

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

Summary

Under s95A(2)(a) and s95C(2)(b) the application must be publicly notified as requested by the applicant.

As the applicant has requested the application to be publicly notified, and because the Applicant refused to provide further information on the application under s92.1 relating to the further assessment of pSWLP Policy 16 as to how contaminant losses will be 'minimised', no determination is required to be made as to the significance of adverse effects of the proposed activities.

The application

Particulars

Applicant:	Paul Turner for Paul Turner Farm Trust
Application reference:	APP-20242761
Site address or location:	237 Sinclair Road, Opio
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"/>

Abbreviations

pSWLP	- proposed Southland Water and Land Plan (Court version May 2024)
RWP	- Regional Water Plan
P	- Phosphorus
N	- Nitrogen
Ha	- Hectares
m ³	- Cubic metres (1 cubic metre = 1,000 litres)
m ²	- Square metres

The proposal

Paul Turner, representing the Paul Turner Farm Trust (the applicant), owns and operates an existing farm at Opio in Western Southland. The farm is 229.7 hectares (ha) (220ha effective area) and includes a dairy milking platform (160ha effective area) with runoff and cut and carry blocks (60ha effective area). The Applicant has agreed to purchase an adjoining 35ha sheep and beef block, and at the same time has agreed to sell part of their existing dairy farm to a neighbour. The resulting exchange of land and farming system will result in a 57 hectare increase in the effective size of the Applicants dairy milking platform from 160 hectares to 217 hectares (effective area). The Applicant is also proposing to increase the milking herd from 450 cows to 550 cows. As such, the Applicant is seeking to modify existing consents to reflect the new farm boundary and farming systems and to apply for a new land use and discharge consent to increase the milking operation and milking platform and to authorise the incidental discharge of contaminants from farming. Figures 1 to 4 below illustrate the current farm operation, the proposed land transfers, and the resulting expanded dairy farm.



Figure 11 The current farm boundary (includes both the dairy platform and runoff/cut and carry blocks)



Figure 22 The dairy platform on 3 June 2016 authorised under rule 20 (pSWLP). The South East (purple) and North East Blocks (pink) were part of the dairy platform on 3 June 2016. The North East Block (pink) has since been sold however.



Figure 33 Proposed new dairy platform after all land transactions have been completed (red and purple land). Current farm (red), lease relinquishing/land being sold (yellow), and area being added (purple).



Figure 44 Proposed new dairy platform after all transactions are completed

Table 1 below demonstrates the land area changes, and the proposed 57 hectare increase in the size of the dairy platform from 160 hectares to 217 hectares (effective area).

Table 11 Overview of current and proposed land areas of the farm

Current	Area ha
Dairy Land Owned	113
Dairy Land Leased	47
Total Dairy	160
Other Leased	60
Total Current	220
Proposed	Area ha
Currently Owned Dairy	113
Currently Leased Dairy	47
Sell 22 ha Dairy	-22
Other Leased land	60
Relinquish lease 16ha	-16
Buy 35 ha	35
Total Proposed Dairy	217

Summary of the proposal is as follows:

- Proposing a new land use consent for expanded dairy farming which includes:
 - increasing the dairy platform by 57ha (from 160ha to 217ha effective area)
 - increasing the milking herd by 100 cows (from 450 cows to 550 cows)
 - including dairy support stock including bulls and replacement heifers
 - removing all winter forage crop from the farming system
 - continuing to use two self-feeding silage feed pads as authorised by AUTH-20233661
- Proposed new discharge consent to authorise incidental discharges from farming activities.
- Modify and replace the existing permits to reflect the new farm boundary and increased cow numbers:
 - Discharge Permit AUTH-20211674-01-V1 which currently authorises the discharge of agricultural effluent from a dairy shed servicing 450 cows via low-rate pod system, travelling irrigator, umbilical system and slurry tanker.
 - Water Permit AUTH-20211674-02 which currently authorises the take and use of 66,600L/day and 21,379,000L/year of groundwater for stock drinking, dairy shed washdown and domestic house use.
 - Increase the water take to 83,300L/day and 23,582,952L/year to include seasonal allocation for 550 dairy cattle and other stock classes on farm to meet their expected water demands.
- To vary a land use consent (AUTH-20233661) authorising the use of two self-feeding silage pads by including an additional month (May) for their use.
- The Applicant has requested a consent term of 15 years.

The applicant has requested public notification of the application.

