

Proposed Natural Resources Plan:

Submitter:

N & S Terry

Submitter Number:

S173

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Submission on the Proposed Natural Resources Plan for the Wellington R

INSTRUCTIONS FOR USING THE SUBMISSIONS SPREADSHEET:

Send to: regionalplan@gw.govt.nz

Your details:

Full name: N & S Terry
Company name:
Address1: Richmond Road
Address2:
Address3:
Address4:
Town: Carterton
Postcode:
Telephone Work: 02 7453 3551
Telephone Home: 06 379 8258
Telephone Cell: 02 7453 3551
Email address: nol.brock@xtra.co.nz

Trade competition

Yes I/we could not gain an advantage in trade competition through this submission

No I/we could gain an advantage in trade competition through this submission.

If you could gain an advantage please complete one of the following:

I/we are directly affected by an effect of the subject matter of my submission that adversely affects my business and does not relate to trade competition or the effects of trade competition.

I/we are not directly affected by an effect of the subject matter of my submission that adversely affects my business and does not relate to trade competition or the effects of trade competition.

Attendance and wish to be heard at hearing(s)

Yes I/we do wish to be heard in support of my/your submission

[Note: this means that you wish to speak in support of your submission at the hearing(s).]

I/we do not wish to be heard in support of my/our submission

[Note: this means that you cannot speak at the hearing. However, you will still retain your right to appeal any decision made by the Wellington Regional Council to the Environment Court.]

Yes If other make a similar submission, I will consider presenting a joint case with them at a hearing

Date: 22/10/2015

Submission on Greater Wellington Proposed Natural Resources Plan

To: Chief Executive, Greater Wellington Regional Council

1. This is a submission from:

Submitter Details: Craig Dairy Farm Ltd

This submission is also supported by the following parties;

- Gary James Daysh and Anne Marie Daysh (112 Hururua Rd, Carterton RD 1)
- Lewis Herrich (1513 State Highway 53, Martinborough)
- Blair Percy (36 Masterton Stronvar Road, Masterton)
- Sandra Joy Shivas (28 Mangatarere Rd, Carterton RD 1)
- James and Jane Smallwood (19 Homestead Lane, Greytown)
- N & S Terry (Richmond Road, Carterton)
- Ali Scott & Dion Kilmister (1665 Te Ore Ore Bideford Road, Masterton RD11)
- AB & DE Smith (60 Chester Road, Carterton)
- Beryl Masters Stuart (107 Manuka Street, Masterton 5810)
- Garry Daniell (Te Ore Ore Road)

A contact address sheet is provided for each of these parties as attached to the submission.

Submitter Contact: Ray Craig

Submitter Postal Address: 144 Lincoln Road, Carterton 5713

Address for service: C/- Opus International Consultants Ltd
PO Box 12 003
Wellington 6144
Attention: Nicholas Cooper

Phone: 04-471-7120

Nicholas.Cooper@opus.co.nz

Trade Competition

I/we **could not** gain an advantage in trade competition through this submission [*If you ticked this box, delete the rest of this section and go straight to 'Your submission'*]

Submission

2. This is a submission on the Proposed Natural Resource Plan for the Greater Wellington Regional Council

3. The specific provisions of the proposal that this submission relates to are:

The specific provisions of the proposed NRP that the submission relates to are in terms of;

A. Accuracy of nomenclature and identification of the Groundwater community drinking water supply protection areas – Wairarapa Map 27a.

With regard to the Groundwater community drinking water supply protection areas on Map 27a there are a number of concerns identified:

- Map 27a is entitled “Groundwater community drinking water supply protection areas – Wairarapa (incorporates Schedule M2). Within Map 27a there are identified ‘Groundwater supply well’, and ‘Groundwater supply protection area’. Map 27a does not identify ‘community drinking water’ supply protection areas.
- The proposed defaulting of activities (currently permitted) such as the application of agrichemical (rule 36), the discharge of collected animal effluent (rule 83), or farm refuse dumps (rule 89) to discretionary or restricted discretionary activities where on land within an identified community drinking water supply protection area creates an uncertainty for the current landowner or operator in regard to future land use and management options.

