

Resource Management Act 1991
Canterbury Regional Council
Decision of Dr Philip Burge (CRC Principal Consents Advisor)

Application CRC213226 by South Park Farm Limited (“the applicant”) to:

Canterbury Regional Council (CRC) for:

A land use consent (s9(2) RMA) to use land for a farming activity

The Application

1. The application to the Canterbury Regional Council is for a Land Use Consent - CRC213226 - to use land for a farming activity on a 507.7 hectare (ha) property at 211 Ruddenklau Road, Temuka.
2. The application was limited notified to three parties on 7 October 2022:
 - a. Arowhenua Rūnanga;
 - b. Timaru District Council; and
 - c. The Department of Conservation.
3. A submission in opposition was received from Arowhenua Rūnanga¹ (discussed below) but did not request to be heard.
4. The CRC has delegated to me (in my role as a Principal Consents Advisor and a member of the council's Resource Managers Officers Group (RMOG)), the authority to decide whether an application should be granted if that application has been limited notified but where there are no submitters to be heard.
5. To assist in making this decision, a Section 42A Officer's report has been prepared by Ms Victoria Wilson. Her report describes the details associated with the application, an assessment of the effects associated with the activity requiring consent and makes recommendations regarding whether the application should be granted or refused. The report also recommends conditions to be included on the consent, should the application be granted.
6. Where appropriate, I have adopted Ms Wilson's report as per s113(3)(b) of the RMA rather than repeating information, and this decision should therefore be read in conjunction with the recommendations in that report (CRC Content Manager records document C22C/261091).

Summary of Application

7. Ms Wilson has provided a detailed summary of the proposal (paragraphs 27 - 42) in her s42A officer's report. I adopt that as part of this decision but in summary:
 - a. The applicant has proposed to limit the current farm system to what is currently occurring, being a farm with a:
 - i. total effective area of 495.5 ha;
 - ii. total irrigation area of 466.2 ha;

¹ The submission was prepared by by Aoraki Environment Consultancy (AEC) on behalf of Arowhenua Rūnanga.

- iii. a total Winter Grazing area of 145.5 ha; and
 - iv. a farm system type of Dairy Support.
- b. The applicant seeks an expiry date of 31 December 2029.

Description of the Receiving Environment

8. Ms Wilson's s42A report contains a summarised description of the environment (paragraphs 43 – 44(e)(v)). I adopt that for this decision but note the following matters as they are particularly relevant to this decision:
- a. the property is within the Orari Freshwater Management Unit and the Rangitata Orton High Nitrogen Concentration Area under Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (LWRP). I note, for the purposes of considering the relevant policy framework (below), that the provisions of PC7 related to these zones are no longer under appeal and as such are to be treated as operative.
 - b. I note the area to be consented straddles the South Branch of the Rangitata River. I also note that the Rangitata River is a statutory acknowledgement area under the Ngāi Tahu Claims Settlement Act 1998. In regard to these matters:
 - i. While the mapped extent of the statutory acknowledgment area only covers the mainstem of the river, this does not diminish the significance of the Rangitata River to iwi;
 - ii. However, for the purpose of applying the Resource Management Act 1991 (RMA), this branch has been isolated from the rest of the river by stopbanks and only flows when these protection structures are breached.
 - iii. I address in more detail whether this area is river bed in the context of the RMA (below), but in summary I agree with Ms Wilson's discussion (in paragraphs 55 – 60 of her s42A report) that the South Branch is not currently considered the "bed" of a river under s2 of the RMA (although it may be in the future should flow be allowed to return to this area).

Legal and Planning Matters

9. Ms Wilson provides an assessment of the legal status of the application (paragraphs 53 - 85), including consideration of relevant provisions of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESF), and how the operative LWRP and proposed PC7 rules apply to this application.
10. I agree with Ms Wilson's assessment and adopt it as part of this decision. I note that the activity would be a controlled activity under the regional LWRP rules and a restricted discretionary activity under the PC7 rules, which had legal effect at the time the application was made.
11. The matters of control under the regional rules are limited to the following:
- a. Rule 5.57B
 - i. The commencement date for the first audit of the Farm Environment Plan; and
 - ii. The content, quality and accuracy of the nutrient budgets provided with the application for resource consent; and

- iii. The timing of any actions or Good Management Practices proposed to achieve the objectives and targets described in Schedule 7; and
- iv. Methods that limit the nitrogen loss calculation for the farming activity to a rate not exceeding the Baseline GMP Loss Rate; and
- v. Methods that require the farming activity to operate at or below the Good Management Practice Loss Rate, in any circumstance where that Good Management Practice Loss Rate has not been influenced by severe extraordinary events (including but not limited to droughts or floods) and is less than the Baseline GMP Loss Rate; and
- vi. Methods to avoid or mitigate adverse effects of the activity on surface water quality, groundwater quality and sources of drinking water; and
- vii. Methods to address any non-compliance identified as a result of a Farm Environment Plan audit, including the timing of any subsequent audits; and
- viii. Reporting of nutrient losses and audit results of the Farm Environment Plan to the Canterbury Regional Council, including via the Farm Portal; and
- ix. Methods to prevent an exceedance of any relevant nutrient load limit set out in Sections 6 to 15 of the Plan if the region-wide rules continue to apply in the sub-region

