



LANDPRO

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23 February 2022

Landpro Reference: 20515
Council Reference: APP-20211740

Environment Southland
Private Bag 90116
Invercargill, 9840

Dear Jade

**Re: Request for Further Information under Section 92(1) of the Resource Management Act 1991 –
Application for Platinum Dairies Ltd**

In reference to your request for further information dated 9th February 2022, please find outlined below our response to this request.

1 Confirmation of the annual water abstraction volume.

43,800 m³ per year.

This is equivalent to 120L/cow/day.

2 Donna Corbin has estimated the size of beach barn and pad in her visual inspection reports. Confirm size of barn and pad area.

The areas stated in Donna Corbin's report are correct.

3 DESC that accurately reflects the proposal. The application states no milking between 20 June and 20 July, however the DESC supplied with the application has the milking season 25 July – 5 June.

The application is correct in stating that no milking will occur 20 June to 20 July. The DESC assessment has allowed for a contingency if there are some late milkers being dried off or early milkers due to early calving. With the possibility of some late milkers being dried off, the DESC assessment shows a 'worse case scenario' and allows for shed wash down water etc. to be account for to ensure there is sufficient storage. Similarly for any early milkers the DESC assessment shows a 'worse case scenario'.

Modelling a milking season from 20 June to 20 July would demonstrate that there is a less required storage than what the DESC assessment currently shows (4,214.40m³). There is 4,937.65m³ available,

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which is sufficient storage under the current DESC assessment, as well as if an additional DESC assessment was conducted with a milking season of 20 June to 20 July. We do not see it necessary to update the DESC assessment.

4 An explanation as to where the R1s and R2s were grazed in the past and where they will be grazed for the proposal. The Muir block has been used to graze replacement heifers and displacing this stock may result in an increase in contaminant losses elsewhere.

R1s and R2s were grazed off site with a third-party grazier under the **current farm system**. This location of the third-party grazier can change depending on contract availability and contract pricing etc.

Under the current system, there were 287 heifer calves on the milking platform in August and September. These moved to the Muir Block for October and November, before they are moved off farm. A small number (13) R1s come back onto the Muir Block for April to June before they were grazed off site.

Under the **proposed scenario** 265 calves are reared on farm and remain on farm until December/Jan. This is a slightly smaller amount than under the current scenario, but in the proposed scenario there are more calves on in December and January before going off to grazing. In both the current and proposed, all calves leave the property by the 1st of January. They are then grazed off site with a third-party grazier, before returning to farm as milking aged cows. As in the current scenario, the location of the third-party grazier can change depending on contract availability and contract prices and may be in the same catchment, a different catchment, or in a separate region, e.g., Otago.

5 Discussion on where the 23 R2 Jersey Bulls originated from, where they went once they were removed and what was their purpose in life?

Under the current scenario, 23 Jersey R2 bulls arrived on farm from April to June, these bulls were then sold to the works. This was a one-off situation due to market prices.

6 Confirmation that only 100 cows will remain on farm during winter.

Yes. Nutrient modelling has shown that 100 cows will be on farm for June. Cows start arriving back on farm late July. Nutrient modelling shows 260 cows arriving at the end of July. This number may slightly fluctuate depending on calving dates, as will the date they may arrive on farm. The intention is to only have 100 cows wintering on farm in winter.

7 Discussion on where the remaining 900 milking cows go for winter.

The remaining 900 milking aged cows are grazed off site with a third-party external grazier. These may be elsewhere in the same, or a different catchment, or may be in a different region, e.g., Otago. The grazing activity would be subject to a rule in the Proposed/Operative Regional Plan(s) and/or National Environmental Standard for Freshwater, or will be a permitted activity and is the responsibility of the third-party grazier.

8 An explanation as to how the proposed 10ha of IWG will meet regulation 26(4)(d) of the NES with regard to livestock being kept 5m away from any tile drain whilst intensive winter grazing

Good management practices work to reduce contaminants from intensive winter grazing, i.e., back fencing, grazing direction, portable troughs. These GMPs reduce the possibility of contaminants from entering tile drains.

The Ministry for the Environment is currently undertaking a review of intensive winter grazing regulations that are included within the Action for Healthy Freshwater Package.

A consultation document that was produced that included proposed changes to the intensive winter grazing regulations to address feedback received on implementation issues from the industry and key stakeholders. It is intended that these changes will make it more practical to comply with the regulations whilst still managing the effects of intensive winter grazing activity. The consultation process that closed on 7 October 2021 highlighted some important aspects of Regulation 26 that are now being reviewed by officials.

Part of this process identified an implementation issue with Regulation 26(4)(d).

The definition of 'drain' as noted in the National Planning Standards (2019) currently includes sub-surface drains as well as surface drains. Feedback received during the consultation is that this is impractical to implement, monitor and enforce.

The government have flagged this as a priority area they hadn't intended to capture under Regulation 26(4)(d). While there has been no official law change yet, there is a very strong acknowledgement by officials, and it's resulted in a strong consequent recommendation to Government to change it and exclude sub-surface drainage from Regulation 26(4)(d).

