairy platform outside of the approved liquid effluent discharge area |
| Irrigator proposed | Low rate pods, slurry tanker, muck spreader, umbillical system and travelling irrigator |
| Application rate and depth | Pods: Max application rate 10mm/hr Travelling irrigator: Maximum depth per application of 8 mm. Total annual application depth of 25 mm Slurry tanker, muck spreader: 5mm depth per application maximum. Umbillical system: 10mm depth per application maximum |
| Monitoring proposed | Groundwater every 6 months |

The applicant seeks a continuation of the groundwater abstraction from bores:

- E46/0024 located at NZTM2000 1241737 4871899 and on Sec 79 Blk IX New River HUN and
- E46/0747 located at NZTM2000 1241678 4873831 and on Sec 51 Blk I Winton HUN

The applicant is applying for:

Daily Volume= 150,000 L/day over the 300-day milking season (1 August – 31 May approx.)

Daily Volume= 36,400 L/day over the 65-day winter period (1 June – 1 August approx.)

Annual Volume = 47,366m³

The proposed abstraction rate during the 300-day milking season of 150,000 L/day equates to a rate of take of 120 L/cow/day broken down as 50 L/cow/day for shed wash down water and 70 L/cow/day for stock drinking water for the 1250 cows on the property.

| Property Details under the proposal | |
|-------------------------------------|---|
| Property owner(s) | South Dairy Ltd – dairy platform and Browns |
| Legal Description | <p>Dairy Platform Sections 49, 51, 52, and 53 Block I Winton Hun Section 11 Block II Winton Hun Lot 2 DP 377137 Part Sections 25, 26, 47 and 48 Block I Winton Hun Sec 14, 15, 16 and 19 Block IX New River Hun Sec 79, 80 and 81 Block IX New River Hun Part Sec 18 Block IX New River Hun Lot 5 DP 363069 Lot 10 DP 363069</p> <p>Crow Rd: Lot 1, 6, 7 and 8 DP 401113</p> <p>Browns: Sec 17, 18 and Pt Sec 19 Block III Winton Hun</p> <p>Cameron Rd: Lot 2 DP 439014 Lot 2 DP 494160 Lot 2 and 3 DP 474318 Lot 1 and 2 DP 304455</p> |
| Property area (ha) | <p>Dairy platform: 435ha total, 418ha effective Crow Rd: 50ha total, 49ha effective Browns: 63ha total, 62ha effective Cameron Rd: 100ha total, 94ha effective</p> |
| Location | <p>Dairy platform: NZTM2000 1241701 4872031 (SD2 dairy shed) NZTM2000 1241673 4873824 (SD1 dairy shed)</p> <p>Crow Rd: TM2000 1242589 4875777</p> <p>Browns: NZTM2000 1245196 4878869</p> <p>Cameron Rd: NZTM2000 1245287 4874117</p> |
| Proposed land use | Expanded dairy platform to include 7ha new neighbouring block Continuation of runoff block activities on Crow Rd, Browns and Cameron Rd runoff blocks – no change to extent of runoff blocks |
| Peak cows | 1250 |
| Stocking rate | 2.9 cows/ha |

The Proposal in “Layman’s Terms”

Section 6.2 of the application (page 24) provides an overview of the proposal in layman’s terms. To fully understand the true extent of what the applicant is proposing, it is necessary to consider this section. I acknowledge the significant investment the applicant has put into the properties over the recent years which will continue under the proposal. A large portion of this proposal is around the better use of infrastructure over the landholding creating the need for the global consent. I also acknowledge for the proposal to be achievable the applicant requires a large amount of flexibility within any Resource Consents should they be granted.

An important point made in the application is:

“It needs to be understood that the adaptive/flexible/fluid farm system described above is something new which is being trialled. The applicants are confident it will be a good fit for the farm in the long term and therefore are committing to seeking global consents to ensure the proposal is appropriately consented. The resulting consents will need to be worded and structured to ensure the flexibility the applicants are seeking is maximised as much as practically and reasonably possible.”

Public notification consideration

Public Notification is required as the applicant did not respond to a request for further information issued under Section 92(1) of the Resource Management Act 1991. within the statutory timeframes.

The existing environment

The existing environment is explained in detail in the application. This description is not in dispute and is adopted.

One omission from the description of the existing environment in the application is a Registered Drinking Water Supply at Lochiel School which is approximately 286m west of the dairy platform. This has been assessed in response to a further information request issued under s92(1).

Effects and Issues

Adverse effects of the proposed activities on the environment

Consideration of the following effects is required:

- effects on water quality, including potential for contamination of groundwater and surface water, and effects on sources of human drinking water;
- effects on water quantity (including stream depleting effects);
- cumulative effects;
- soil health; and
- odour.

The contaminant pathways on the landholding are largely overland flow and artificial drainage to surface water, with some risk to groundwater via deep drainage, especially during drier periods.

The proposal details a flexible farming activity that involves instances where stock numbers are transferred/moved around blocks of land, including between dairy platforms and runoff blocks. This creates a transfer of effects between these locations and also creates situations where higher stock numbers are concentrated on smaller blocks of land within the landholding. Instances of this are proposed to occur generally during the winter period, where contaminant loss is of even higher risk due to increased adverse weather conditions. It is noted that Overseer modelling shows a decrease in Nitrogen and Phosphorous losses over the proposed combined dairy platform, however some of this decrease can be attributed to the larger land area which includes the combining of two smaller dairy platforms to form one platform and the inclusion of the new 7 hectare block. The application itself accepts that some of the proposed activities could result in a concentration of activity at certain times of the year, which is likely to result in short periods where isolated losses would increase.

The effects of most concern related to this application include, but are not limited to, the effects on water quality and soil health and the effects arising from the run-off/wintering activities.

Adverse effects that have been disregarded

Consideration has been given to section 95D, which requires that effects in relation to the following circumstances must be disregarded:

- Parties who own or occupy the land or adjacent land;
- Effects outside the scope of restricted discretion;
- Trade competition; or
- Effects on a party who has provided written approval.

Council may also disregard an adverse effect if a rule or national environmental standard permits an activity with that effect.

Effects on parties who own or occupy adjacent land have been disregarded from this consideration of effects on the environment. Effects on specific parties are considered in sections 6-8 below.

Planning provisions (policies and objectives) relevant to adverse effects

Currently the Southland Regional Council is working with three regional plans, the operative Southland Water Plan, the RELAP and the proposed Southland Water and Land Plan (decisions version). As the adverse effects of the activity relate largely to the use of land I have focused my attention on the pSWLP and the land use activity.

There is clear policy direction in the pSWLP that water quality should be maintained or improved. This is particularly relevant to the land use component of the application. The main relevant policy is Policy 16, which requires that applications to intensify dairy farming are generally not granted where the adverse effects cannot be avoided or mitigated. Policies 13 and 15A-C require that land use is managed to maintain or improve water quality dependent on the state of the receiving environment. In regards to the proposed activities, there should be an improvement in water quality.

Conclusion: significance of adverse effects on the environment

The significance of the adverse effects on the environment of the proposed activities are uncertain. A further information request was issued to address this, however at the time of writing this report, a response had not been received and as such a determination as to the level of effects of the proposed activities has not been made.