

COMMENTS ON THE draft NORTHLAND REGIONAL PLAN (published 28 July 2016)
NZ PORK INDUSTRY BOARD
Due 23 September 2016

These comments were submitted via the online portal (cut and paste) by Jeska on 23/09/2016

The specific parts of the Proposed Plan (Volume, Chapter and Provision No.) the submission relates to:	Comments
B DEFINITIONS	
<p><i>Animal effluent</i> Dung and urine from animals (other than humans) kept in captivity. This does not include dung and urine deposited by individual animals put out to graze.</p>	<p>Support a definition that differentiates between effluent produced within buildings and on hard stand area from effluent originating from animals in outdoor grazing situations.</p>
<p><i>Farm wastewater</i> All wastewater from a farm dairy, dairy yard, feed pad, standoff area, stock yard, sale yard, wintering barn, loafing pad, calf rearing barn, piggery, poultry farm, or any other stock yard, adjacent entrance and exist races, farm transit races when used for standoff, stock underpass or similar. Farm wastewater includes animal effluent (as defined), washdown water, pit washings, sediment and other solid matter, milk, milk residue, supplementary feed, molasses, detergents, sterilising agents and other residues associated with routine farming practices</p>	<p>Support proposed definition for farm wastewater that includes all wastewater from a piggery.</p>
<p><i>Odour sensitive area</i></p> <ol style="list-style-type: none"> 1. Residential buildings and surrounds; and 2. School, hospital buildings and care facilities and surrounds; and 3. Amenity areas where people congregate including parks and reserves; and 4. Community buildings and surrounds, including places of 	<p>It is not clear how the definition of odour sensitive area is to be applied in the plan. The rural environment is a working environment characterised by smells and noise attributed to rural production.</p>

worship and marae.	
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C. RULES	
C.2 Land Disturbance Activities	
C.2.3 Earthworks	
	<p>The plan should exclude ancillary farming earthworks from the controls.</p> <p>Ancillary farming earthworks includes:</p> <ul style="list-style-type: none"> • burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993; • irrigation and land drainage; and • maintenance and construction of facilities, devices and structures typically associated with farming activities including but not limited to farm tracks, hard stands, driveways and unsealed parking areas, fencing.
C.2.6.3 Construction and alteration of a bore – controlled activity	
<p>The construction or alteration of a bore is a controlled activity provided:</p> <p>1) the activity is in accordance with all requirements set out in the New Zealand Environmental Standard for Drilling of Soil and Rock (NZS 4411, 2001), and 2) the bore is not constructed in contaminated land or potentially contaminated land, and</p> <p>3) the bore is not constructed within 50m of any contaminated</p>	<p>The controlled activity status for the construction and alteration of a bore – controlled activity is supported as this provides certainty for applicants and investment.</p>

<p>sites or potentially contaminated sites, refuse disposal sites, effluent disposal fields or offal pits.</p> <p>Matters of control:</p> <ol style="list-style-type: none"> 1) any actual and potential effects on water quality, 2) the location of the bore including the proximity to other bores, 3) the bore design, construction, operation and maintenance requirements, and 4) effects on tangata whenua and their taonga, and 5) provision of information related to the construction of the bore. 	
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C.4 Discharges to land and water	
C.4.3 Farm wastewater discharges	
<p>C.4.3.1 Farm wastewater discharges to land- permitted activity</p> <p>The discharge of farm wastewater onto or into land is a permitted activity provided:</p> <ol style="list-style-type: none"> 1) there is no discharge: <ol style="list-style-type: none"> a) directly into water, or b) into surface water or to the coastal marine area via overland flow, or c) into surface water or to the coastal marine area via any tile, mole or other subsurface drain, or d) into an artificial watercourse, and 2) there is no discharge to land or overland flow of farm wastewater within the following setbacks: <ol style="list-style-type: none"> a) 20m of any river, lake, indigenous wetland and the coastal marine area, or b) 20m of any artificial watercourse when containing water, or 	<p>Support a clear permitted activity standard for farm wastewater discharges to land.</p>

