



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

Particulars

| | | |
|--|--|--|
| Applicant: | Hillview Dairying Limited | |
| Consents sought: | Discharge, water, land use for existing pond, sludge bed, three wintering pads and land use to expand and operate a dairy farm | |
| Application reference: | APP-20181792 | |
| Site address or location: | 488 Forest Hill Crossing Road, RD1 Winton | |
| Map reference NZTM2000: | 1246776E 4869094N | |
| 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"/> | |

Recommendation and decision

Officer's recommendation

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

Aurora Grant
Team Leader Consents

Date: 14 November 2018

Decision under Delegated Authority

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

Reasons for the decision

- The application is to expand an existing dairy operation by adding cows and land;
- The surface water quality in the catchment is degraded, and the proposal is likely to result in an increased loss of contaminants;
- There is uncertainty surrounding the overall effluent storage volumes on the property and the integrity of the smaller storage infrastructure which could cause additional effects that have not been assessed;
- Pond drop tests on the smaller infrastructure was requested via a further information request but not supplied;
- The application is likely to be inconsistent with the objectives directing water quality to be maintained or improved; and
- Overall, the adverse effects on the environment will be or are likely to be are likely to be more than minor.

This decision is made under delegated authority by:



Michael Durand
Consents Manager

Date: 19/11/18

Processing Officer's Notification Assessment

The Proposal

Consents are sought to:

- Use land for new dairy farming that did not exist as of June 2016
- A discharge permit to consent the discharge of FDE and other effluent (silage pad, underpass) from up to 850 cows
- A water permit to consent the abstraction of groundwater for dairy purposes for up to 850 cows
- A land use consent for three feed pads which will each hold greater than 120 adult cattle
- A land use consent for an existing one day pond and sludge beds

General

Hillview Dairying Ltd (the applicant) own a farm near Tussock Creek to the south of Winton. The applicant currently operates under Discharge Permit AUTH-300235 and Water Permit AUTH-300236 which authorize the discharge farm dairy effluent from up to 599 cows and abstract groundwater for dairy farming purposes on a dairy platform with a total size of 189ha.

The applicant wishes to expand the dairy platform onto a neighbouring block of land which they intend to purchase, bringing the total dairy platform area to 346ha. The proposal will see an increase the milking platform onto land that has not previously been used for dairy operations and an increase to the herd size.

The applicant utilizes a support/runoff block in close proximity to their existing dairy farm for wintering, young stock grazing and growing supplement. The support block is 154ha in total and is partially owned by the applicant (93ha) and the remaining area (61ha) is leased from a neighbour for the past five years.

The blocks of land defined in figure one below makes up the entirety of the landholding for this proposal. Intensive winter grazing and support for the dairy platform takes place on the northern support block currently, and this is proposed to continue.

The new "Cox block" to the south is currently running sheep and has been used for the past 5 years as a "stock trading block" which has periodically run deer, beef and predominantly lambs for finishing prior to sale.

All three of the proposed feed pads are to be located on the new block, and to reduce nutrient losses and keep the changes on the support block to a minimum the applicant proposes to winter a portion of the herd on the pads.

Effluent is currently discharged via travelling irrigator and low rate pods to only 33.3ha on the dairy platform as this is where infrastructure has been installed, however the consented area is considerably larger. The applicant proposes to install additional infrastructure to enable to full utilisation of the area.