9 Page 52 and 54 of the FEMP identify some future riparian planting options and suggest developing a riparian planting plan. Can you please confirm if a riparian planting plan is going to be developed and implemented.

A riparian plan will be implemented in the future. There are no waterways on the Muir Block, any riparian planting will be on the existing milking platform.

All waterways are fenced and have a 2-3 m grass buffer.

10 An assessment of the proposal against s104D of the RMA.

S104D states that:

Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either

- a) The adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- b) The application is for an activity that will not be contrary to the objectives and policies of –*
- c) The relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
- d) The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- e) Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

The original application includes comprehensive assessment of statutory documents. The below relates to the land use consent for feed pads only.

The below provides an overview of the relevant objectives and policies of the relevant regional plan, this related to both the operative Regional Water Plan and the proposed Southland Water and Land Plan.

The original application comprehensively covers assessment against the National Policy Statement for Freshwater Management (NPSFM) and the National Environment Statement (NESFM).

Planning Document	Particularly relevant sections
Southland Regional Policy Statement	Objectives: RURAL.1 Policies: RURAL. 2, 5

Proposed Southland Water and Land Plan	Objectives: Policies: 13, 16, 40, 41
Te Tangi a Taurira	Section: 3.5.1

Objective RURAL.1 enables the sustainable management of Southland’s rural land resource. The proposed use of the feed pad ensures that the life supporting capacity of soils (RURAL.2) when they are vulnerable is not degrading, by allowing cows off-paddock during winter and adverse weather conditions.

The proposal is consistent with the PSWLP and use of the feed pad allows discharges of effluent to land when conditions are most suitable by taking cows off paddock during adverse weather conditions and during winter. This contributes to improving water quality and limits damage to soils when vulnerable. The use of the feed pads are included within the consent holder’s FEMP and GMPs are implemented, consistent with Policy 16.

The use of land for a feed pad is considered a discretionary activity under the PSWLP as they are located within 50m of another feed pad/lot on the same landholding. The three feed pads do not hold more than 120 cows each. They are not used for more than 3 continuous months. They are not located within 50m of the nearest waterway.

The use of land for a feed pad is considered a non-complying activity under the NES-FW as each feed pad holds cattle that is more than 4 months old and weights more than 120 kg AND the base of the feed pads are not sealed to a minimum permeability standard of 10^{-9} m/s.

Feed Pad 1 collects any additional effluent and it is stored in the effluent storage system. This feed pad requires resource consent under both the NES-FW and PSWLP as it is within 50m of feed pad 3.

Feed pad 2 does requires a consent under the NES-FW as it is not connected to the effluent system and does not have an impermeable base. It does not require a consent under the PSWLP.

Feed pad 3 is not connected to the effluent system and does not have an impermeable base. This feed pad requires resource consent under both the NES-FW and PSWLP as it is within 50m of feed pad 1.

As Feed pad 2 and Feed pad 3 are within 50m of each other, the activity is deemed to be a discretionary activity under the PSWLP. Each of the feed pads are considered non-complying under the NES-FW as the based is not sealed to a permeability of 10^{-9} m/s.

As feed pad 1 is connected to the effluent system and has 500mm of woodchip base, there is no chance of runoff, overland flow, or external pooling. Therefore, its proximity to Feed pad 3 has no detrimental effect. It is a stand-alone structure with appropriate mitigations in place, i.e., woodchip base and connection to effluent system.

Feed pad 2 has a woodchip base that will contain and soak up any effluent. The chances are any runoff, overland flow or external pooling are very low and the effects from the activity are likely less than minor due to the effluent being contained within the feed pad.

Feed pad 3 is not connected to the effluent system but has a woodchip base of 500mm. This woodchip base is sufficient in preventing any runoff, overland flow or external pooling. There is a row of well-developed trees between the two feed pads further mitigating any potential runoff between the two feed pads.

The consenting authority can be confident that with the woodchip base and Feed pad 1 being connected to the effluent system, any adverse effects of the activity on the environment will be less than minor, as required by s104D(a). The activities are not contrary to any policies or objectives in the regional plan, soil health and water quality is protected by taking care of soils when they are vulnerable to damage.

11 Address the concerns raised by the Nutrient Budget audit.

Modelling was completed for the actuals for the 2020/2021 season. The Overseer year runs from 1st of July to end of June – therefore in the Muir year end (YE) model, the crop blocks were modelled to reflect what actually occurred in the 2020/2021 season. This reflects it correctly but is a complex way to model it as it reflects the end of winter 20 and the start of winter 21.

In the proposed model, crops are modelled to reflect an average season, showing one winter to simplify modelling. Therefore, month end has been changed to September.

The Proposed Combined Overseer file has been rerun with the final month at June, showing two winters. This made minimal difference to the results:

	Proposed Combined v 6.4.2	Proposed Combined crop month end of June V6.4.2
Crop month end	September	June
Total Farm N Loss (kg)	16,541	16,368
N Loss/ha (kgN/ha/yr)	52	52
Total Farm P loss (kg)	399	398
P loss/ha (kgP/ha/yr)	1.3	1.3

12 Summary

I trust the information provided here answers your questions. Please do not hesitate to contact me if you have any further questions.

Kind Regards,

Matilda Ballinger
Planner