Identifying that those uses are not permitted within the ‘groundwater community drink water supply protection area’ unduly penalises those landowners or operators within the protection area without identifying an actual environmental problem or adverse effect to avoided, remedied or mitigated.

- The Proposed NRP Section 32 Report for Discharges to Land in Section 5 “Efficiency and Effectiveness” discusses managing effects on drinking water supplies (5.1), rural waste (5.3), manufacture and storage of silage and compost (5.4), and collected animal effluent (5.5). The only specific data about groundwater for the Wairarapa cited is the region wide study relating to groundwater capture zones by GNS Science (Toews and Donath, 2015). Section 5.1 on page 17 states

Taking a precautionary approach (in accordance with Policy P3 of the proposed Plan) in protecting sources of community drinking water is generally more effective and less costly than trying to counteract the impacts of contamination after the occurrence. Uncertainty about how well the mapped zones reflect actual contaminant pathways and channel characteristics (and therefore risk), will always be present, and especially so in the vicinity of minor tributaries. However, the extent of the protection zones should be reviewed and refined over time as knowledge and methodologies improve. An external peer review has confirmed that the approach to identifying zones around the drinking water supplies as protection areas, was appropriate and defensible (Potts 2015).

This approach is based upon Policy 69 which states;

*Policy P69: Human drinking water supplies
The adverse effects from discharges to land and water on the quality of community drinking water supplies and group drinking water supplies shall be avoided to the extent practicable. Where adverse effects cannot be avoided, the adverse effects shall be managed having particular regard to:*

Further in section 5.1 it is referenced that Policy 69 directs the management of ‘adverse’ effects on human drinking water supplies by

‘...conditions have been included on rules for specific discharges to land activities including farm refuse dumps, offal pits....’ and,

A default protection zone as an ‘alert’ or ‘filtering’ mechanism has been identified. This can be seen in proposed Rules R71-R73 and Rule R89, which include a provision that

restricts otherwise permitted activities to occur within a community drinking water supply protection area as identified in Maps 26-27.

The justification for Policy 69 is in the second to last paragraph of 5.1 where it is stated at the bottom of page 17;

Proposed Policy P69 is followed by a note explaining that sections 7 and 8 of the NES-Drinking Water limit the ability of a regional council to grant consent to activities within community supply protection areas.

There are no specific problems regarding water quality, and a link between land use and water quality, has been identified in the area affected by Schedule M2.

Under the discussion relating to rural waste (Section 5.2.2 of the PNRP Section 32 report: Discharges to land) pages 22 it is stated;

Agriculture plays a role in the economic and social well-being in the Wellington Region, primarily in the Wairarapa but also in the rest of the region. Farming practices produce a variety of waste streams from construction waste (timber and metal) and hazardous wastes (agrichemicals and paints), to household organic food scrap waste and dead animals. It is important to ensure that waste management options are available to enable rural landowners not only to minimise their waste, but also to divert or dispose of it in a sustainable manner.

In terms of farm rural waste and assessing whether there are adverse environmental effects occurring within the Wairarapa, or the *community supply protection areas* specifically,

“The volume of waste ending up in farm dumps in the Wellington Region is not known...”

However in the Section 32 Report it is discussed that using data from a study of farm dump disposal in the Waikato and Bay of Plenty regions suggests that a volume of 65,453 tonnes of rural waste annually (Section 5.3.1, page 24 of Section 32: Discharges to Land) is being disposed of within the region. But there is no quantification by the Section 32 report in terms of environmental problems resulting from farm refuse other than a statement (Section 5.3.1 page 24);

“WRC incident reporting shows that inappropriate contents and location of farm refuse dumps has led to environmental contamination in a number of cases.”

