

**BEFORE THE INDEPENDENT COMMISSIONERS**

**IN THE MATTER OF**            the Resource Management Act 1991

AND

**IN THE MATTER OF**            the Proposed Land and Water Regional Plan for  
Canterbury

Memorandum of Claire Margaret Mulcock  
In response to  
further information requested in Group 2 hearing

1. This memorandum responds to further information requested by the Commissioners at the Group 2 hearings for the proposed Land and Water Regional Plan for Canterbury.

### **Schedule 7 Parts A - C**

2. I was asked to provide a revised version of Schedule 7 that incorporated the suggested revisions that I proposed in my written submission, and in my evidence.
3. A revised schedule 7 is attached, both as a 'track changes' version and a 'clean' version. The reasons for most of the changes are given in my evidence.
4. In my evidence in chief I noted that auditor should not be required to assess the quality of the Farm Environment Plan itself, and grade it separately. Some further explanation may be required regarding my revisions to this aspect of Schedule 7.
5. The inclusion of the 'double' grade (A-B etc) is likely to give misleading feedback to farmers on their achievement of environmental objectives. There is no direct link between the quality of a Farm Environment Plan document and the achievement of sound environmental outcomes on-farm, which is the primary purpose we wish to achieve. Therefore it seems unreasonable to determine the audit Pass/Fail on the basis of the document. Under the proposed system, an excellent result on the ground may still achieve a Fail grade if the plan does not achieve 'A'.
6. The Farm Plan document is important in that it records the environmental risks on that property and the actions required to manage the risks and achieve the objectives. Part B sets out the Farm Plan requirements clearly and in some detail, therefore every Plan can be checked, if required, to ensure that it does cover the Part B matters adequately.
7. At the audit, if the auditor determines that even although the farmer has implemented the Farm Plan as written, but some adverse environmental effects have not been adequately identified and/or addressed, this would lead to a 'fail' grade and a required action to revise the plan, and change the problematic management practices.
8. In my view, my proposed amendments to Parts A - C still provide for the adequacy of the Farm Plan to be checked, but put the emphasis on achieving results 'on the ground'.

### **Schedule 7 Part D**

9. I have proposed a less complex list of farming information, that I consider would be practical for farmers to supply on an annual basis and relevant to the Regional Council. I have excluded information that the Council would collect as part of other consents, e.g. effluent discharge and irrigation volumes.

## Schedule 7 - Farm Environment Plan - Claire Mulcock proposed revisions

### **Part A – Farm Environment Plans**

A Farm Environment Plan can be based on either of:

1. Industry prepared Farm Environment Plan templates and guidance material that:
  - (a) Include the following minimum components:
    - (i) The matters set out in 1, 2, and 3 of Part B below;
    - (ii) Contains a methodology that will enable development of a plan that will identify adverse environmental effects and risks specific to the property, addresses those effects and risks and has a high likelihood of appropriately avoiding, remedying or mitigating those effects;
    - (iii) Performance measures that are capable of being audited as set out in Part C below; and
  - (b) Has been approved as meeting the criteria in (a) and being acceptable to the Canterbury Regional Council by the Chief Executive of the Canterbury Regional Council.

OR

2. The material set out in Part B below.

### **Part B – Farm Environment Plan Default Content**

The plan requirements will apply to:

- (a) a plan prepared for an individual property; or
- (b) a plan prepared for an individual property which is part of a collective of properties, including an irrigation scheme, an Industry Certification Scheme, or catchment club.

The plan shall contain as a minimum:

1. Property details
  - (a) Physical address
  - (b) Ownership details and name of a contact person
2. A map(s) or aerial photograph(s) at a scale that clearly shows:
  - (a) North direction
  - (b) Names of roads adjacent to the property
  - (c) The boundaries of the property
  - (d) The boundaries of the main land management units on the property.
  - (e) The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands.