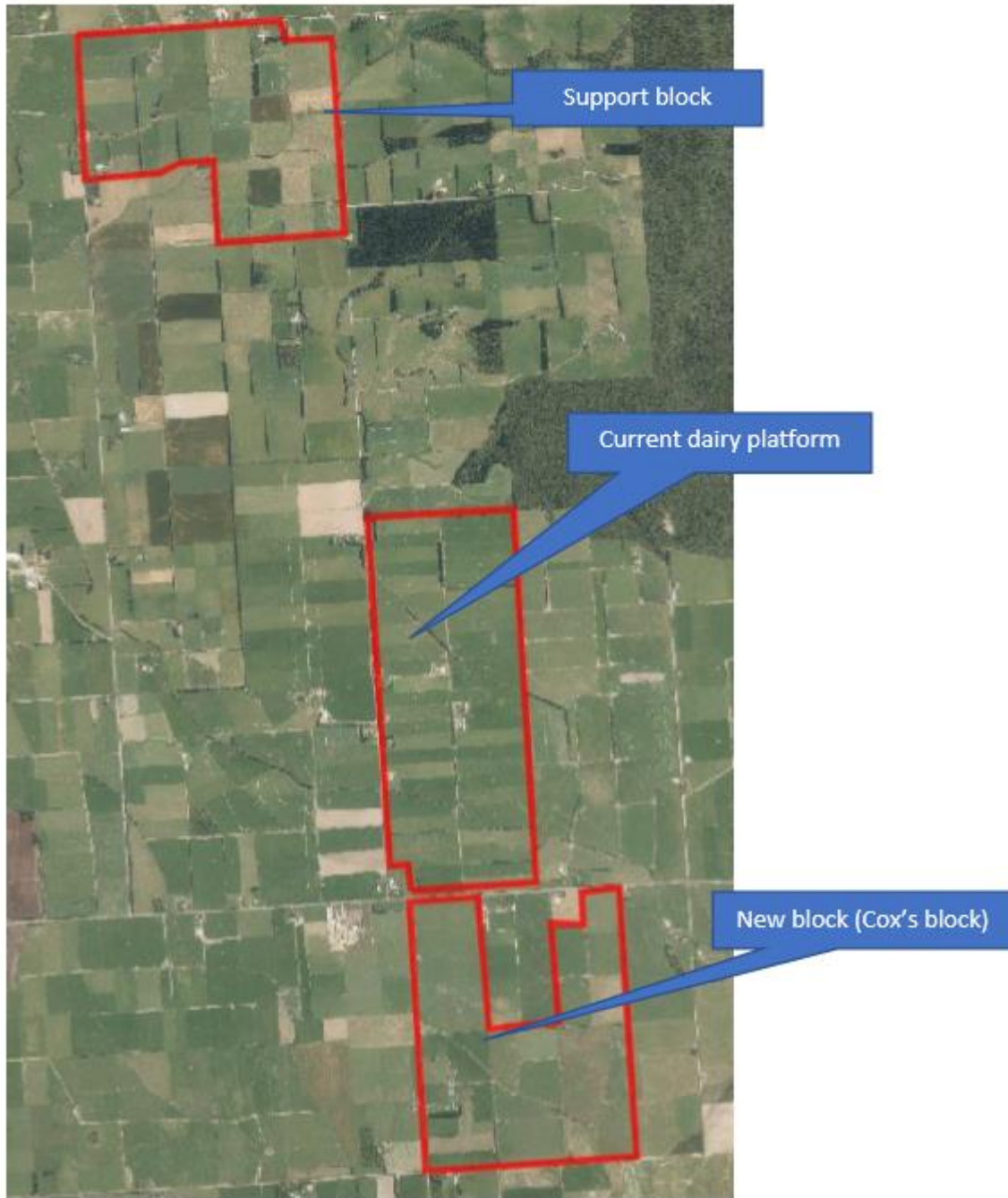


Figure one: Map showing landholding subject to this application

Effects and issues

Increased losses:

When assessing the effects for an expansion application I am required to consider the total losses over the entire landholding, but to also have regard to specific areas within the landholding where the activity may result in an increase in effects from one location. This approach is taken to ensure all effects are being

considered from a proposed activity, including cumulative effects. It is important to assess if mitigations offered by the applicant are specific for the area where losses will be more likely to occur.

What the AEE has failed to do is inform me of what the actual effects of the volume of nutrient losses from the activity will mean for the receiving environment, except to say that there is not anticipated to be any change. Regardless of a change or not, by choosing to expand the applicant is required to assess the effect of all losses from their farming activity and describe what that will mean for the receiving environment.

