

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on the Notified Resource Consent Application to Discharge Storm-water by Invercargill City Council (APP-201688843)

BY **FEDERATED FARMERS OF NEW ZEALAND
INCORPORATED**

(SOUTHLAND PROVINCIAL DISTRICT)

Submitter

TO **ENVIRONMENT SOUTHLAND**

Local authority

**BRIEF OF EVIDENCE OF DARRYL ALLAN SYCAMORE ON BEHALF OF FEDERATED FARMERS OF NEW
ZEALAND INCORPORATED (SOUTHLAND PROVINCIAL DISTRICT)**

FEDERATED FARMERS OF NEW ZEALAND INC

Southland Provincial District

PO Box 176

INVERCARGILL 9840

- 1 My name is Darryl Allan Sycamore.
- 2 I am a Senior Regional Policy Advisor for Federated Farmers of New Zealand (Federated Farmers), and have held this position for 4 months.
- 3 I hold the qualification of Bachelor of Science from the University of Otago and am a Member of the New Zealand Planning Institute. I have over 14 years experience as a resource management practitioner, covering roles with the Dunedin City Council, Otago Regional Council and the West Coast Regional Council.
- 4 Prior to my employment with Federated Farmers, I was employed as a Planner for over 9 years at the Dunedin City Council (DCC). At the Otago Regional Council, I was employed for three years as a Resource Consents Officer, initially considering all forms of consent applications before specialising as the principal officer processing consents for the management and remediation of activities associated with the mining industry, municipal landfills and contaminated sites. At the West Coast Regional Council I was employed for two years as a Compliance Monitoring Officer, dealing primarily with dairy farm management and all aspects of the coal and gold mining industry.
- 5 I am also one of eight appointed Guardians of Lakes Manapouri, Monowai and Te Anau. The Guardians make recommendations to the Minister of Conservation on matters arising from the environmental, ecological and social effects associated with hydro-electric power generation in Lakes Te Anau-Manapouri and Monowai. We oversee the implementation of management plans that guide the operation of those schemes by Meredian Energy Limited and Pioneer Generation Limited.
- 6 I am part of the Federated Farmers Regional Policy team that represents the needs and interests of our farming members throughout New Zealand. We have significant experience in the implementation of the Resource Management Act 1991 and its effects on farmers. My role includes preparing submissions and further submissions on regional and district planning issues, and supporting our members to effectively represent their own interests in planning matters.

7 For the purpose of clarity, I was not associated with, or employed by Federated Farmers of New Zealand at the time the submission was lodged on behalf of Federated Farmers .

General Submission

8 Federated Farmers welcomes the opportunity to submit on the resource consent application from Invercargill City Council discharge storm-water and contaminants to surface water.

9 Federated Farmers of New Zealand is a voluntary, primary sector organisation representing farming members and their families. Federated Farmers has a long history of representing the needs and the interests of New Zealand's farming communities, primary producers and agricultural exporters.

10 Federated Farmers aims to add value to its members' farming business by ensuring that New Zealand provides an economic and social environment within which our members can operate their business in a fair and flexible commercial environment.

11 The following comments are representative of member views and knowledge of the management of natural resources. It is important that it is not viewed as a single submission, but rather as a collective that represents the opinions and experiences of our members, and in particular those members who live and farm within the Oreti catchment.

12 We acknowledge that Invercargill City must discharge storm-water. However, we cannot support the application as notified. The proposed Water and Land Plan process is not yet complete and Southland is soon to commence the limit-setting process. As such, we consider it inappropriate for Environment Southland to approve a discharge consent with a 35-year term prior to completion of these significant processes.

13 The community conversations around water quality and quantity needed to inform the Freshwater Management Unit processes outlined in the Water and Land Plan have yet to take place. Freshwater values, objectives, and potential limits have not been considered.