12. The matters of discretion under the PC7 rules is limited to the following:

a. Rule 14.5.19

- i. The efficacy of the Farm Environment Plan; and
- ii. The commencement date for the first audit of the Farm Environment Plan; and
- iii. The content, quality and accuracy of the nutrient budgets provided with the application for resource consent; and
- iv. The actual or potential effects on surface water quality, groundwater quality and sources of drinking water; and
- v. The timing of any actions or good management practices proposed to achieve the objectives and targets described in Schedule 7; and
- vi. Methods to avoid or mitigate adverse effects on sites of any adverse effects on mahinga kai, wāhi tapu, wāhi taonga, waipuna or freshwater mātaimai or tuhituhi neherā; and
- vii. Methods to avoid adverse effects on rock art.
- viii. Methods that limit the nitrogen loss calculation for the farming activity to a rate not exceeding the Baseline GMP Loss Rate; and
- ix. For properties within a High Nitrogen Concentration Area, the methods and timeline within the Farm Environment Plan for achieving the nitrogen loss reductions set out in Table 14(zc); and
- x. Methods that require the farming activity to operate at or below the Good Management Practice Loss Rate, in any circumstance where the Good

Management Practice Loss Rate has not been influenced by severe extraordinary events (including but not limited to droughts and floods) and is less than the Baseline GMP Loss Rate; and

- xi. Methods to address any non-compliances identified as a result of a Farm Environment Plan audit, including the timing of any subsequent audits;
- xii. Reporting of estimated nutrient losses and audit results of the Farm Environment Plan to the Canterbury Regional Council, including via the Farm Portal

13. I agree with Ms Wilson that the proposal should be considered under the most restrictive classification as a “restricted discretionary” activity.

Notification and Submission

14. As noted above, the application was limited notified to three parties on 7 October 2022. A single submission was received from Arowhenua Rūnanga opposing the application. As such, there are no submitters to be heard and this application can be decided ‘on the papers’.

15. The submission relates the significance of the Rangitata River and its catchment to Ngāi Tahu and states in paragraphs [7] and [8] that:

“7. *Arowhenua is therefore concerned that many of the values of the Rangitata have been significantly eroded, and the hauora (health) of the south branch has essentially died because of the diversions of water for irrigation from the north branch, the flood protection works on the North Branch and the riverbed having been converted to dairy farmland and farmed. This has been felt as keenly as the loss of a loved one and there is anger that people cannot take their tamariki and mokopuna (children and grandchildren) to collect mahinga kai. It is not just the act of collecting food that is lost but the ability to pass on traditional and cultural heritage, as well as a sense of belonging to, and connection with the Rangitata.*

8. *Arowhenua are disappointed that rather than being identified as a river, the south branch of the Rangitata River is seen as overflow flood plain. The restriction of the south branch to being an overflow flood plain has only occurred in more recent years with stop banks and engineering the main flow to ensure water flows down the north and main stems rather than the south branch as it had traditionally. The engineering of the river and the establishment of stop banks was undertaken to protect farmland, which has slowly encroached onto the bed of the Rangitata itself over time. The south branch now only flows when there is a significant flood causing the stop bank to break.”*

16. I recognise the concerns raised by the rūnanga and their disappointment with the classification of the south branch of the Rangitata River as a “overflow flood plain”. I note however, that I am bound to implement the RMA and its definition of the “bed” of a river. Interpretation of what constitutes the “bed” of a river, for the purposes of the RMA, has been informed by caselaw from the High Court², confirmed by the Court of Appeal³. From those decisions, and given that

² *Dewhirst Land Co Ltd v Canterbury Regional Council* [2018] NZHC 3338, [2019] NZRMA 411

³ *Canterbury Regional Council v Dewhirst Land Company Ltd* [2019] NZCA 486

(at the current time), the Rangitata River is being prevented from occupying its historical south branch (except when it breaks out of its current alignment during flood events) I consider that the south branch of the Rangitata River would not be considered a riverbed for the purposes of applying the provisions of the RMA.

17. I also note that while submission is clear that rūnanga do not support the farming of riverbeds (paragraph [9]), they also request matters to be included if consent is granted in order to align any consent with other consents and authorisations (including Land Information New Zealand lease requirements), and with a duration to avoid undermining any future planning documents to give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM 2020). These matters are summarised in paragraphs 90 – 91 of Ms Wilson’s s42A report and I do not repeat them here.
18. I note from Ms Wilson’s s42A report (paragraphs 127 – 129) that following the submission being received the applicant met on-site with Mr Karl Russel on behalf of the rūnanga, and discussed the proposal further. I understand that Mr Russel indicated that the rūnanga would not be opposed to grant of the proposal subject to their submission requiring alignment of the conditions with those of the lease, a five-year duration to enable Arowhenua Rūnanga, Aoraki Environmental Consultancy Limited, CRC, LINZ, DOC and local farmers to formulate a programme for restoration of the Rangitata River, and adoption of specific practices to address rūnanga concerns.

Substantive Decision

19. Ms Wilson has provided a recommendation on whether to grant or refuse consent in her s42A report. This recommendation includes discussion of Part 2 of the RMA, and those matters in s104 and s104C which must be considered in making this decision.
20. For clarity, I have outlined my consideration of these matters below.