In general, it is known that nutrient losses to waterways in excess can cause:

- Sediment (e.g. mud and silt) – accumulates on the bottom of rivers, lakes and estuaries. It is a problem because it can make the water murky, block fish gills, smother the habitat that macroinvertebrates and fish live in and promote slime algae growth. Sediment in streams can be generated from heavy rainfall on vulnerable soils, disturbance of the riverbed or bank by heavy machinery or stock or through direct discharges.
- Nutrients – particularly Nitrogen (N) and Phosphorus (P), which are needed by all plants to grow. The majority of nutrients come from stock urine/dung or fertiliser. However, too much N and/or P in our waterways causes problems with excess slime algae and aquatic plant growth.
- Bacteria (e.g. E.coli) – faecal bacteria including E.coli are an indication of potentially disease-causing organisms that can make humans and animals sick.

The receiving environment for surface water is Tussock Creek, the Oreti River and eventually New River Estuary. The application describes the surface water quality in the area as:

- Risks to surface water quality are classified as high in the area that the farm is located;
- There is significant degradation of water quality in Tussock Creek in relation to E.Coli;
- There has been a meaningful improvement in trend data for N concentrations in Tussock creek;
- There has been no significant deterioration in water quality in the Oreti river;
- Due to a combination of nutrient loads and excessive sediment deposition, the nutrient enrichment condition of the New River estuary is poor. The landholding is located on the Gleyd and Oxidising physiographic zones in the Tussock Creek catchment. In these zones the primary pathways for contaminants to move through the environment is via artificial drainage and/ or overland flow due to heavy soils that are prone to waterlogging. Due to the nature of the soils the property is extensively tile drained and mole ploughed. The location of these artificial drains have been mostly mapped on the current dairy block but no tile map has been provided for the support block or the new block.

The assessment of environmental effects contains in-depth detail on the nutrient budgets for the landholding and explains that the overall N losses over the landholding will decrease under the proposal, however P will increase. Mitigations have been offered to offset the increase of P, however they largely rely on riparian planting on the current dairy platform and the addition of feed pads. There has not been what I consider fully effective mitigations offered to reduce the loss of P over the support and new block and the application largely relies on offsetting the losses with actions on the current dairy platform.

It is important to remember that the modelling has been done over the entire proposed platform, and the losses for the new Cox block have not been separated out. While this approach is acceptable for nutrient modelling, it is not possible for me to say what the projected losses are likely to be from the conversion of

this new block, but it is very likely that the losses from converting the new block will cause a significant increase in losses on the block alone.

Headroom in the nutrient budget also appears to have been created due to the farm not currently operating at the expected level of good management practice in relation to their effluent discharge area.

Effluent system:

I also have concerns regarding the volume of storage available and the feasibility of intensively managing the effluent irrigation to the level that will be required in order to maintain enough storage. A review of the DESC supplied with the application raised questions regarding the actual depth of the effluent storage pond, and detailed that the irrigation pods would be required to be moved up to seven times a day in order to discharge enough effluent to maintain storage capacity. If not managed effectively there is potential for the effluent discharge activity to add to the effects from this proposal.

Pond drop tests were requested in the S92 request for further information for the one day pond and sludge beds as the applicant will lose S20A protection for these by expanding, and requires consent. A drop test was not provided but the applicant submitted a second application for the use of land for existing effluent storage requesting processing under S87 of the RMA as the structures do not fit the rule in the plan. As there is a relevant rule in the plan relating to this activity I am not able to process the consent by reverting to the Act, and require the drop tests to be completed.

Intensive winter grazing:

The applicant was asked via a further information request to provide an assessment of effects for the support block. The report that has been provided details no change between the current nutrient budget and the proposed scenario but any possible effects aside from nutrient losses (such as soil degradation) have not been assessed. I consider this to be particularly important given the rolling topography of the support block and the major contaminant pathways being overland flow and artificial drainage.

Groundwater quality and quantity:

I adopt the applications assessment of groundwater quantity, quality and potential effects and I do not have any concerns regarding this part of the application.