- 14 The *National Policy Statement for Freshwater Management* (NPS-FM) requires values, objectives and limits to be set for each freshwater management unit in Southland. Limit-setting in the Oreti catchment is scheduled to begin in 2018, and at this stage, it is unknown whether the catchment is over or under-allocated.
- 15 This process will provide the crucial information needed to inform and provide context to any application to discharge water and contaminants to surface water from Invercargill's storm-water system.
- 16 Currently, the total nutrient loads in Southland surface water bodies are not known, therefore we do not know whether Southland water resources are over or under-allocated. To approve a 35-year term in these circumstances would simply be irresponsible.
- 17 Environment Southland's 'Water Quality in Southland' booklet published in October 2015 shows that there are issues with Invercargill's water quality. The LAWA website shows that the Otepuni Stream at Nith Street is below the national bottom line for *E.coli*, and is in the worst 25% of like sites for nitrogen. Storm-water discharges from Invercargill City undoubtedly contribute to the water quality in the lower part of the Oreti catchment.
- 18 Federated Farmers is concerned that the Oreti catchment may be found to be over-allocated, and therefore limits established in the catchment will require dischargers to either reduce contaminant levels within their discharges or employ mitigation options to reduce the adverse effects of discharges.
- 19 Even if the Oreti catchment is not over-allocated, water quality in the catchment must be maintained under the NPS-FM. Limits will still need to be established to achieve maintenance, and ICC's storm-water discharges will affect where the limits are set, especially if raw sewage cannot be eliminated from the discharges.

- 20 We note the analysis in the s42A report in terms of the significant catchment load¹, and are naturally disappointed at the lack of forward planning by the City with respect to the aged piped network (being the approximate 9% or 37km that is 100 years old or more). Equally, the lack of enforcement action by Environment Southland has allowed the City to turn a blind eye to the magnitude of the issue.
- 21 Our membership is under no illusion that the RMA is applied with kid-gloves to regulatory authorities in comparison to the farming community. That is despite the primary sector directly contributing more to the GDP² than any other region on a percentage basis.
- 22 To illustrate, the City discharges on average 102kg/ha/year of total N and 16.25kg/ha/year of total P directly to water. Neither the RMA nor the receiving environment discriminates what the source of a pollutant and this discharge is significant by any standard. No farm in Southland would ever be granted a resource consent for such significant nutrient losses.
- 23 Many farmers are concerned about the inequitable way Environment Southland requires rural dischargers to continually ‘up their game’ with regard to farm infrastructure irrespective of cost, whereas urban storm-water and sewerage systems are allowed to deteriorate and become out-dated such that they can discharge untreated human wastewater to water with perceived impunity. This is not an ‘effects based’ approach nor is it appropriate.
- 24 Putting the obvious inconsistency aside, our members recognise the scale and timeframes involved in the pipe renewal works is enormous. We acknowledge this is in part a legacy issue created by previous Council administrations. Farmers are practical

¹ S42A report, page 22 refers to the MWH New Zealand Ltd, Dunedin report titled “Nutrient and Bacterial Loads in Urban Storm-water” by P. Melero, S. Bennett, A Leahy & R. Krause (2016), that states on a per hectare basis, total N is between 2.76 to 5.5kg/ha/year and total P is 0.5 to 0.8ka/ha/year which “is comparable to nutrient losses to water from sheep/beef/deer pasture systems in Southland”. Further, “this storm-water represents only 3-5% of the nitrogen and phosphorus losses when sewage and storm-water losses are totalled”.

² In Southland, agriculture’s share of regional GDP for the year ending March 2012 was 21.9%, compared to Canterbury (7.5%) and Waikato (10.9%). Moran, E., Pearson, L., Couldrey, M., and Eyre, K. (2017). The Southland Economic Project: Agriculture and Forestry. Technical Report. Publication no. 2017-02. Environment Southland, Invercargill, New Zealand. Page 20

people, and they support a pragmatic approach that assists the City in addressing the problem.

