

Progressive Engineering Southland Ltd - Summary of Evidence Luke McSoriley

New Policy - Social and Economic Benefits and Costs

1. As my client noted in their submissions on-farm infrastructure represents a significant monetary investment and they submitted that a new policy recognizing this should be included in the pSWLP. The recommending report notes that there is specific guidance on this matter in Section 104 (2A) of the RMA. I acknowledge that a consent authority must have regard to the value of the investment of the existing consent holder under this section of the Act but I don't think it precludes inclusion of the suggested policy.
2. I also note that while under Section 104 (2A) the consent authority must have regard to the value of the investment of the existing consent holder. The policy suggested by the submitter would recognize wider social and economic benefits and is not restricted to value to the consent holder. This is an important distinction as farming activity in Southland has social and economic benefits at local, regional and national levels.
3. In my opinion consideration of the investment in on-farm infrastructure is appropriate in the pSWLP at a policy level and would be consistent with pSWLP Objective 2 and Objective 9 (b). Inclusion of the policy would not over ride or trump any of the other policies of the Plan. It would however, provide for balanced consideration of social and economic values along with environmental and cultural when existing dairy farms apply for resource consents under the Plan.

New Policy - Good Management Practice

4. Progressive Engineering sought the addition of a new policy that recognises and provides for farmers who are operating efficiently and effectively environmentally. The submission point seeks a policy 'incentive' within the pSWLP for adoption of good or better than good management practices.
5. In my opinion policy recognition of good management practice through adoption of the policy suggested or alternatively by an amendment to Policy 40 would be a useful amendment. The suggested policy would provide a policy 'hook' for farmers to highlight good management practices they have developed and implemented on farm when applying for resource consents including applications to replace existing permits.

Policy 39 and Permitted Baseline

6. In my opinion Policy 39 it is not required and should be removed from the pSWLP. Application of the permitted baseline is left to the discretion of the consent authority when considering a resource consent application under section 104(2) of the RMA.

Rule 49 and 54 Water Permits

7. My understanding of one of the reasons why it is proposed to lift the permitted water take threshold to 86m³ is that it is partly to avoid the costs associated with a high number of resource consent applications for relatively small water takes. I acknowledge that there is a cost to both council and applicants from processing large numbers of resource consents for water takes of less than 86m³.
8. However, as noted in my evidence I do have some concerns about the amount of water that could be abstracted and limited requirements to monitor and supply data on the amount of water abstracted from these takes. This does appear to be contrary to policy direction in the NPS for Freshwater and pSWLP that supports measures that can improve information relating to water abstraction and use. I also note the relevance of Objective 11 of the pSWLP; *"Water is allocated and used efficiently"*.
9. In my opinion controlled activity status for water takes of less than 86m³ may represent a better approach. Controlled activity status would provide more certainty for farm abstractors given they will hold a water permit for their take. It provides an incentive to the permit holder to monitor their take and ensure they are complying with their permit and being efficient with their use of water. It would assist Council in terms of ensuring accurate monitoring of water abstraction within the Southland region. Given there are some uncertainties as the council moves into the limit setting stage of the pSWLP accurate records of water takes within FMU's and FMU's sub-catchment would provide more certainty for all parties.

Rule 32 Effluent Storage

10. In my evidence, I outline further changes to Rule 32 that I think would improve the regulation of FDE storage. Attached as Appendix 1 to this summary is an amended Rule 32 providing a three-tiered rule regulating FDE storage as controlled (where professionally designed and supervised), discretionary (where one or more permitted conditions cannot be met) and non-complying (where it is not professionally designed and supervised).
11. Progressive Engineering in their submission discussed the sign off process for agricultural effluent storage ponds through the territorial building consent process in the pSWLP. The construction of above ground agricultural effluent ponds is also subject to rules in the Rural Zone provisions of the Proposed Southland District Plan 2012 (PSDP). This means above ground FDE ponds proposed in the Southland District that don't meet the permitted conditions of Rule 32 require resource consent from Environment Southland (under the pSWLP) and Southland District Council (under the Rural Zones rules of the PSDP). The pond would also require a building consent from Southland District Council.
12. Requiring three approvals for one structure from two different local authorities is not an efficient way of regulating above ground agricultural effluent ponds in my opinion. I acknowledge that changes to

the Southland District Council district plan and building consent processes are outside the scope of the hearings panel. But this is an issue that Environment Southland and the Southland District Council may wish to consider.