This doesn't indicate whether farm refuse dumps are an increasing environment problem or whether the dumps have a problem in relation to groundwater and potable water for a community supply.

This submission questions whether the *community supply protection areas* have been identified adequately to impose restriction upon land users where there is no record established of an adverse effect occurring.

- A report on water quality, the Ministry of Health *Annual Report on Drinking Water Quality (2013-2014)* indicate that there is no problem which requires management.
- The use of a regional-scale model, with inherent assumptions and generalisations, to predict the behaviour at specific bores and locations. While the availability of hydrogeological data may be appropriate to support a regional-scale model, considerable local variation exists. As stated in GNS (2015) *“The models were never calibrated as groundwater transport models”* and *“Because the groundwater models were not calibrated as transport models, the travel times of particle path lines may not be accurate; however, their flow pathways should remain the same.”* Consequently, at specific locations there will be significant differences

between the assumed/modelled conditions and the actual situation. Any default classification, such as schedule M2, therefore must not be overly restrictive.

- There is a lack of empirical calibration or validation of the model. The available data suggests that the model is either inappropriate or that there is no problem to be addressed. In addition: *“The mapped zones in this report (GNS, 2015) are conservative in the sense that their size and shape consider a wide range of uncertainties. The boundaries do not mark absolute boundaries of the CZs and PZs, and as such, may delineate zones that may not contribute groundwater to wells. Some of the uncertainty analysis runs, for instance, may not realistically portray groundwater flow, and as a result would map a zone larger than it should be.”*
- The adoption of conservative, and potentially non-validated capture zones. This is acknowledged within the report upon which the extents of the capture zones are based (GNS, 2015).
- The adoption of the default capture zones, with no empirical support or justification, will place the onus on the landowner to show that they are not causing a problem. The available evidence suggests that there is not actually a problem to be addressed.
- There is no economic assessment of the costs of imposing the proposed capture zones on existing and lawful land use activities. There may be potentially substantial direct and indirect costs and restrictions imposed on landowners. The Section 32 Report has not weighed these against any benefits from ‘managing’ a national issue, rather than quantifying and determining the extent of the potential scale at the issue within Greater Wellington.

B. Rules of the Proposed Natural Resources Plan being;

With regard to farming activities within the Groundwater Supply Protection Areas this submission comments on the following rules of the PNRP

- Rule 36: Agrichemicals – permitted activity
- Rule R83: Discharge of collected animal effluent onto or into land – controlled activity
- Rule R89: Farm refuse dumps – permitted activity
- Rule R90: Manufacture and storage of silage and compost – permitted activity
- Rule 92: All discharges to land within community drinking water supply protection areas – restricted discretionary activity
- Rule R94: Cultivation or tilling of land – permitted activity
- Rule R95: Break-feeding – permitted activity
- Rule R96: Cultivation and break-feeding – discretionary activity
- Rule R121: Maintenance of drains – permitted activity
- Rule R122: Removing vegetation – permitted activity

4. The submission is:

The submission is that the rules identified above are to be amended and or deleted as detailed within section 5 below.

5. The submitter seeks the following decision from Greater Wellington Regional Council:

Table of Submitter Requested Changes

<i>Specific Provision</i>	<i>Request</i>	<i>Reason</i>
<i>Rule 36: Agrichemicals – permitted activity</i>	<p><u>Relief sought</u> Amend the rule. Remove criterion (e) requiring that there is no discharge within a community drinking water supply protection area.</p>	<p>The inclusion of criteria (e) does not address any known or identified problem. It does not reflect the available information and data on the water quality of Wairarapa potable water supplies (Ministry of Health, 2013-2014). There is no region specific evidence of a risk to community drinking water supply from the activity described by rule 36. The other criteria under the PNRP rule 36 aside from (e), being criteria (g) through to (o) can equally provide for the safe application of agrichemical in a manner that avoids adverse effects upon land within a community drinking water supply area.</p>
<i>Rule R83: Discharge of collected animal effluent onto or into land – controlled activity</i>	<p><u>Relief sought</u> Amend the rule by deleting condition (e)(iii).</p>	<p>Rule R83 is supported in principle as a sensible approach to managing the effects of dairy farm effluent. However, the submitter is concerned that the identification of the community drinking water supply protection area as shown on map 26 and 27a is faulty and therefore landowners are required by condition (e)(iii) to go through a resource consent process even if the activity is outside the protection area.</p>