Particulars of the application

| Property Details | |
|---|--|
| Property address | 140 Cooper Road, RD1, Winton |
| Property owner(s) | Hillview Dairying Ltd - G & S Kilpatrick |
| Legal Description of the landholding | Sec 23 Block VIII New River Hundred |
| | Sec 24 Block VIII New River Hundred |
| | Sec 25 Block VIII New River Hundred |
| | Sec 27 Block VIII New River Hundred |
| | Pt Sec 26 Block VIII New River Hundred |
| | Lot 2 and 3 DP 520309 |
| | Sec 11 Block X New River Hundred (new block) |
| | Sections 12 Block X New River Hundred (new block) |
| | Pt Sec 6 and 13 Block X New River Hundred (new block) |
| | Lot 1 DP14135 (new block) |
| | Lot 2 DP 11675 |
| | Lot 2 DP 378224 (support block owned) |
| | Sec 38 Block VIII New River Hundred (support block owned) |
| Lot 3 and 4 and pt lot 1 DP 350528 (support block leased) | |
| Property area (ha) | Current dairy platform: 189ha total, 180ha effective Current Support block: 154ha total Proposed dairy platform: 346ha total, 330ha effective Proposed support block: 154ha total (unchanged) |
| Change in scale/intensity/farm boundary? | Increase in dairy platform area (increase of 166ha) and cow numbers (increase of 251 cows) |
| Discharge Permit Details: | |
| Replacement of permit no. | AUTH-300235 |
| Number of dairy cows | 850 |
| Stocking rate (cows/ha) | 2.6 (previously 3.3) |
| Winter milking? | No |
| Wintering barn? | No |
| Feed pad/stand off pad? | Three pads that don't drain into the effluent pond. Woodchip base (require land use consent, see below) |
| Other sources of effluent? | Silage pad (proposed) |
| Type of shed | 50 bale rotary |
| Effluent treatment | Double sludge bed with weeping wall |

| | |
|--|--|
| Storage available (m ³) | 3008m ³ total volume, 2415m ³ pumpable volume |
| Storage required (m ³) | 2364m ³ (as per attached dairy effluent storage calculator) |
| Discharge area (ha) | 124 ha |
| Irrigator proposed | 3 sets of low rate pods (4 pods per set) and Briggs travelling irrigator and slurry tanker/muck spreader/umbilical |
| Application rate and depth | 10 mm/hr rate and 25 mm depth per application (pods), 10mm depth (travelling irrigator) and 5mm depth (slurry tanker/muck/umbilical) |
| Monitoring proposed | Discontinuation of surface water monitoring. Use of SOE site on boundary |
| Water Permit Details: | |
| Replacement of permit no. | AUTH-300236 |
| Freshwater Management Unit | Makarewa |
| Groundwater Zone | Bore is located in the Makarewa groundwater management zone |
| Maximum instantaneous rate of take (L/s) | 2 L/sec |
| Average rate of take over 24 hrs (L/s) | 1.18 L/sec |
| Daily volume (L) | 107,810 L/day |
| Allocation per cow (L/cow/day) | 120 L/cow/day for milking herd, 70 L/cow/day for beef and young stock on platform |
| Location of point of take | Well Number E46/1069, which is located near Cooper Road on the western boundary. An additional bore is proposed on the new block which will abstract stockwater and pump to the dairy shed for distribution. |
| Freshwater storage onsite? | 4 x 30,000 L tanks |
| Yearly volume (m ³ /year) | 34,026.5m ³ |
| Discretionary allocation limit for groundwater zone (m ³ /year) | 44,650,000 RWPS 62,670,000 PSWLP |
| Percentage of discretionary allocation currently allocated | 8% RWPS 4.7% PSWLP |
| Land Use Consent (use land for dairying) | |
| Area of new block (ha) | 157 ha (150 ha effective) |
| Use of land pre-May 2016 | Sheep/cattle/deer trading block |
| Description of the landholding | Includes existing dairy platform, new block and support/runoff block |
| Proposed use of new block | Incorporation into dairy platform |
| Land Use Consent (feed/wintering pads) | |
| Construction | Minimum of 500mm woodchip base Pad#1 Cox's Road – 1550m ² for 150 cows Pad#2 Existing – 1400m ² for 140 cows Pad#3 Collinson Road – 1550m ² for 150 cows |
| Effluent management | Material scraped from the feed/wintering pad is applied to land under Rule 38 |
| Number of cows | The proposal is to construct three separate pads to hold a maximum of 150 adult cows each. |

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

The existing environment

The application details the existing environment at length, and I adopt the assessment of this for the purposes of making the notification decision.