Consideration of the Application (s104 RMA)

21. Section 104(1) of the Resource Management Act 1991 (RMA) requires, subject to Part 2, decision makers to have regard to several matters.

Assessment of Actual and Potential Effects (s104(1)(a) and s104(1)(ab) RMA)

22. Section 104(1)(a) of the Resource Management Act 1991 requires decision makers to have regard to any actual and potential effects on the environment of allowing an activity.
23. Ms Wilson helpful provides a discussion of the actual and potential effects that could arise from the activity, and which are within the matters of discretion to which I have been limited in paragraphs 101 – 130 of her s42A report. Ms Wilson has summarised these effects, considered them against relevant policies to determine their acceptability, and whether conditions could be used to manage these effects, under the following headings:
 - a. Actual and potential adverse effects on surface water quality, groundwater quality and sources of drinking water; and
 - b. Actual and potential effects on Tangata Whenua values.
24. I am also required (per s104(1)(ab) RMA) to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive adverse effects on the environment or

offset or compensate for any adverse effects on the environment of allowing the activity. The applicant has not proposed any offset or compensation.

25. I am satisfied that the relevant effects have been had regard to, and I adopt the summary and consideration of these effects provided by Ms Wilson, including the review by technical experts.
26. I consider that the adverse effects of the proposal can be appropriately mitigated via conditions, and a limited duration, as agreed with Mr Russel on behalf of the submitter, Arowhenua Rūnanga (per paragraph 127 of Ms Wilson's s42A report).

Provisions of relevant documents (s104(1)(b)) and other relevant matters (s104(1)(c))

27. Ms Wilson has also provided a view on the relevant objectives and policies of those documents specified in s104(1)(b) and other relevant matters (s104(1)(c) in paragraphs 136 - 212 of her s42A report.
28. I thank Ms Wilson for this discussion and adopt it as part of this decision. I agree with her conclusions that the proposed activity is largely consistent with the policies in the relevant planning documents.

Part 2 Assessment

29. In having regard to the matters specified in s104(1) RMA. I recognise that that consideration is "subject to Part 2". I note that the Court of Appeal considered what "subject to Part 2" means in *R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316, [2018] 3 NZLR 283*.
30. Ms Wilson has provided a discussion of that case in paragraphs 95 – 97, and I note that I must consider whether it is necessary to resort to "part 2" to determine this application. Ms Wilson briefly discusses these considerations further in paragraphs 213 – 217 of her s42A report. Having considered the relevant planning documents, I consider that they are appropriately prepared to give effect to Part 2, and that there is no need to resort to Part 2 to determine this application.

Determination of the application (section 104C RMA)

31. Section 104C of the RMA states that, after considering an application for a restricted discretionary activity, the consent authority may grant or refuse consent and, if it grants consent, may impose conditions under s108 for those matters which:
 - a. discretion is restricted in a national environmental standard or other regulation;
 - b. discretionary is limited in the (relevant) plan and/or proposed plan.
32. I also note, per s104(3) RMA that there are things I must not have regard to (s104(3)(a) RMA) and situations where the consent authority may not grant consent (s104(3)(c) and (d)). I confirm for completeness that I have not had regard to the matters in s104(3)(a), and I do not consider that granting the consent would be in breach of s104(3)(c) or (d).

Conditions (s108 RMA)

33. Section 108 allows conditions to be imposed on a consent. Ms Wilson has recommended a suite of conditions that should be included as part of the consent, should it be granted. These conditions have been agreed to by the Applicant (CRC Content Manager C22C/261085).

Duration (123 RMA)

34. The applicant has requested a consent duration with the consent expiring 31 December 2029. Ms Wilson has discussed an appropriate duration in paragraphs 229 – 232. Ms Wilson has also considered the submitter’s view on duration in paragraphs 129 – 130, noting that as part of their submission Arowhenua rūnanga considered a duration of no more than 10 years was appropriate.
35. I consider that the duration requested is consistent with both the position of the rūnanga in their submission and concur with Ms Wilson’s reasoning. I therefore adopt it as part of this decision.

Decision

36. In summary, I have, subject to Part 2, had regard to the matters in sections 104(1) of the RMA and, on the basis of the evidence before me, and the conditions proposed by Ms Wilson and agreed to by the applicant, I am satisfied that the application achieves the purpose of the RMA and can be granted subject to the imposition of the conditions and duration recommended by Ms Wilson.
37. It is therefore my decision, under delegated authority on behalf of the Canterbury Regional Council, to **GRANT** South Park Farming Limited the following resource consent:
- I. CRC213226 – to use land for a farming activity
subject to conditions and duration set out in Appendix 1.