<i>Specific Provision</i>	<i>Request</i>	<i>Reason</i>
<i>Rule R89: Farm refuse dumps – permitted activity</i>	<p><u>Relief sought</u></p> <p>Amend the rule by deleting condition (d)(iii).</p>	<p>The submitter seeks that rule 89 is amended to remove criterion (d)(iii). The PNRP Section 32 on Discharges to Land report does not have evidence at a regional level that this activity is creating a problem for the Groundwater community drinking water supply protection areas. Policy 69 is basing the implementation of Rule 89 on a precautionary approach but has not quantified the costs of doing so. There is also considerable uncertainty regarding the delineation of the groundwater capture zones based on work undertaken by GNS (Toews and Donarth 2015).</p>
<i>Rule R90: Manufacture and storage of silage and compost – permitted activity</i>	<p><u>Relief sought</u></p> <p>Amend condition (d) of the rule by inserting the word “permanent” in front of ‘silage storage area’ as follows;</p> <p>(d) the walls and floor of a <u>permanent silage</u> storage area shall have an impermeable lining able to withstand corrosion, and there shall be no discharge of leachate to water, and</p> <p>Or any other equivalent change</p>	<p>Condition (d) requiring that all silage areas are lined is not justified. The submitter considers that lining is appropriate for permanent silage storage pits which are used on an ongoing basis. It is not appropriate for temporary silage storage which may only be in use when there is a sufficient additional material for silage that cannot be accommodated by the existing permanent pit. It is suggested that if required, temporary could be defined as being used only once per 4 years (48months). At that frequency of use any silage leachate emanating from a temporary pit would be broken down by biological and chemical soil/ground processes.</p>
<i>Rule 92: All discharges to land within community drinking water supply protection areas – restricted discretionary activity</i>	<p><u>Relief sought</u></p> <p>Request that the rule be deleted.</p> <p>Or any other equivalent</p>	<p>Based upon the information collected for GWRC by GNS Science (Toews and Donath, 2015) and the information collected by the Ministry of Health (Ministry of Health</p>

Specific Provision	Request	Reason
	change	2013-2014) it is not clear that the land discharge activity is a problem for the Groundwater supply wells or that or that the Groundwater community drinking water supply protection areas are defined appropriately. If these points are correct the rule is being unfairly applied without due recognition of the costs imposed on those parties who will have to comply with the rule. This is in terms of what level of evidence would be required for a consent application under rule 92 to determine that any effects on community drinking water supply water quality are not more than minor?
<p><i>Rule R94: Cultivation or tilling of land – permitted activity</i></p>	<p><u>Relief sought</u></p> <p>Amend the rule in relation to condition (a) as follows;</p> <p>(a) cultivation-shall not occur within 5m of a surface water body <u>for those surface water bodies with a wetted channel width of greater than 2m of wetted channel.</u></p> <p>Add new condition as follows;</p> <p><u>(xx) cultivation shall not occur within 2m of a surface water body with a wetted channel width of less than 2m.</u></p> <p>Or any other equivalent change</p>	<p>The intent of the rule is to avoid the contamination of surface water bodies by sediment laden run off occurring as a result of cultivation activity.</p> <p>The use of a 5m setback is just a default provision. The information contained in the PNRP Section 32 report discussing the efficiency and effectiveness for livestock access, break-feeding and cultivation highlights various research (Section 5.3, pages 35-36) on the movement of coarse or fine contaminant particle flows to water, various setback distances and the influence of vegetation.</p>