FDE discharge permit	
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Relevant rule(s)	pSWLP: Rule 35(c): Discretionary
Cow numbers	Current: 450 cows Proposed: 550 cows
Stocking rate (cows/ha)	2.5
Winter milking proposed?	no
Other sources of effluent?	Self-feeding silage pads: Pad 1 (2,275 m ²) Pad 2 (1,925m ²)
Effluent disposal area (ha)	Current: 202 ha Proposed: 189.7 ha
Irrigation method	Low-rate pod, low-rate travelling irrigator, slurry tanker and an umbilical system
Application rate and depth	Low-rate effluent application methods: <ul style="list-style-type: none"> - Classification B soils: not exceeding the rate of 10 mm/hour and not exceeding the depth of 25mm per application; - Classification C soils: not exceeding the rate of 10mm/hour and not exceeding the depth of 10mm per application. High-rate effluent application methods: <ul style="list-style-type: none"> - Slurry tanker, not exceeding the depth of 5 mm per application; - An umbilical system, not exceeding the depth of 10 mm per application.
Storage available (m ³)	6,198 m ³
Massey pond calculator 90% storage requirement (m ³)	5,455 m ³
Monitoring proposed?	Inspections as per consent conditions

Water permit	
Relevant rule(s)	RWP: Rule 23 (c) – Restricted Discretionary pSWLP: Rule 54 (a) – Permitted
Source of water (bore or watercourse)	Bore D45/0037
Groundwater zone/name of watercourse	Upper Aparima
Aquifer type (for groundwater takes)	Terrace
Rate of take (L/s)	2 L/s
Freshwater storage onsite? How much?	2 tanks with total capacity of 60 m ³
Daily volume (m ³ /day)	Current: 66.6 m ³ /day Proposed: 83.3 m ³ /day
Consistent with 140 L/cow/day and 45L/dry stock/day (Reasonable use of water for stock water and dairy use established in Appendix L.4 of the pSWLP)?	No. However, the proposal meets the permitted baseline of rule 54(a) in the pSWLP as the daily water take is less than 86 m ³ /day.
Consistent with 95 L/cow/Year and 30L/dry stock /year (Reasonable use of water for stock water and dairy use established in Appendix L.4 of the pSWLP)?	No. However, the proposal meets the permitted baseline of rule 54(a) in the pSWLP as the daily water take is less than 86 m ³ /day.

Yearly volume (m ³ /year)	Current: 21,379.5 m ³ /year Proposed: 23,582.952 m ³ /year
Discretionary allocation (m ³ /year)	RWP: 93,000,000 m ³ /year pSWLP: 56,930,000 m ³ /year
Amount currently allocated (m ³ /year and % of discretionary allocation)	RWP: 2,915,317 m ³ /year (3%) pSWLP: 5,382,921 m ³ /year (9.5%)

Land use consent	Expanded dairy farm
Relevant rule(s)	pSWLP: Rule 20(c) – non-complying
Dairy platform increasing in size?	Yes, by 57ha
Peak milking cow number increasing?	Yes, from 450 to 550
IWG proposed?	No (8ha of IWG will be removed)
OverseerFM predicted change in average N/loss/ha	22% reduction in Nitrogen losses
OverseerFM predicted change in average P/loss/ha	5% reduction in Phosphorus losses
Mitigations (Outside of OverseerFM nutrient budgets)	<ul style="list-style-type: none"> • 250 metres of riparian planting • Slope dairy lanes away from waterways

Discharge consent	Incidental discharges from farming activities
Relevant rule(s)	RWP: Rule 3 – Discretionary

Land use consent variation	Self-feeding silage pads
Relevant rule(s)	RMA s127
Proposed change	To add an additional month (May) for the use of two self-feeding silage pads

Overall, the application is a **non-complying** activity.

Public notification consideration

1. Is notification mandatory?

1.1 Has the applicant requested that the application be publicly notified? (s95(3)(a))	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Application must be publicly notified. Go to 10.2 Go to 1.2
1.2 Was further information, or commissioning of a report, requested under s92?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Go to 1.3 Go to step 2.1
1.3 If yes, was the request refused, or did the applicant fail to respond or fail to provide the information by the deadline?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Public notification is required by s95C. Go to 10.2 Go to step 2.1

2. Is notification precluded?

2.1 Is each activity subject to a rule or NES that precludes public notification?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rule(s): <input type="text" value="enter rule"/> Go to 4.1 Go to step 2.2
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2.2 Is each activity a controlled activity?	<input type="checkbox"/> Yes	Application must not be publicly notified unless there are special circumstances. Go to 4.1
	<input checked="" type="checkbox"/> No	Go to 3.1

3. Is notification required?

3.1 Are any of the activities subject to a rule or NES that requires notification?	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
	<input type="checkbox"/> No	Go to 3.2
3.2 Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? (see Note)	<input type="checkbox"/> Yes	Application must be publicly notified. Complete 3.3 and go to 10.2
	<input type="checkbox"/> No	Complete 3.3 and go to 4.1.