Dated at Christchurch this 29th of November 2022



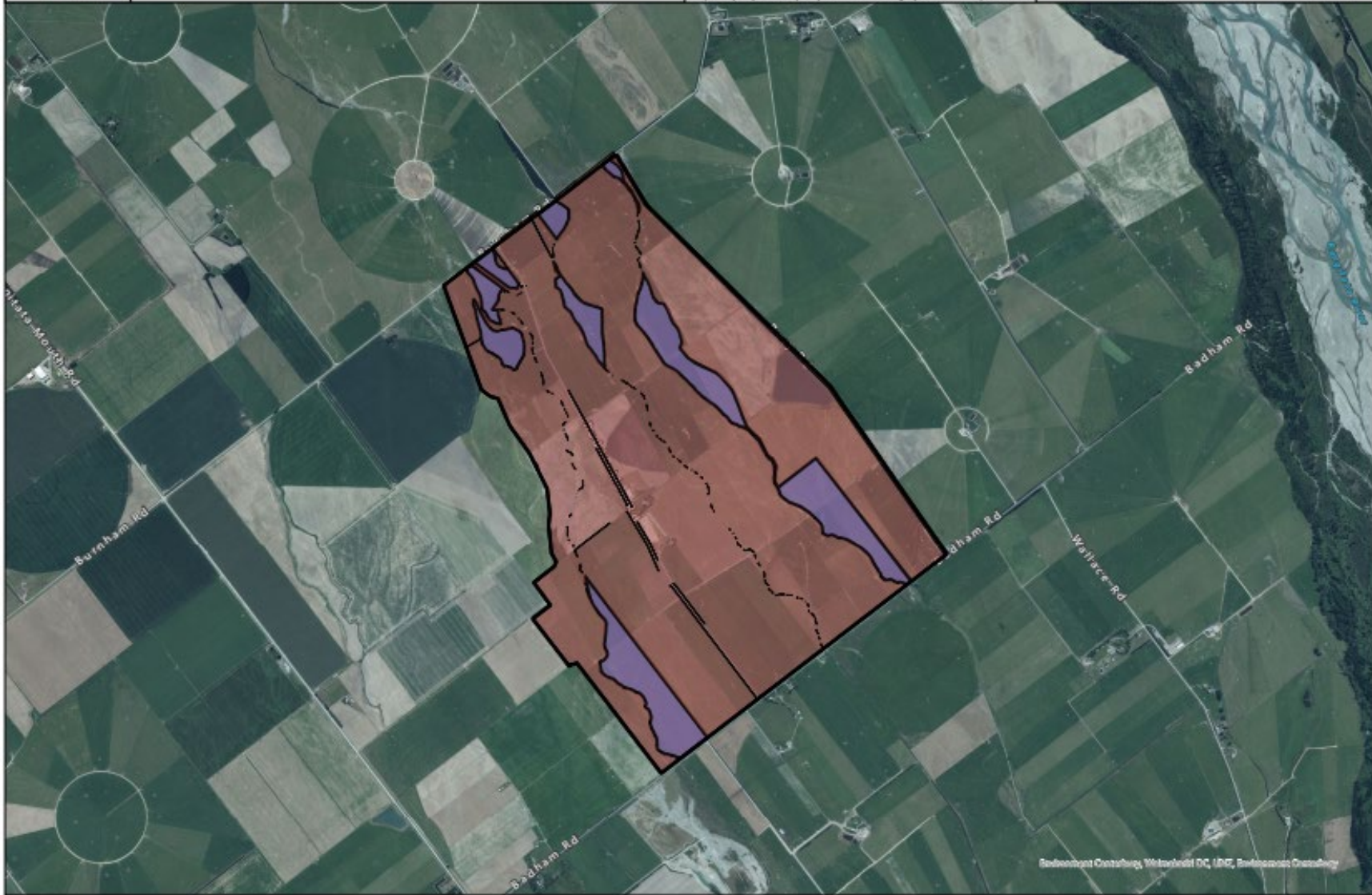
Dr Philip Burge
Principal Consents Advisor
(Resource Managers Officers Group)

Appendix 1

	DEFINITIONS
	<p><u>Base year/s</u> means the period in which the nitrogen loss limit for a particular farm system is determined.</p> <p><u>Base year inputs</u> mean records (C22C/251250) that describes the farm system during the base year.</p> <p><u>Effective area</u> means total area of property used for effective farmland as defined in the application.</p> <p><u>Farm system category</u> means farm system of a property as defined by the relevant categories set out in Appendix CRC213226A, attached to, and forming part of the consent.</p> <p><u>Farm system descriptor</u> means a description of the farm system which is based on the total effective area, total irrigation, total winter grazing and farm system category of a property.</p> <p><u>Good Management Practice (GMP)</u> means the practices described in the document entitled "Industry-agreed Good Management Practices relating to water quality" - dated 18 September 2015.</p> <p><u>Irrigation area</u> means lawfully irrigated land on a property.</p> <p><u>Mitigation measures</u> means actions taken on the property that will decrease the nitrogen loss risk OR On-farm changes that will decrease the nitrogen loss risk.</p> <p><u>Nitrogen Loss Limit (NLL)</u> for the property is based on the base year inputs, farm system descriptors and farm system category undertaken during the 2018 year end.</p> <p><u>Winter grazing</u> means the grazing of cattle on a property within the period of 1 May to 30 September, where the cattle are contained for break-feeding of:</p> <ul style="list-style-type: none"> a. in-situ brassica and root vegetable forage crops; or b. for consuming supplementary feed that has been brought onto the property (as defined in the LWRP).
	LIMITS
1	<p>The use of land for farming shall only be within the area shown on Plan CRC213226 attached to and forming part of this consent.</p> <p>Advice Note: <i>This resource consent authorises the use of land for farming for nutrient management purposes only. Other resource consents or restrictions from both the Regional and local District Council may apply in relation to any other activity, including but not limited to activities within or near riverbeds, lakes, wetlands or other waterways; vegetation clearance, and earthworks.</i></p>