- (f) The location of riparian vegetation and fences adjacent to water bodies.
  - (g) The location on all waterways where stock access or crossing occurs.
  - h) The location of any areas within or adjoining the property that are identified in a District Plan as “significant indigenous biodiversity”.
3. The Canterbury Regional Council consent number and expiry date of any resource consents issued by Canterbury Regional Council for farming activities on the property.
  4. An assessment of the adverse environmental effects and risks associated with the farming activities on the property and how the identified effects and risks will be managed, including irrigation, application of nutrients, effluent application, stock management, cultivation.
  5. A description of how each of the following objectives will, where relevant, be met.
    - (a) Irrigation System Design and Installation:** To ensure that all new irrigation systems and significant upgrades meet industry best practice standards
    - (b) Irrigation Management:** To ensure efficient on-farm water use that meets crop needs and minimises losses.
    - (c) Nutrient and Soil Management:** To minimise nutrient and sediment losses from farming activities to ground and surface water.
    - (d) Waterway and Wetland Management:** To manage waterways, wetlands and their margins to avoid stock damage and minimise inputs of nutrients, sediment and faecal contamination
    - (e) Collected Animal Effluent Management:** To manage the operation of the effluent system to avoid adverse effects on water quality
  6. The plan shall include for each objective in 5 above:
    - (a) (b) defined measurable targets that clearly set a pathway and timeframe for achievement
    - (c) a description of the good management practices together with actions required to achieve the objectives and targets;
    - (d) the records required to be kept for measuring performance and achievement of the target.
  7. Nutrient budgets, prepared by a suitably qualified person using a nutrient budget model, (such as OVERSEER™), for each of the identified land management units and the overall property.

**Comment [C1]:** To be consistent with terminology in rest of Part B

### **Part C – Farm Environment Plan Audit Requirements**

The Farm Environment Plan must be audited by an independent Farm Environment Plan Auditor. The Canterbury Regional Council may review any Farm Environment Plan or Farm Environment Plan audit to check compliance with all the relevant matters.

**Comment [C2]:** This requirement may fit better in Part A?

The Auditor will assess:

1. the completeness and consistency of implementation of the Farm Environment Plan;
2. the effectiveness of the implementation in ensuring control of adverse environmental effects and risks associated with the farming activities on the property;
3. the effectiveness of the farming systems in supporting achievement of the objectives and targets.

The auditor will provide a 'Pass' or 'Fail' grading for each audit.

New Farm Environment Plans must be audited annually until the property has achieved three consecutive 'Pass' grades. Following three years of consecutive 'Pass' grades the Farm Environment Plan must be audited at least once every three years. If the owner or manager of the property changes a new Farm Environment Plan must be prepared.

The audit results shall be provided to the CRC no later than 31 December for the previous 1 July to 31 June year, or such other annual period nominated.

If an audit results in a 'Fail' grade, then a follow-up audit that achieves a 'Pass' grade may be submitted within 6 months of the original audit without penalty under Rules 5.39 to 5.51.

## **Part D – Farming Information**

Whenever one of Rules 5.39-5.51 requires information to be submitted, the following information is to be provided either in writing or via the Canterbury Regional Council's website:

- 1 Physical address
- 2 Ownership details and name of contact person
- 3 Total area of property
- 4 A map or aerial photograph marked to identify:
  - (a) Names of roads adjacent to the property
  - (b) The boundaries of the property
  - (c) the location of streams, wetlands, watercourses or drains on the property;
- 5 The type of farming enterprise(s) on the property, including, but not limited to: dairy, sheep/beef, cattle, mixed cropping, orchard/vineyard, nursery, lifestyle.
- 6 Area in annual crops
- 7 Total stock numbers, by type
- 8 Area irrigated

The information is to collated for the period 1July to 31 June in the following year and be provided annually, no later than the 31<sup>st</sup> of October.

**Comment [C3]:** As the Plan does not give clear guidance on the application of these grades, it would be preferable for the Plan to deal only with 'Pass' and 'Fail', which have clear meanings.

A consequential amendment is required to rules 5.41 and 5.42 – replace ' "A-B" or better' with "Pass".

**Comment [C4]:** The auditor does not need to assess and grade the Plan. See explanation

## **Schedule 7 - Farm Environment Plan - Claire Mulcock proposed revisions with 'track changes'**

### **Part A – Farm Environment Plans**

A Farm Environment Plan can be based on either of:

1. Industry prepared Farm Environment Plan templates and guidance material that:
  - (a) Include the following minimum components:
    - (i) The matters set out in 1, 2, and 3 of Part B below;
    - (ii) Contains a methodology that will enable development of a plan that will identify **adverse** environmental effects and risks specific to the property, addresses those effects and risks and has a high likelihood of appropriately avoiding, remedying or mitigating those effects;
    - (iii) Performance measures that are capable of being audited as set out in Part C below; and
  - (b) Has been approved as meeting the criteria in (a) and being acceptable to the Canterbury Regional Council by the Chief Executive of the Canterbury Regional Council.

OR

2. The material set out in Part B below.

### **Part B – Farm Environment Plan Default Content**

The plan requirements will apply to:

- (a) a plan prepared for an individual property; or
- (b) a plan prepared for an individual property which is part of a collective of properties, including an irrigation scheme, an Industry Certification Scheme, or catchment club.