- 25 Any response by the City must be equally understanding. A 35-year consent granted before limits have been set effectively gives Invercargill City Council a 35-year exemption from being part of the limit-setting conversation, and from meeting any limits set. Ultimately, this could require other dischargers in the catchment to reduce nutrient discharges even more, to cover Invercargill City's exemption. We consider this potential outcome to be unacceptable and unfair.
- 26 In addition, depending on the values, objectives and limits set within the catchment, the City's 50-60 year programme to replace the city's aged storm-water earthenware infrastructure may prove insufficient to meet those values, objectives, and limits. If the consent is granted for a 35-year term, any discussion around storm-water infrastructure upgrades is unlikely to be raised until 2050.
- 27 Given the potential infrastructure investments other dischargers are likely to have to make over much shorter periods, this is inequitable. We consider that affordability and a staged infrastructure upgrade approach should be applied to all dischargers, not just urban townships or rural community.
- 28 Federated Farmers supports a collaborative limit-setting process, with communities at its heart. All contributors to water quality outcomes must be part of this process to achieve a fair and balanced position. A 35-year consent has the potential to undermine this process and will create friction between interested parties.
- 29 It is our view consent can be granted, albeit with a term of between 5 and 7 years. This will allow limit setting to be applied to the replacement consents. Applying a significantly shorter term will in our opinion tip the balance under s104D(1)(a) where the effects on the environment will be no more than minor. That is because the discharge has been occurring for generations³ without any conspicuous effect on the receiving environment.

³ Prior to the grant of the current five permits subject to this application in 2011, the discharge was a permitted activity under Rule 11 of the Proposed Regional Fresh Water Plan, and prior to that storm-water discharges had been permitted under Rule 4.3.1.S1 of the Transitional Southland Regional Plan.

- 30 Federated Farmers generally accept the objective and policy analysis by Mr West for Environment Southland. That is, the application does not satisfy the objectives and policies limb of 104D(1)(b). Should the committee be of mind to grant consent, we support the intent of the recommended conditions set out in section 4 of the s42A report.
- 31 An environmental offset is well suited in this case to address those effects that cannot be avoided, remedied or mitigated. Those residual effects could be partially offset by a positive effect elsewhere. Section 2.4.3 of the Regional Plan Water sets out the policy in terms of environmental compensation and the Committee is encouraged to contemplate how this may be applied.
- 32 In terms of the s104D gateway for non-complying activities, it is our view the application as notified does not meet either threshold. Should the term of consent be set at say 5 or 7 years, it is our view the 'effects' limb can be satisfied and therefore consent can be granted. While the discharge will continue with elevated levels of contaminants, we consider the effects will not exacerbate the state of the environment. This will allow the City to apply the limit setting outcomes with an economically robust, and better informed response to the problem.
- 33 Despite the tension with S104D, Federated Farmers considers some weighting under s104(2A) and the value of the existing infrastructure should be applied.
- 34 We consider the consent application can be approved under exceptional circumstances under s107(2) provided the term of consent is restricted to allow the implementation of limit setting. The public benefit and communities' reliance is exceptional. Our membership however, does expect the City to identify a path forward to address sewage contamination of storm-water prior to any future consent renewals.

Submission Summary

- 35 Overall, Federated Farmers is naturally disappointed the City has not prioritised the replacement of the aged piped network. Federated Farmers is committed to improving relationships with stakeholders. We seek to develop practical solutions to water management while enabling environmentally sustainable growth within Southland.

36 We request the Committee approve the consent application subject to a 5-7 year term, subject to outcomes of the proposed conditions of consent as set out in section 4.1 of the s42A report.

A handwritten signature in black ink, appearing to read 'D. Sycamore', with a horizontal line drawn through the middle of the signature.

Darryl Sycamore
Senior Policy Advisor

About Federated Farmers

Federated Farmers of New Zealand is a primary sector organisation that represents farming and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.

The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.