	<p>Advice Note: Flood Protection and Drainage Bylaw The area covered by this resource consent includes assets and/or waterways managed by Canterbury Regional Council River Engineers. These assets and/or waterways are protected under the Canterbury Regional Council Flood Protection and Drainage Bylaw to ensure the ongoing effective operation and maintenance of the flood protection and drainage assets. Any works undertaken in, over, through, or within 7.5 metres of these waterways / Any activity that may damage flood protection vegetation may require a Bylaw Authority.</p>
	<p>FARM SYSTEM DESCRIPTION AND NITROGEN LOSS LIMITS</p>
2	<p>For Objective 5A (Management Area: Nutrients) in the FEP prepared in accordance with Condition (5), the consented nitrogen loss limit is described by the following farm system descriptors and base year inputs as described in the application:</p> <ol style="list-style-type: none"> a. Maximum area of irrigation: 466.2 hectares b. Maximum area of winter grazing: 145.5 hectares; c. Maximum effective area: 495.5 hectares; and d. Farm System Category B as described in Appendix CRC213226A; <p>The determination of whether a farm meets the nitrogen loss limit will be whether the farm is:</p> <ol style="list-style-type: none"> a. consistent with the farm system descriptors; and b. in accordance with the base year inputs as assessed using Environment Canterbury Nutrients Management - Guidelines for FEP Auditors. <p>unless the property has been influenced by a severe extraordinary event (including but not limited to droughts and floods).</p> <p>Advice Note: To assist the FEP auditor and the Consent Holder this Objective and Target has been inserted into Appendix CRC213226B attached to this consent.</p> <p>Advice Note 2: This property is located within the Orari Temuka Opihi Pareora Sub region: Orari Freshwater Management Unit</p> <p>Advice Note 3: The base year inputs can be found in Canterbury Regional Council electronic file reference C22C/251250, referred to as "CRC213226, Base Year Inputs.</p>
3	<p>The consent holder shall maintain records of all base year inputs as described in Condition (2). A copy of the records shall be provided to an independent Farm Environment Plan auditor, certified by Canterbury Regional Council, on request.</p>
	<p>FARM ENVIRONMENT PLAN AND AUDITING REQUIREMENTS</p>
4	<p>The consent holder shall maintain a Farm Environment Plan (FEP) in accordance with Appendix CRC213226B, which forms part of this consent; and</p> <ol style="list-style-type: none"> a. on farm practice shall be in accordance with the FEP at all times; b. the FEP shall be updated as necessary to reflect any changes in the farming operation over time; and c. a copy of the FEP shall be provided to the Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance on request.
5	<p>The FEP prepared in accordance with Condition (4) above:</p>

	<ul style="list-style-type: none"> a. shall be audited within 12 months of the grant of this consent in accordance with Part C of Appendix CRC213226B. b. Subsequent audits shall be undertaken within the timeframes specified in Part C of Appendix CRC213226B; and c. A copy of the audit data shall be provided to the Canterbury Regional Council in accordance with the requirements of the Canterbury Certified Farm Environment Plan (FEP) Auditor Manual.
6	<p>The farming activity shall be managed:</p> <ul style="list-style-type: none"> a. to achieve and maintain a Farm Environment Plan audit grade of “A” or “B”, as assigned in accordance with Part C of Appendix CRC213226B; and b. such that it is not assigned a “C” or “D” grade.
	South Branch of Rangitata River
	<p>For the area identified in the purple shaded area in Plan CRC213226, the following farm practices shall occur</p> <ul style="list-style-type: none"> a. A maximum of 500 dairy cows or 500 young stock b. No wintering pods, standoff pads or silage pits c. There shall be no winter crops d. There shall be no fertiliser applied during 1 June to 31 August
	ADMINISTRATION
8	<p>The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <ul style="list-style-type: none"> a. dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; b. ensuring that the provisions of Appendix CRC213226B relating to the FEP audit grading system and timeframes are still appropriate; or c. enabling the standards set by a regional plan to be met when a regional plan has been made operative which sets rules relating to minimum standards of water quality.



Appendix CRC213226A: Farm System Categories

CATEGORY	FARM SYSTEM	DESCRIPTION
A	DAIRY	Tonnes DM/ha (Calculate feed eaten per ha, as per defined process)
B	DAIRY SUPPORT	Mixture of crops and pasture grown for the rearing of dairy replacements and/or wintering of milking cows
C	SHEEP & BEEF	Mixture of pasture and crops grown for the breeding of sheep, beef and/or deer, and could include a mixture of breeding and finishing
D	STOCK FINISHING	Mixture of pasture and crops grown for stock finishing
E	DEER	Mixture of pasture and crops grown for deer breeding and/or finishing
F	OUTDOOR PIGS	Management of land for production of pigs
G	OTHER LIVESTOCK	Horses, camelids and other livestock categories
H	CUT AND CARRY	Production of a range of forage crops for use off-paddock
I	ARABLE 1	Mixture of crops (small seed, cereals and/or vegetable) grown for harvest
J	ARABLE 2	Mixture of crops (small seed, cereals, pasture and/or vegetable) grown for harvest and stock grazing
K	HORTICULTURE	Fruit, nuts and/or vegetables grown for harvest
L	VITICULTURE	Production of grapes grown for wine production
M	OTHER	Describe: XXX

Appendix CRC213226B: Schedule 7 Farm Environment Plan

Definitions

In Schedule 7 the following definitions apply:

Management Area means the areas of farm management practice as set out below:

- (a) Nutrients
- (b) Irrigation
- (c) Cultivation and soil structure
- (d) Animal effluent and solid animal waste
- (e) Waterbodies (riparian areas, drains, rivers, lakes, wetlands)
- (f) Point sources – offal pits, farm rubbish pits, silage pits
- (g) Water use (excluding water associated with irrigation) – stock water and wash-down water

Objective – means the overarching outcome sought in relation to each **Management Area**.