The plan shall contain as a minimum:

1. Property details
  - (a) Physical address
  - (b) ~~Description of the Ownership details~~ and name of a contact person
  - (c) ~~Legal description of the land and farm identifier~~
2. A map(s) or aerial photograph(s) at a scale that clearly shows:
  - (a) North direction
  - (b) Names of roads adjacent to the property
  - (c) The boundaries of the property
  - (d) The boundaries of the main land management units on the property.

- (ee) The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands.
- (ef) The location of riparian vegetation and fences adjacent to water bodies.
- (eg) The location on all waterways where stock access or crossing occurs.
- (fh) The location of any areas within or adjoining the property that are identified in a District Plan as “significant indigenous biodiversity”.
3. ~~The full text of any resource consents held for the property and the conditions of the consents~~The CRC consent number and expiry date of any resource consents issued by Canterbury Regional Council for farming activities on the property.
4. ~~An assessment of the adverse environmental effects and risks associated with the farming activities on the property and how the identified effects and risks will be managed, including irrigation, application of nutrients, effluent application, stock management, cultivation, exclusion from waterways, offal pits and farm rubbish pits.~~
5. ~~A description of how each of the following objectives will, where relevant, be met.~~
- (a) Irrigation System Design and Installation:** To ensure that all new irrigation systems and significant upgrades meet industry best practice standards
- (b) Irrigation Management:** To ensure efficient on-farm water use that meets crop needs and minimises losses.
- (c) Nutrient and Soil Management:** To minimise nutrient and sediment losses from farming activities to ground and surface water.
- (d) Waterway and Wetland Management:** To manage waterways, wetlands and their margins to avoid stock damage and minimise inputs of nutrients, sediment and faecal contamination
- (e) Collected Animal Effluent Management:** To manage the operation of the effluent system to avoid adverse effects on water quality

- ~~(a) Nutrient management: To maximise nutrient use efficiency while minimising nutrient losses to water.~~
- ~~(b) Irrigation management: To operate irrigation systems efficiently and ensuring that the actual use of water is monitored and is efficient.~~
- ~~(c) Soil management: To maintain or improve the physical and biological condition of soils in order to minimise the movement of sediment, phosphorus and other contaminants to waterways.~~
- ~~(d) Collected animal effluent management: To manage the risks associated with the operation of effluent systems to ensure effluent systems are compliant 365 days of the year.~~
- ~~(e) Livestock management: To manage wetlands and water bodies so that stock are excluded as far as practicable from water, to avoid damage to the bed and margins of a water body, and to avoid the direct input of nutrients, sediment, and microbial pathogens.~~

- ~~(f) Offal pits and rubbish pits: To manage the number and location of pits to minimise risks to health and water quality.~~
6. The plan shall include for each **objective issue** in 5 above:
- (a) ~~detail commensurate with the scale of the environmental effects and risks;~~
- (b) defined measurable targets that clearly set a pathway and timeframe for achievement
- ~~, and set out defined and auditable “pass/fail” criteria;~~
- (c) a description of the good management practices together with actions required to achieve the objectives and targets;
- (d) the records required to be kept for measuring performance and achievement of the target.
7. Nutrient budgets, ~~are~~ prepared by a suitably qualified person using a nutrient budget model, (such as OVERSEER™), for each of the identified land management units and the overall ~~farm property~~.

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Comment [C1]: To be consistent with terminology in rest of Part B

## **Part C – Farm Environment Plan Audit Requirements**

The Farm Environment Plan must be audited by an **independent** Farm Environment Plan Auditor. ~~The Canterbury Regional Council may review any Farm Environment Plan or Farm Environment Plan audit to check compliance with all the relevant matters.~~

Comment [C2]: This requirement may fit better in Part A?

~~who is independent of the farm being audited (is not a professional adviser for the property) and has not been involved in the preparation of the Farm Environment Plan, either personally or as an employee or contractor of the industry group, supplier or consultancy that has prepared the Farm Environment Plan.~~

The Auditor will assess:

1. the completeness and consistency of implementation of the Farm Environment Plan;
2. the effectiveness of the implementation in ensuring control of **adverse environmental effects and risks** associated with the farming activities on the property;
3. the effectiveness of the farming systems in supporting achievement of the objectives and targets.

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The auditor will provide a ‘Pass’ or ‘Fail’ grading for each audit.