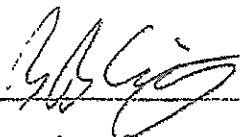
Specific Provision	Request	Reason
<p><i>Rule R95: Break-feeding – permitted activity</i></p>	<p><u>Relief sought</u></p> <p>Amend the rule in relation to condition (a) as follows;</p> <p>(a)-break-feeding shall not occur within 5m of a surface water body <u>for those surface water bodies with a wetted channel width of greater than 2m of wetted channel.</u></p> <p>Add new condition as follows;</p> <p><u>(xx) break-feeding shall not occur within 2m of a surface water body with a wetted channel width of less than 2m.</u></p> <p>Or any other equivalent change</p>	<p>The submitter considers it is impractical to apply 5m setback to break feeding around small surface water bodies such as farm drains which may completely enclose a fam paddock.</p>
<p><i>Rule R121: Maintenance of drains – permitted activity</i></p>	<p><u>Relief sought</u></p> <p>Amend the rule in terms of inserting a new condition;</p> <p><u>(XX) all tools and mechanical devices used for drain clearing must be inspected and cleaned to remove any pest plants or fragments of pest plants, or pest animals before and after use, to prevent the spread of pests.</u></p> <p>and amend to the following conditions;</p> <p>(g) if mechanically clearing aquatic vegetation, the machinery must use a weed bucket with a curved flat base, and a slatted back that permits the easy drainage of water and fish back into the drain <u>which reduces the likelihood of pest plant</u></p>	<p>Supports in principle Rule R121, which permits the removal of vegetation or bed material and associated sediment from any drain or highly modified river or stream, as this is an appropriate status for these activities.</p> <p>Good practice for managing the control of pest plant and animals species is for all machinery to be inspected and if needed, cleaned before machinery or equipment is used in any waterway, including drains. Cleaning should also take place after use and before moving to another location.</p> <p>Machinery should not allow the return of pest plants to a drain, particularly where maintenance activity results in fragments of pest plants being returned to a drain. Such an activity is likely to cause the spread of pest</p>

Specific Provision	Request	Reason
	<p><u>material being spread through the drain, and</u></p> <p>(j) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the Greater Wellington Regional Pest Management Strategy 2002-2022 operative at the time, <u>or listed as an Unwanted Organism under the Biosecurity Act 1993</u>), and</p> <p>Or any other equivalent change</p>	<p>plants, and where the pest plants are Unwanted Organisms (UO's) under the Biosecurity Act 1993, this is a breach of the Act. Similarly any actions that cause the spread of pest animals, including pest fish that are UOs is a breach of the Act.</p>
<p><i>Rule R122: Removing vegetation – permitted activity</i></p>	<p><u>Relief sought</u></p> <p>Amend the rule in terms of the changes to the following conditions;</p> <p>(h) if mechanically clearing aquatic vegetation from an area of river or lake bed covered with water, the machinery must use a weed bucket with a curved flat base, and a slatted back that permits the easy drainage of water and fish back into the drain <u>and which reduces the likelihood of pest plant material being spread through the river, and</u></p> <p>(j) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the Greater Wellington Regional Pest Management Strategy 2002-2022 operative at the time, <u>or listed as an Unwanted</u></p>	<p>Same reason as for Rule 121.</p>

<i>Specific Provision</i>	<i>Request</i>	<i>Reason</i>
	<u>Organism under the Biosecurity Act 1993</u> , and ... Or any other equivalent change	

6. The submitter wishes ~~/does not wish~~ to be heard in support of its submission

7. If others make a similar submission the submitter does ~~/does not~~ want to present a joint case at a hearing.

Signature of submitter  Date 22 OCTOBER 2015
RAYMOND BRIAN CRAIG