Target – means a measurable, auditable statement that contributes to achievement of the **Objective** in each **Management Area**.

Part A – Farm Environment Plans

A Farm Environment Plan can be based on either of:

1. The material set out in Part B below;

OR

2. Industry prepared Farm Environment Plan templates and guidance material that:
 - (a) includes the following minimum components:
 - (i) the matters set out in 1, 2, 3, 4B and 5 of Part B below;
 - (ii) contains a methodology that will enable development of a plan that will identify actual and potential 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
 - (iv) matters or requirements set out in Part B of Schedule 7 that have been added as a result of a sub-region planning process; 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.

Part B – Farm Environment Plan Default Content

The plan requirements will apply to:

- (a) a plan prepared for an individual property or farm enterprise; or
- (b) a plan prepared for an individual property which is part of a collective of properties, including an irrigation scheme, principal water supplier, or an Industry Certification Scheme

The plan shall contain as a minimum:

1. Property or farm enterprise details
 - (a) Physical address
 - (b) Description of the ownership and name of a contact person
 - (c) Legal description of the land and farm identifier

2. A map(s) or aerial photograph at a scale that clearly shows:
 - (a) The boundaries of the property or land areas comprising the farming enterprise.
 - (b) The boundaries of the main land management units on the property or within the farming enterprise.
 - (c) The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands.
 - (d) The location of riparian vegetation and fences adjacent to water bodies.
 - (e) The location on all waterways where stock access or crossing occurs.
 - (f) The location of any areas within or adjoining the property that are identified in a District Plan as “significant indigenous biodiversity”.
 - (g) The location of any critical source areas for phosphorus or sediment loss for any part of the property including any land within the High Runoff Risk Phosphorus Zone.
 - (h) The location of flood protection or erosion control assets, including flood protection vegetation.
 - (i) Public access routes or access routes used to maintain the rivers, streams, or drains.
3. A list of all Canterbury Regional Council resource consents held for the property or farming enterprise.
- 4A. An assessment of the adverse environmental effects and risks associated with the farming activities and how the identified effects and risks will be managed, including irrigation, application of nutrients, effluent application, stock exclusion from waterways, offal pits and farm rubbish pits.
- 4B
 - (a) nutrient budgets which show the nitrogen baseline and nitrogen loss calculation for the property or farming enterprise; and
 - (b) a report from the Farm Portal which shows for any property or farming enterprise the Baseline GMP Loss Rate and Good Management Practice Loss Rate
5. A description of how each of the following objectives and targets for each Management Area, where relevant, will be met and the specific actions that will be implemented to attain the targets.

5A Management Area: Nutrients

Objectives:

- (1) Use nutrients efficiently and minimise nutrient losses to water.
- (2) Nutrient losses do not exceed consented nitrogen loss limits.

Targets:

- (1) Nitrogen losses from farming activities are at or below the:
 - (a) Baseline GMP Loss Rate or Good Management Practice Loss Rate (whichever is the lesser); or
 - (b) consented nitrogen loss limits.
- (1a) Available nitrogen loss mitigation measures (excluding those associated with operating irrigation, fertiliser or effluent management at GMP) are implemented.
- (2) Available nitrogen loss mitigation measures (excluding those associated with irrigation, fertiliser or effluent management) are implemented.
- (3) Phosphorus and sediment losses from farming activities are minimised.
- (4) Manage the amount, timing and application of fertiliser inputs to match the predicted plant requirements and minimise nutrient losses
- (5) Store and load fertiliser to minimise the risk of spillage, leaching and loss into water bodies.

Advice Note 1:

The consented loss limits (as per condition 2 of CRC213226) are:

- a. Maximum area of irrigation: 466.2 hectares
- b. Maximum area of winter grazing: 145.5 hectares;
- c. Maximum effective area: 495.5 hectares; and
- d. Farm System Category B as described in Appendix CRC213226A;

The determination of whether a farm meets the nitrogen loss limit will be whether the farm is:

- a. consistent with the farm system descriptors; and
- b. in accordance with the base year inputs as assessed using Environment Canterbury Nutrients Management - Guidelines for FEP Auditors.
unless the property has been influenced by a severe extraordinary event (including but not limited to droughts and floods).

Advice Note 2: *This property is located within the Orari Temuka Opihi Pareora Sub region: Orari Freshwater Management Unit*

Advice Note 3: *The base year inputs can be found in Canterbury Regional Council electronic file reference C22C/251250, referred to as "CRC213226, Base Year Inputs.*

5B Management Area: Irrigation

Objective:

The amount and timing of irrigation is managed to meet plant demands, minimise risk of leaching and runoff and ensure efficient water use.

