



Consent advice for replacing your dairy effluent discharge

For those not changing cow numbers or size of milking platform above what you had on 3 June 2016.

If you have an established dairy farm and your consent to discharge your agricultural effluent is due to expire, then there are a few things you need to know about getting that sorted under the proposed Southland Water and Land Plan.

If you are planning on increasing your cow numbers or adding additional land to your milking platform, please see factsheet on *New or expanded dairy farming*.

Under the proposed plan, you will need a consent if you have more than 20 cows (or 100 of another type of animal); or if you can't meet the other permitted activity criteria in Rule 35(a).

The suitability of existing effluent storage ponds is now controlled by Rule 32D – more information can be found in factsheet on *Existing effluent storage*.



Activity status

The consent activity status of your application will determine what we need to consider when we are processing your application. That will depend on:

Getting in early

By getting your consent application in at least 6 months before it expires, you gain continuance rights automatically. Council can also choose to give you continuance rights if you lodge your replacement application at least 3 months before your existing consent expires. In these circumstances, your application will be restricted discretionary.

Using buffer distances

You won't have continuance rights if you lodge your application less than three

months before your existing consent expires. In this case, your application will be discretionary if you are proposing to comply with the buffer distances in the rule (shown in the box). These distances are likely to be the same as those in the conditions of your current consent.

Quality of information in the application

Your application will be non-complying if you do not have continuance rights and are not proposing to meet the buffer distances outlined in the rule. This means that your application will need to demonstrate that either the effects of the discharge are not more than minor, or that it is consistent with Council's policies.

Buffer distances for agricultural effluent:

- 20 metres from any lakes, rivers, wetlands, or other waterways
- 20 metres from each property boundary
- 100 metres from a bore
- 200 metres from neighbours' houses and public buildings eg. schools, churches

Preparing your application

The level of information that we will need in your application has not changed as a result of the changes made to the plan, but you may notice that our application forms ask for more detail now than when you last applied for consent.

The main questions that you will need to gather information on for your application are:

Do I have enough effluent storage?

You'll see that the application form asks for a Dairy Effluent Storage Calculator report. This programme was developed by Massey University, and uses climate data and soil types along with information about your dairy farm to show whether there is enough storage. The information you put into the calculator will need to match what you are applying for, and may be specified on the consent as a condition. The report identifies a 90% volume which is what we look for when we assess the size of the pond required in your application.

Is the pond suitable for ongoing use?

Even though the use of your existing effluent pond is covered under another rule, your application will need to include either evidence that the pond is a permitted activity or an application for consent under Rule 32D. The factsheet on *Existing effluent storage* has more detail on what evidence will be required to show whether or not you will need consent.

The use of a storage pond helps to minimise the effects of discharging effluent by storing it when weather and/or soil conditions are not suitable for discharge. We therefore need to be satisfied that the pond is suitable for this purpose to be able to grant a discharge permit.

What are the risk factors for the discharge?

Your application should include a description of the environment and what the risks of this environment are for the discharge of effluent. Part of this requires knowing what the key contaminant pathway is for your property. This is done by looking at the physiographic zones, which can be found for your property on our online GIS mapping service, Beacon.

There are nine physiographic zones around Southland based on water origin, soil type, geology and topography. Each zone is different in the way contaminants build up and move through the soils and aquifers, and into streams and rivers. Each physiographic zone explains the main contaminant pathway for that zone, which will be one of the following:

- Overland flow;
- Artificial drainage (tile drains); or
- Deep drainage (nutrient leaching to groundwater).

Knowing the contaminant pathways for the physiographic zone(s) on your property will allow you to determine whether the main risk of effluent discharge is to surface waterways or groundwater.

You can also find out detailed information about the properties of the soils on your farm through the Topoclimate Soils layer on Beacon.

What does Council look at when they are processing my application?

When we process an application, it is the objectives and policies from the plans that guide our position on the effects that might occur from the activity. When you are preparing your application you should look at these policies and let us know if your discharge will be in line with these. For example:

Policy 17: This policy sets out four criteria for agricultural effluent systems and discharges:

- Design, construct, and locate systems appropriately and in accordance with best practice;
- Maintain and operate effluent systems in accordance with best practice guidelines;
- Avoid any contamination of water (including through ponding, run-off, or tile drains) resulting from the discharge of effluent to land; and

- Avoid the discharge of effluent directly to water.

Your application will need to show that your system complies with these criteria. Overall, this policy requires that there are no significant adverse effects on water quality, and that any other adverse effects on the environment are avoided or otherwise remedied or mitigated.

You should also have a look at the physiographic zone policies:

While the physiographic zones are not within the effluent discharge

rules, there are policies specific to each physiographic zone. These policies generally require that good management practices are used to manage effects on water quality for the contaminant pathways for that physiographic zone. Your application will need to show what good management practices you are putting in place to manage effects on water quality in relation to the discharge of effluent., The conditions of your consent may reflect these good management practices.



Other activities that may require consent

Typically, applications to replace existing dairy discharge consents include an application for consent to take water and may also include other activities such as constructing a new effluent storage pond. If you need to replace your existing dairy discharge consent soon, we recommend thinking about other activities that you might need consent for. You can apply for as many activities as you need to in one application, but it isn't possible to add more activities to the application after it has been lodged.

Other types of effluent

You might have other sources of agricultural effluent on your farm, such as from feed pads, silage pads, or underpasses. If you are discharging this effluent directly to land and not via your effluent storage pond, you may be able to do this without consent. Factsheet ## explains the circumstances in which you can discharge these types of effluent without consent. If the effluent will be put into your effluent storage pond and discharged with your dairy shed effluent, the feed pad, silage pad, or underpass effluent can be included as part of your application to be authorised under the dairy discharge consent.

Water - the proposed Southland Water and Land Plan allows for larger amounts of water to be taken without consent. The factsheet on *Taking and using water* gives more detail about the circumstances that you might be able to take water for your

farm without consent.

Effluent pond construction, maintenance, and use - you may need consent to construct new effluent storage, or for the ongoing use of an existing effluent storage pond. Factsheets on *Existing effluent storage and New agricultural effluent storage* provide more detail about our rules relating to effluent storage.

Land uses - the proposed Southland Water and Land Plan allows for multiple different uses of land to be authorised on one consent. The factsheets listed below give more detail on different types of land uses which may require consent:

- Expanded dairy farming to add more cows or additional land
- Intensive winter grazing
- Cultivation

Useful links

Environment Southland's mapping service Beacon: www.gis.es.govt.nz

The information provided is based on Rule 35 in the decisions version of the proposed *Southland Water and Land Plan*, April 2018.

If you're thinking about making a change to your farming activity, it's important to remember what the proposed Southland Water and Land Plan is striving towards. Don't forget to address the objectives and policies

alongside the relevant rules when you are making an application for resource consent. The objectives and policies are the key drivers of the rules and need to be considered carefully.