Luke McSoriley

Planner

5 September 2017

Submitter No: 647

Submitter Name:
Progressive Engineering

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Appendix 1

Rule 32 – Effluent storage

- (a) The use of land for the construction of effluent storage including ancillary structures, other than onsite wastewater system, composting toilet system or mobile toilet, but including waste-water, sludge or effluent from an industrial or trade processes or agricultural effluent, is a permitted activity provided the following conditions are met:
- (i) the total capacity of all effluent storage on a landholding, excluding storage authorised by a resource consent, does not exceed 35 cubic metres;
 - (ii) the effluent storage is constructed using an impermeable lining so there is no overflow or leakage of effluent to land, surface water or groundwater;
 - (iii) effluent storage is not within 50 metres of any lake, river, modified watercourse, artificial watercourse, natural wetland or coastal marine area;
 - (iv) effluent storage is not within 200 metres of any dwelling not on the same landholding, or 50 metres of the boundary of any other landholding or road;
 - (v) effluent storage is not within 100 metres of any water abstraction point;
 - (vi) effluent storage is not located above sub-surface drainage.

- (b) The use of land for the construction of agricultural effluent storage, which does not meet the conditions in Rule 32(a), is a controlled activity provided the following conditions are met:
- (i) the design, and build process, is certified by a Chartered Professional Engineer as being in accordance with IPENZ Practice Note 21: Farm Dairy Effluent Pond Design and Construction (2013) or IPENZ Practice Note 27: Dairy Farm Infrastructure (2013); and
 - (ii) clay lined effluent storage is certified as meeting the relevant pond drop level outlined below, when tested in accordance with the methodology in Appendix P within 12 months of its completion:

Maximum Depth of Pond (m) excluding freeboard	Maximum Allowable Pond Level Drop (mm per 24 hours)
<0.5	1.2
0.5 to 1.0	1.4
1.0 to 1.5	1.6
1.5 to 2.0	1.8
>2.0	2.0

- (iii) the effluent storage is not within 50 metres of any lake, river, modified watercourse, artificial watercourse, natural wetland or coastal marine area;
- (iv) the effluent storage is not within 200 metres of any dwelling not on the same landholding, or 50 metres of the boundary of any other landholding or road; and
- (v) the effluent storage is not within 100 metres of any water abstraction point;

Environment Southland will exercise its control over the following matters:

1. the design and construction of the storage and ancillary structures, including capacity of storage and nature of effluent that will enter;
 2. methods to be used to protect any embankments from damage by stock and machinery;
 3. the potential adverse effects of the effluent storage on: lakes, rivers, artificial watercourses, installed subsurface drains, groundwater, bores, registered drinking- water supplies, the coastal marine area, trees, stop banks, residential dwellings, places of assembly, urban areas, landholding boundaries and historic heritage;
 4. the height of the embankments and placement and orientation of the effluent storage relative to flood flows and stormwater run-off;
 5. the quality of, and compliance with, an operational management plan, including operational procedures, emergency response, monitoring and reporting requirements, and installation of monitoring devices; and
 6. adoption and implementation of an Accidental Discovery Protocol.
- c) The use of land for the construction of any effluent storage, other than onsite wastewater system, composting toilet system, mobile toilet or agricultural effluent, but including of waste-water, sludge or

effluent from an industrial or trade processes, is a restricted discretionary activity provided the following conditions are met:

- (i) the storage is certified as being structurally sound by a Chartered Professional Engineer; and
- (ii) the effluent storage is not within 50 metres of any lake, river, modified watercourse, natural wetland surface waterbody, artificial watercourse or coastal marine area;
- (iii) the effluent storage is not within 200 metres of any dwelling not on the same landholding, or 50 metres of the boundary of any other landholding or road; and
- (iv) the effluent storage is not within 100 metres of any water abstraction point;

Environment Southland will restrict its discretion to the following matters:

- 1. the design and construction of the storage and ancillary structures;
- 2. methods to be used to protect its embankments from damage by stock and machinery;
- 3. the adverse effects of the effluent storage on: lake, river, modified watercourse, natural wetland, artificial watercourses, installed subsurface drains, groundwater, bores, registered drinking-water supplies, the coastal marine area, trees, stop banks, residential dwellings, places of assembly, urban areas, landholding boundaries and historic heritage;
- 4. the height of the embankments and placement and orientation of the effluent storage relative to flood flows and stormwater run-off;
- 5. the storage capacity of the effluent storage in relation to the volume and nature of the liquid that will enter the effluent storage facility;
- 6. the quality of, and compliance with, an operational management plan, including operational procedures, emergency response, monitoring and reporting requirements, and installation of monitoring devices; and
- 7. adoption and implementation of an Accidental Discovery Protocol.

~~(d) Subject to meeting Rule 32(a)(i) or Rule 32(b)(i) the use of land for the construction of agricultural effluent storage, which does not meet any of conditions (iii) – (vi) in Rule 32(a) or conditions (iii) – (v) in Rule 32(b) is a discretionary activity.~~

~~(de)~~ The use of land for the construction of any effluent storage, other than onsite wastewater system, composting toilet system ~~or mobile toilet or agricultural effluent~~, but including of waste-water, sludge or effluent from an industrial or trade processes ~~or agricultural effluent~~, that does not meet the conditions in Rule 32(a)(i); ~~or Rule 32(b)(i) or Rule 32(c)~~ is a non-complying activity.