Targets:

- (1) New irrigation systems are designed and installed in accordance with industry codes of practice and standards.
- (2) The performance of irrigation systems is assessed annually, and irrigation systems are maintained and operated to apply irrigation water at their optimal efficiency.
- (3) The timing and depth of irrigation water applied takes account of crop requirements and is justified through soil moisture monitoring or soil water budgets and climatic information.
- (4) Staff are trained in the operation, maintenance and use of irrigation systems.

5C Management Area: Cultivation and Soil Structure

Objective:

The physical and biological condition of soils is maintained or improved in order to minimise the movement of sediment, phosphorus and other contaminants to waterways.

Targets:

- (1) Farming activities are managed so as to not exacerbate erosion.
- (2) Farming practices are implemented that optimise infiltration of water into the soil profile and minimise run-off of water, sediment loss and erosion.

5D Management Area: Animal Effluent and Solid Animal Waste

Objective:

Animal effluent and solid animal waste is managed to minimise nutrient leaching and run-off.

Targets:

- (1) Effluent systems meet industry Codes of Practice or an equivalent standard.
- (2) The timing and rate of application of effluent and solid animal waste to land is managed so as to minimise the risk of contamination of groundwater or surface water bodies.
- (3) Sufficient and suitable storage is available to enable animal effluent and wash-down water to be stored when soil conditions are unsuitable for application.
- (4) Staff are trained in the operation, maintenance and use of effluent storage and application systems.

5E Management Area: Waterbodies (wetlands, riparian areas, drains, rivers, lakes)

Objective:

Wetlands, riparian areas and the margins of surface waterbodies are managed to avoid damage to the bed and margins of the water body, and to avoid the direct input of nutrients, sediment, and microbial pathogens.

Targets:

- (1) Stock is excluded from waterbodies in accordance with regional council rules or any granted resource consent.
- (2) Vegetated riparian margins of sufficient width are maintained to minimise nutrient, sediment and microbial pathogen losses to waterbodies.
- (3) Farm tracks, gateways, water troughs, self-feeding areas, stock camps, wallows and other farming activities that are potential sources of sediment, nutrients and microbes are located so as to minimise the risks to surface water quality.
- (4) Mahinga kai values are protected as a result of measures taken to protect and enhance water quality and stream health.

5F Management Area: Point Sources (offal pits, farm rubbish pits, silage pits)**Objective:**

The number and location of pits are managed to minimise risks to health and water quality.

Target:

- (1) All on-farm silage, offal pit and rubbish dumps are managed to avoid direct discharges of contaminants to groundwater or surface water.

5G Management Area: Water-use (excluding irrigation water)**Objective:**

To use water efficiently ensuring that actual use of water is monitored and efficient.

Targets:

- (1) Actual water use is efficient for the end use.

The plan shall include for each objective and target in section 5 above:

- (a) detail commensurate with the scale of the environmental effects and risks;
 - (b) a description of the actions and Good Management Practices (and a timeframe within which those actions will be completed) that will be implemented to achieve the objectives and targets.
 - (c) records required to be kept for measuring performance and attainment of the targets and objectives.
6. Nutrient budgets, prepared by a suitably qualified person using the Overseer nutrient budget model, or equivalent model approved by the Chief Executive of Environment Canterbury, for each of the identified land management units and the overall farm or farming enterprise.

Sub-region Additions**11. Orari-Temuka-Opihi-Pareora – Additional Requirements**

Within the Orari-Temuka-Opihi-Pareora Sub-region, the following additional requirements for farm environment plans apply.

Note: Management Area 5A: Nutrients, Objective 2, Target 1 does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 14.5.18.

The information required under Part B 2(c) includes the location of any artificial watercourses.

Management Area 5A: Nutrients includes the following additional objective and target:

Objective:

Staged reductions beyond Baseline GMP Loss Rates, or lawful nitrogen loss rates, within the Rangitata Orton, Fairlie Basin, and Levels Plain High Nitrogen Concentration Areas to meet nitrate-nitrogen limits for surface and groundwater within Section 14.

Target:

1. Where required further reductions in nitrogen losses beyond Baseline GMP Loss Rates, or lawful nitrogen loss rates for properties within the Rangitata Orton, Fairlie Basin and Levels Plain High Nitrogen Concentration Zones as required by Table 14(zc). However, **Management Area 5A: Nutrients, Objective 2, Target 1** does not apply to properties that comply with the irrigation and winter grazing thresholds in Rule 14.5.17.

Management Area: Mahinga kai

Objective:

To protect mahinga kai values.

Target:

Mahinga kai values of surface waterbodies on the property are recognised by achieving other objectives and targets in the Farm Environment Plan, and in addition by:

- a. maintaining existing indigenous vegetation in accordance with relevant regional council and district council vegetation clearance rules or any granted resource consent;
- b. identifying opportunities to undertake additional plantings of indigenous vegetation, and carrying out and managing any additional plantings in accordance with regional council guidelines for riparian planting;
- c. undertaking farming activities in a manner that minimises adverse effects on existing indigenous vegetation and on any additional plantings of indigenous riparian vegetation; and
- d. managing pest plants in accordance with regional council rules.

Management Area: In-stream Biodiversity Values

Objective:

To protect and enhance in-stream biodiversity values.