- c) 20m from the bore head of any water supply bore, or
 - d) 20m from a neighbouring property owned by another person, unless expressly permitted by that person, or
 - e) 50m from any dwelling owned or occupied by another person, unless expressly permitted by that person, or
 - f) 50m from any road or public space, and
- 3) farm wastewater is discharged in a manner that:
- a) does not exceed the soil's ability to absorb the wastewater, and
 - b) does not result in ponding on the land for longer than three hours after the discharge, and
 - c) minimises overland flow, and
 - d) does not cause an offensive or objectionable odour beyond the boundary of the property it is directly discharged onto, and
- 4) roof water from a dairy shed and other buildings is permanently diverted away from the effluent collection system so that it does not enter farm wastewater storage facilities, and
- 5) a stormwater diversion system is in place around farm wastewater storage facilities, and
- 6) farm wastewater storage facilities are used on dairy farms and:
- a) are designed in accordance with the Dairy Effluent Storage Calculator (9) and have sufficient contingency storage so that the discharge of farm wastewater to land can be avoided during the months of May to September (inclusive), unless a resource consent is held to discharge treated farm wastewater to water and the resource consent specifies a different contingency storage volume, and
 - b) have contingency storage available on 1 May each year, and
 - c) for storage facilities that existed at the notification date of this

<p>plan, are maintained so that leakage is minimised, and</p> <p>d) for storage facilities installed after the date of notification of this plan, are constructed in accordance with the Institute of Professional Engineers New Zealand Practice Note 21: Farm Dairy Effluent Pond Design and Construction are not be situated within any of the setback distances in Condition 2, and</p> <p>e) upon written request of the regional council, the person undertaking the activity provides a written statement or certification from a suitably qualified and experienced person to the regional council that shows compliance with the design and performance requirements for farm wastewater storage facilities, and</p> <p>7) regional council's compliance manager is notified (in writing or by e-mail) by the person undertaking the activity, of any 10 percent increase in peak cow numbers or change to the milking regime.</p>	
<p>C.4.3.2 Farm wastewater discharges to land – discretionary activity The discharge of farm wastewater onto or into land that is not permitted by C.4.3.1 'Farm wastewater discharges to land – permitted activity' is a discretionary activity.</p>	<p>Support an appropriate activity status for non-compliance with the permitted activity performance standards but suggest that consideration be given to developing a Restricted Discretionary activity status with particular matters of discretion that address the actual or potential effects associated with farm wastewater discharges.</p>
<p>C.4.3.3 Treated farm wastewater discharges to water – discretionary activity The discharge of treated farm wastewater into water is a discretionary activity provided the discharge is not into a dune lake, surface water flowing into any dune lake, or an outstanding freshwater body.</p>	<p>Support an appropriate activity status for non-compliance with the permitted activity performance standards but suggest that consideration be given to developing a Restricted Discretionary activity status with particular matters of discretion that address the actual or potential effects associated with farm wastewater discharges.</p>
<p>C.4.3.4 Farm wastewater discharges – prohibited activity</p>	<p>A prohibited activity status provides no opportunity for a case by case assessment. Suggest a non-complying activity status is applied that</p>

<p>The discharge of:</p> <ol style="list-style-type: none"> 1) untreated farm wastewater to water, or 2) treated farm wastewater into: <ol style="list-style-type: none"> a) a dune lake, or b) surface water flowing into any dune lake, or c) an outstanding freshwater body, <p>is a prohibited activity.</p>	<p>would enable the type, quantity and effects of discharge to be considered and an application to pass the 104D gateway test.</p>
<p>C4.4.2 <u>Other Stormwater discharges – permitted activity</u></p>	<p>The permitted activity status for the diversion and discharge of stormwater into water, or onto or into land from any road, track, or stormwater collection system is supported. Plans that provide a maximum site coverage or impervious surface area in rural environments are blunt tools that do not reflect the activities or their effects in this environment.</p>
<p>C.4.6 Solid waste</p>	
<p>C.4.6.3 On site refuse disposal – permitted activity</p> <ol style="list-style-type: none"> 1) the discharge of refuse onto or into land (and the associated discharge of dust or odour) which is not an industrial or trade premises is a permitted activity, provided: <ol style="list-style-type: none"> a) the refuse comprises domestic refuse or refuse from primary production activities but does not include offal, dead stock, agrichemical containers or hazardous substances, and b) the volume of refuse discharged does not exceed 12 cubic metres per year, and c) the discharge of refuse is not located within: <ol style="list-style-type: none"> i) 50 horizontal metres of the coastal marine area, a stream, river, lake or wetland, and ii) 50 horizontal meters from the bore head of any water supply bore, and iii) 50 horizontal metres of a geothermal surface feature, and iv) 50 horizontal metres of any neighbouring property owned or occupied by another person, and v) mapped one in 10 year flood hazard areas. 	<p>Oppose point 7.</p> <p>It is a land user’s responsibility to comply with all regional plan requirements where permitted activity standards are defined. Council can ask a land user to demonstrate compliance.</p> <p>Monitoring the state of the environment is a statutory responsibility of the Council.</p> <p>It is not reasonable to include an unfettered provision as a permitted activity performance standard for Council cost recovery.</p>