While the discharge, water take and wintering of cows currently form part of the existing environment, by triggering an expansion activity the entire farming operation is able to be assessed, rather than just the discharge and water take as consented activities.

Adverse effects of the proposed activities on the environment

- Soil degradation
- Discharges to surface and groundwater from point and non-point sources
- Cumulative effects
- Odour

Adverse effects that have been disregarded

N/A

Planning provisions (policies and objectives) relevant to adverse effects

Currently the Southland Regional Council is working with two regional plans, the operative Southland Water Plan and the proposed Southland Water and Land Plan (decisions version). Please note that I have only included the policies and objectives below that the proposal is not consistent with. There are other relevant policies that relate to this proposal but I have omitted them from this report as they do not relate to potential adverse effects.

Relevant Objectives and Policies in the pSWALP state:

- **Objective 6** -*There is no reduction in the overall quality of freshwater, and water in estuaries and coastal lagoons by maintaining the quality of water...where water quality is not degraded; and improving the quality of water... that has been degraded by human activities.*
- **Policy 6** –*In the Gleyd... physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants by: Requiring implementation of GMP's to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant and having particular regard to adverse effects on water quality from contaminants transported via artificial drainage and overland flow where relevant...*
- **Policy 10** – *in the oxidising physiographic zone, avoid, remedy or mitigate adverse effects on water quality from contaminants, by: requiring the implementation of GMP's from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant; having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant when assessing resource consents...;decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.*
- **Policy 16** – *minimising the adverse environmental effects from farming activities by:ensuring that....applications to establish ne, or further intensify existing, dairy farming of cows or intensive*

winter grazing activities will generally not be granted where... the adverse effects, including cumulatively, on the quality of groundwater or surface water cannot be avoided or mitigated; or existing water quality is already degraded to the point of being overallocated...

- **Policy 39-** Application of the permitted baseline. When considering any application for resource consent for the use of land for a farming activity, the Southland Regional Council should consider all adverse effects of the proposed activity on water quality, whether or not this Plan permits an activity with that effect.

Relevant objectives and policies in the pSWALP state:

- **Objectives 2** – ...The water quality of surface water bodies will be maintained and enhanced...An improvement in the water quality and in particular a minimum 10 percent reduction in levels of microbiological contaminants nitrates and phosphorus and a minimum 10 percent improvement in water clarity will be achieved in hill , lowland and spring fed surface water bodies over 10 years from the date this plan became operative (Jan 2010)

Conclusion: significance of adverse effects on the environment

I consider that the adverse effects arising from the activity are likely to have a more than minor effect on the environment when seen through the lens of the policies and objectives, especially when cumulative effects are considered. This has been explained in more detail in the effects and issues section at the beginning of this report.

Special circumstances and public notification

| | | |
|---|--|--|
| 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. |
| | <input checked="" type="checkbox"/> No | |

4.2 Reasons why special circumstances do or do not exist

N/A

Affected Parties and Limited Notification

Protected Customary Rights Group or Customary Marine Title group

| | | |
|---|--|---|
| 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 | |
| | <input checked="" type="checkbox"/> No | |
| 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. |
| | <input checked="" type="checkbox"/> No | |

Statutory Acknowledgement Areas

| | |
|--|--|
| Is the activity on or adjacent to, or may it affect, a statutory acknowledgement area? | <input type="checkbox"/> Yes |
| | <input checked="" type="checkbox"/> No |
| Are the adverse effects on Te Rūnanga o Ngāi Tahu minor or more than minor? | <input type="checkbox"/> Yes |
| | <input checked="" type="checkbox"/> No |

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

N/A

Is limited notification precluded?

| | |
|--|--|
| Is each activity subject to a rule, NES or regulation that precludes limited notification? | <input type="checkbox"/> Yes |
| | <input checked="" type="checkbox"/> No |

Are any people adversely affected?

| | |
|---|--|
| Are the adverse effects on a person minor or more than minor (but not less than minor)? | <input type="checkbox"/> Yes |
| | <input checked="" type="checkbox"/> No |

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.

Special Circumstances – Limited Notification

| | | |
|---|--|--|
| 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 |
| | <input checked="" type="checkbox"/> No | |