Targets:

On the map or aerial photograph of waterbodies required under Part A of this Schedule, specify the location of any springs, wetlands and spring-fed streams on the property or within the farming enterprise to recognise their high instream biodiversity values.

Prioritise achievement of the targets for Management Area: Waterbody Management for any springs, wetlands and spring-fed streams so as to protect and enhance the instream biodiversity values.

Management Area: Rock Art sites

Objective: To protect rock art sites and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings.

Targets:

1. For any property that has all or part of the property within the Rock Art Management Area, irrigation is managed to avoid any adverse effects on rock art sites and the historical, ecological and Ngāi Tahu values associated with these sites and their surroundings; and
2. Stock is excluded from any rock art site so as to avoid damage to the artwork and

surrounding area;

3. Manage farming practices to protect rock art sites by avoiding adverse effects that may modify, damage or destroy these sites and the values associated with these sites.

Management Area: Mātaitai and waipuna (Mātaitai and Waipuna Protection Zone)

Objective: To protect mātaitai and waipuna sites and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings.

Target:

For any property that has all or part of the property within the Mātaitai and Waipuna Protection Zone, farming practices are managed to avoid any adverse effects on mātaitai and waipuna sites, and the historic, ecological and Ngāi Tahu values associated with these sites and their surroundings.

Part C – Farm Environment Plan Audit Requirements

The Farm Environment Plan must be audited by a Certified Farm Environment Plan Auditor who is independent of the farm being audited (i.e. is not a professional adviser for the property) and has not been involved in the preparation of the Farm Environment Plan.

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

1. An assessment of the performance of the farming activity against the objectives, targets, and timeframes specified in the Farm Environment Plan;
2. An assessment of the robustness of the nutrient budget/s;
3. An assessment of the efficiency of water use (if irrigated).

The auditor shall determine the level of confidence they have that each objective has been achieved. This level of confidence shall be categorised into the following:

1. High = The objective has probably been achieved;
2. Medium = The objective has possibly been achieved; or
3. Low = It is unlikely that the objective has been achieved.

The audit shall record the justification for each level of confidence assessment, including noting the evidence, or lack of, used to make the determination. Where an objective has received a Medium or Low level of confidence, the audit shall include the required actions for the farm to meet the objective. Where an objective has received a medium level of confidence (and the farm has received no Lows), the audit shall also determine whether or not the farm is on-track to achieve the objectives.

The audit shall record the overall audit grade based on the results of the level of confidence assessment as follows:

1. A grade = All Highs;
2. B grade = One or more Mediums and no Lows, but on-track to achieve the objectives;
3. C grade = One or more Mediums and no Lows, but not on-track to achieve the objectives; or
4. D grade = Any Lows.

The grade of the previous audit sets the timeframe until the next audit is required as follows:

1. A grade = 3 years;
2. B grade = 2 years;
3. C grade = 12 months; or
4. D grade = 6 months.

Exceptions to the timeframes for repeat audits apply in the following circumstances:

1. Where an audit grade of A or B has been achieved, but where the manager of the farm changes or the farm system changes, then an audit shall be undertaken within 12 months of the change.

A change in the farm system means whole farm operation conversions, including but not limited to, converting between dairy support, dairy platform, sheep & beef and cropping; and also, any introduction of a new stock type to the farm, e.g., deer or wintering dairy cows. Changes such as, varying the type of crop grown or varying the relative proportions of stock types do not constitute a farm system change.

2. Where a farm is subject to Farm Environment Plan audit requirements under a nutrient discharge consent held by an irrigation scheme, the audit frequency specified in the irrigation scheme's consent shall prevail over the timeframes set out above.
3. Where a farm is subject to a Farm Environment Plan audit as part of an ISO Accredited audit programme, then the audit frequency for an A or B grade shall be consistent with that of the ISO accredited audit programme for a 'passed' audit under the programme.

The Environment Canterbury Certified Farm Environment Plan Auditor Manual sets out the standards and methods to be used by a Certified Farm Environment Plan Auditor to demonstrate proficiency and competency in the auditing of Farm Environment Plans.

Definitions

Base year/s means the period in which the nitrogen loss limit for a particular farm system is determined.

Base year inputs mean records (C22C/251250) that describes the farm system during the base year.

Effective area means total area of property used for effective farmland as defined in the application.

Farm system category means farm system of a property as defined by the relevant categories set out in Appendix CRC213226A, attached to, and forming part of the consent.

Farm system descriptor means a description of the farm system which is based on the total effective area, total irrigation, total winter grazing and farm system category of a property.

Good Management Practice (GMP) means the practices described in the document entitled "Industry-agreed Good Management Practices relating to water quality" - dated 18 September 2015.

Irrigation area means lawfully irrigated land on a property.

Mitigation measures means actions taken on the property that will decrease the nitrogen loss risk OR On-farm changes that will decrease the nitrogen loss risk.

Nitrogen Loss Limit (NLL) for the property is based on the base year inputs, farm system descriptors and farm system category undertaken during the 2018 year end.

Winter grazing means the grazing of cattle on a property within the period of 1 May to 30 September, where the cattle are contained for break-feeding of:

- a. in-situ brassica and root vegetable forage crops; or
- b. for consuming supplementary feed that has been brought onto the property (as defined in the LWRP).