<p>2) stormwater is prevented from entering the refuse disposal site, and</p> <p>3) the waste is covered to prevent wind blown refuse, and</p> <p>4) the surface of the landfill is re-vegetated when no longer in use to avoid erosion and sediment runoff, and</p> <p>5) the location of the material within the landfill is recorded and provided to the council on request, and</p> <p>6) no offensive odour or other nuisance is discernible from the boundary of the property, and</p> <p>7) the regional council may recover its reasonable costs associated with monitoring compliance with this rule.</p>	
<p>C.4.6.4 Composting operations less than 10m³ – permitted activity The discharge of contaminants from composting operations with a total volume less than 10m³ per year to land in circumstances where contaminants may enter water (and the associated discharge of dust or odour) is a permitted activity provided:</p> <p>1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons (including oil), fats (including grease trap wastes and animal fats), offal or animal carcasses, and</p> <p>2) the discharge does not result in any offensive or objectionable odour or dust beyond the boundary of the subject property,</p> <p>3) leachate is not discharged to a surface water body.</p>	<p>We seek a provision in the plan to address animal carcass composting, which is the preferred disposal method for dead pigs.</p>
<p>C.4.6.5 Composting operations greater than 10m³ – permitted activity The discharge of contaminants from composting operations to land in circumstances where contaminants may enter water (and the associated discharge of dust and odour) is a permitted activity, provided:</p> <p>1) the compost does not contain hazardous substances, human sewage, petroleum hydrocarbons (including</p>	<p>We seek a provision in the plan to address animal carcass composting, which is the preferred disposal method for dead pigs.</p>

<p>oil), fats (including grease trap wastes and animal fats), offal or animal carcasses, and</p> <p>2) leachate is not discharged to a surface water body, and</p> <p>3) there is no surface ponding of leachate or overland flow of leachate from the composting site, and</p> <p>4) stormwater is diverted away from the pile, and</p> <p>5) the discharge does not result in any offensive or objectionable odour or dust, or any noxious or dangerous levels of gases, beyond the boundary of the subject property. This includes visible emissions that adversely affect traffic or aircraft safety, and</p> <p>6) the activity is not located within:</p> <p>a) 50 horizontal metres of any groundwater bore, stream, river, lake or wetland, and</p> <p>b) 50 horizontal metres of a geothermal surface feature, and</p> <p>c) 50 horizontal metres of the coastal marine area, and</p> <p>d) mapped one in 10 year flood hazard areas.</p>	
C.4.9 Other discharges of contaminants	
<p>C.4.9.4</p> <p>Discharges associated with the storage of silage, or the disposal of dead stock or offal</p> <p>– permitted activity</p> <p>The discharge of contaminants onto or into land associated with the making and storage of silage (excluding wrapped bales), the disposal of dead stock, or the disposal of offal is a permitted activity, provided:</p> <p>1) rain and surface water runoff is prevented from entering the manufacture, storage or disposal site, and</p> <p>2) the bottom of the manufacture, storage or disposal site is at least 1.2m above the seasonally highest groundwater table, and</p> <p>3) the manufacture, storage or disposal site is not situated:</p> <p>a) within a high risk flood hazard area, or</p> <p>b) 50m from the coastal marine area, a stream, river, lake, or natural wetland, or</p>	<p>We seek a review of 2) the bottom of the manufacture, storage or disposal site is at least 1.2m above the seasonally highest groundwater table. Considering making the height dependent on soil type and therefore some soil types would have a lower height restriction.</p>

<p>c) 50m from the bore head of any water supply bore, or d) 50m from any dwelling owned or occupied by another person, unless permitted by that person, or e) 50m from any neighbouring property owned by another person, unless permitted by that person, or f) 20m from any road or public space, and 4) leachate is not discharged to surface water, and 5) the discharge does cause an offensive and objectionable odour beyond the boundary of the property.</p>	
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C.5 Taking, using, damming and diversion of water	
C.5.1 Taking and use of freshwater	
C5.1.2 Minor takes – permitted activity	Minor takes provide certainty for resource users and a permitted activity status subject to relevant limits is supported.
<u>C.5.1.7</u> <u>Re-consenting water takes – controlled activity</u>	The controlled activity status for re-consenting water takes is supported subject to an appropriate review of the efficiency of the use and allocation.
C.6 Air discharges	
C.6.1 Burning	
C.6.1.5 Outdoor burning for biosecurity purposes – permitted activity Outdoor burning of any material for the purpose of addressing a biosecurity incursion under the Biosecurity Act 1993 is a permitted activity provided: 1) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area.	Support clear provision in the plan that do not duplicate or conflict with the Biosecurity Act.
C.6.2.5 Discharges to air not specifically regulated in the plan - permitted activity The discharge of contaminants to air that is not specifically a permitted, controlled, restricted discretionary, non-complying or prohibited activity under another rule in this plan is a permitted activity provided: 1) the discharge is not from an industrial or trade premise, and 2) the discharge does not result in any offensive or objectionable odour, smoke, spray or dust, or any noxious or dangerous levels of gases or emissions including those that adversely affect	Support a permitted activity status for those other discharges to air not specifically regulated in the plan.