~~The Audit framework will give a grade of A, B or C for the Farm Environment Plan itself, and a grade of A, B or C for performance against the Farm Environment Plan actions.~~

Comment [C3]: As the Plan does not give clear guidance on the application of these grades, it would be preferable for the Plan to deal only with ‘Pass’ and ‘Fail’, which have clear meanings.

A consequential amendment is required to rules 5.41 and 5.42 – replace ‘ “A-B” or better’ with “Pass”.

The Farm Environment Plan will be assessed against the following minimum criteria:

1. ~~Whether the Plan is technically sound and feasible~~
2. ~~Does the Plan identify and address the principal environmental effects and risks?~~
3. ~~Does the Plan enable all statutory obligations, including resource consents, to be met?~~
4. ~~Is the detail in the Plan, actions and timeframes for achievement commensurate with the scale of the environmental effects and risks?~~

Comment [C4]: The auditor does not need to assess and grade the Plan. See explanation



~~The farming activity occurring on the property will be audited against the following minimum criteria:~~

- ~~1. Compliance with all relevant statutory requirements;~~
- ~~2. An assessment of the performance against the targets, good practices and timeframes in the Farm Environment Plan;~~
- ~~3. An assessment of the robustness of the nutrient budget/s;~~
- ~~4. An assessment of the efficiency of water use (if irrigated).~~

~~New Farm Environment Plans must~~ shall be audited annually until the property has achieved three consecutive 'Pass' grades. Following three years of consecutive 'Pass' grades the Farm Environment Plan must be audited at least once every three years. If the owner or manager of the property changes a new Farm Environment Plan must be prepared. ~~annually and~~

~~The audit results shall be provided to the CRC no later than 31 December for the previous 1 July to 31 June year, or such other annual period nominated. Once a farm environment plan review and audit period is nominated, each successive audit may be no more than 12 months apart.~~

~~A grade of "A" for the Farm Environment Plan itself and "B" for performance against the Farm Environment Plan actions is considered an "A-B" grade in terms of Rules 5.39-5.51.~~

~~If an audit results in a 'Fail' grade, then a follow-up audit that achieves a 'Pass' grade may be submitted within 6 months of the original audit without penalty under Rules 5.39 to 5.51.~~

~~Any audit result that does not result in an "A-B" grade may be submitted with a revision of the farm environment plan, a list of corrective actions and a follow-up audit that shows an "A-B" grade within 6 months of the original audit without penalty under Rules 5.39 to 5.51.~~

## **Part D – Farming Information**

Whenever one of Rules 5.39-5.51 requires information to be submitted, the following information is to be provided either in writing or via the Canterbury Regional Council's website:

- 1 Physical address
- 2 Ownership details and name of contact person
- 3 Total area of property
- 4 A map or aerial photograph marked to identify:
  - (a) Names of roads adjacent to the property

- (b) The boundaries of the property
- (c) the location of streams, wetlands, watercourses or drains on the property;
- 5 The type of farming enterprise(s) on the property, including, but not limited to: dairy, sheep/beef, cattle, mixed cropping, orchard/vineyard, nursery, lifestyle.
- 6 Area in annual crops
- 7 Total stock numbers, by type
- 8 Area irrigated

- ~~1 The site area to which the farming activity relates;~~
- ~~2 A map or aerial photograph marked to identify the different blocks within the farm and the area in hectares of each;~~
- ~~3 Identification of any wetlands, watercourses, drains and swales on or adjacent to the property;~~
- ~~4 Monthly stocking rates (numbers, types and classes) including breakdown by stock class;~~
- ~~5 Annual yield of arable or horticultural produce;~~
- ~~6 A description of the farm management practices used on each block including:~~
  - ~~(a) Ground cover — pasture, crops, fodder crops, non-grazed areas (including forestry, riparian and tree areas);~~
  - ~~(b) Stock management — lambing/calving/fawning dates and percentages, any purchases and sales and associated dates, types and age of stock;~~
  - ~~(c) Fertiliser application — types and quantities per hectare for each identified block;~~
  - ~~(d) Quantities of introduced or exported feed;~~
- ~~7 Farm animal effluent, pig farm effluent, feed pad and stand off pad effluent management including:~~
  - ~~(a) Area of land used for effluent application;~~
  - ~~(b) Annual nitrogen loading rate and nitrogen load rate per application;~~
  - ~~(c) Instantaneous application rate;~~
- ~~8 Irrigation — areas, rates, monthly volumes and system type.~~

The information is to collated for the period 1 July to 31 June in the following year and be ~~be~~ provided annually, no later than the 31<sup>st</sup> of October.