Note: In forming this opinion (a) to (e) apply:

- (a) we must disregard any effects on persons who own or occupy the land on which the activity will occur or any land adjacent to that land (section 95D(a));
- (b) we may disregard an adverse effect of the activity if a rule or NES permits an activity with that effect (subject to Policy 36 of the pSWLP) (95D(b));
- (c) in the case of a restricted discretionary activity, we must disregard any adverse effects that do not relate to the matters over which the rule or NES restricts discretion (95D(c));
- (d) we must disregard trade competition and the effects of trade competition - 95D(d); and
- (e) we must disregard any effect on a person who has given written approval - 95D(e)

3.3 Reasons adverse effects on the environment are less than minor / minor / more than minor

The existing environment

Adverse effects of the proposed activities on the environment

Consider the effects with regard to the environment and sensitivities that you've outlined in the previous section

Adverse effects that have been disregarded

Conclusion: significance of adverse effects on the environment

4. Special circumstances and public notification

4.1 Do special circumstances exist in relation to the application that warrant the application being publicly notified?	<input type="checkbox"/> Yes	Application must be publicly notified. Explain reasons in 4.2 and go to 10.2
	<input type="checkbox"/> No	Explain reasons in 4.2. If each activity is a controlled activity go to 10.1. Otherwise go to 5.1

4.2 Reasons why special circumstances do or do not exist

Affected Parties and Limited Notification

5. Protected Customary Rights Group or Customary Marine Title group

5.1	Is the activity in the coastal environment, within an area where it may adversely affect a protected customary rights group(s) or a customary marine title group(s) (see s95G)?	<input type="checkbox"/> Yes	Go to 5.2
		<input type="checkbox"/> No	Go to 6.1
5.2	May the activity have adverse effects on a protected customary right carried out in accordance with the requirements of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011?	<input type="checkbox"/> Yes	The customary rights group(s) is an affected customary rights group(s). Application must be limited notified on them. Record in 5.3 and go to 6.1
		<input type="checkbox"/> No	Go to 6.1

5.3 Adversely affect a protected customary rights group(s) or a customary marine title group(s):

List the parties

6. Statutory Acknowledgement Areas

6.1	Is the activity on or adjacent to, or may it affect, a statutory acknowledgement area?	<input type="checkbox"/> Yes	Go to 6.2
		<input type="checkbox"/> No	Go to 6.3
6.2	Are the adverse effects on Te Rūnanga o Ngāi Tahu minor or more than minor?	<input type="checkbox"/> Yes	Include TRONT in 8.2 and go to 6.3
		<input type="checkbox"/> No	Go to 6.3

6.3 Reasons why adverse effects on Te Rūnanga o Ngāi Tahu are less than minor, minor or more than minor:

Include explanation or NA and go to 7.1

7. Is limited notification precluded?

7.1	Is each activity subject to a rule, NES or regulation that precludes limited notification?	<input type="checkbox"/> Yes	Go to 9.1
		<input type="checkbox"/> No	Go to 8.1

8. Are any people adversely affected?

8.1	Are the adverse effects on a person minor or more than minor (but not less than minor)?	<input type="checkbox"/> Yes	Go to 8.2
		<input type="checkbox"/> No	Go to 8.3

8.2 Person(s) considered to be adversely affected (complete and go to 8.3)

Person	Effect on person (see Note)
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Note: In forming this opinion (a) to (c) apply:

- (a) We may disregard an adverse effect of the activity on the person if a rule or an NES permits an activity with that effect; and
- (b) We must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- (c) Must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

8.3 Reasons why no other person is considered to be adversely affected

9. Special Circumstances – Limited Notification

9.1 Are there special circumstances that warrant limited notification of any other persons?	<input type="checkbox"/> Yes	Application must be limited notified to those persons and any other affected persons. Go to 9.2
	<input type="checkbox"/> No	Go to 10

9.2 Reasons special circumstances exist and persons to be notified

Recommendation and decision

10. Officer's recommendation

Public notification is required, at the request of the applicant.

10.1	The application be processed non-notified	<input type="checkbox"/>
10.2	Public notification is required/recommended	<input checked="" type="checkbox"/>
10.3	The application be placed on hold while the applicant tries to obtain written approvals from the affected persons. If they are not obtained, the application will be limited notified.	<input type="checkbox"/>
10.4	Limited notification is required. Persons to be served notice are those listed in 8.2	<input type="checkbox"/>



Ryan Hodgson
Senior Consents Officer

Date: 8 April 2025

Decision under Delegated Authority

11.1	I agree with the recommendation	<input 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. If they are not obtained, the application will be limited notified.	<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:



Lacey Bragg
Consents Manager

Date: 10 April 2024