<p>traffic or aircraft safety, beyond the boundary of the subject property or in the coastal marine area, and</p> <p>3) the discharge is not from dry abrasive blasting.</p> <p>The RMA activities this rule covers: discharge contaminants into the air from any other place or source (s15(2A)).</p>	
<p>C.6.2.6 Discharge into air not permitted, controlled, restricted discretionary, non-complying or prohibited – discretionary activity</p> <p>The discharge of contaminants to air that is not specifically a permitted, controlled, restricted discretionary, non-complying or prohibited activity under another rule in this plan, is a discretionary activity,</p> <p>The RMA activities this rule covers: discharge contaminants into air from industrial and trade premises (s15(1)(c)), and discharge contaminants into the air from any other place or source (s15(2A)).</p>	<p>Support a discretionary activity status for other discharges.</p>
<p>D. Policies</p>	
<p>D.3.1 General approach to managing air quality</p> <p>When considering resource consent applications for discharges to air:</p> <ol style="list-style-type: none"> 1) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality 2004 (including subsequent amendments), and 2) consider applying the H.5 'Chimney height requirements' when assessing the best practicable option for stack discharges, and 3) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on the surrounding environment, and 4) take into account the New Zealand Ambient Air Quality Guidelines 2002 when assessing the effects of the discharge, and 5) recognise that discharges to air can have adverse effects on natural character, and 6) take into account the existing environment and surrounding zoning in the relevant district and regional plan, and 7) consider the following factors when determining consent duration: a) scale of discharge including effects, and b) regional and local benefit, and c) location including proximity to sensitive areas, and d) alternatives available, and 8) use national guidance produced by the 	<p>Support clear policy to assess discharges to air in particular the consideration of the rural production environment as an environment within which discharges to air from a range of sources is typical.</p>

<p>Ministry for the Environment, including: a) Good Practice Guidance on Odour, 2016, and b) Good Practice Guidance on Dust, 2016, and c) Good Practice Guidance on Industrial Emissions, 2016.</p>	
<p>D.3.3 Dust and odour generating activities</p> <p>When considering resource consent applications for discharges to air from dust and/or odour generating activities:</p> <p>1) require a dust and/or odour management plan to be produced where there is a likelihood that there will be objectionable and offensive discharges of dust and/or odour across the property boundary of where the activity is to take place. The dust and/or odour management plan must include:</p> <p>a) a description of dust/odour generating activities, and</p> <p>b) adjacent sensitive areas, and</p> <p>c) details of good management practice that will be used to control dust and/or odour to the extent that adverse effects from dust and/or odour at the boundary of the site are minimised, and</p> <p>2) take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor abrasive blasting</p>	<p>Support clear policy to assess discharges to air in particular the consideration of the rural production environment as an environment within which discharges to air from a range of sources is typical.</p>
<p>D.4.5</p> <p>Requiring discharges to land</p> <p>Require that wastewater discharges (including from farms, domestic sources, and industrial and trade premises) are by land disposal:</p> <p>1) unless discharging to water is the best practicable option, and</p> <p>2) the discharge is free of any toxic contaminants, and</p> <p>3) residual non-toxic contaminants in the discharge are offset by way of mitigation(s) in the catchment of the water body.</p>	<p>Support clear policy on discharges to land.</p>
<p>D. POLICIES</p>	
<p>D.2 General</p>	

New Policy	NZPork requests the addition of a new policy relating to reverse sensitivity to ensure that primary production activities are protected from conflicts with new incompatible or sensitive use and development. These activities have a functional need for a rural location and must be protected and provided for in this location.
D.3.1 General approach to managing air quality	
Additional list item	NZPork requests that there is recognition in the policy that the rural environment can generate discharge of odour.