

## Annexure 6

### Appendix N – Farm Environmental Management Plan Requirements (CV)

[1] A Farm Environment Management Plan must be:

- (1) a Freshwater Farm Plan prepared, implemented and audited in accordance with regulations prepared under Part 9A of the RMA and which apply within the Southland region, plus any additional information or components required by Part B ~~(3) and (6)(b)~~ as below;<sup>1</sup> or
- (2) if Freshwater Farm Plans, under Part 9A of the RMA, are not yet required in the Southland region, a Farm Environmental Management Plan will be prepared and implemented in accordance with Parts A to C below.

#### Part A – Farm Environmental Management Plans

[2] All FEMPs (prepared in accordance with this Appendix) must include and give effect to the FEMP Purpose Statement.

##### **FEMP Purpose Statement**

This FEMP contributes to the management of Southland’s water and land resources under the Southland Water and Land Plan (the SWLP) which embodies ki uta ki tai and upholds Te Mana o Te Wai. These concepts are to be at the forefront of water and land management in the FEMP.

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<sup>1</sup> Cross-references have been superseded. We suggest the reference is to Part B (only).

[3] The SWLP, and therefore this FEMP, must give effect to the objectives of the SWLP, including Objectives 1 and 2 which are fundamental to the SWLP. These objectives are:

**Objective 1** (of the SWLP) – Land and water and associated ecosystems are sustainably managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.

**Objective 2** (of the SWLP) – The mauri of water provides for te hauora a te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the water body) and te hauora o te tangata (health and mauri of the people).

[4] A FEMP can be based on either of:

- (1) the default content set out in Part B below; or
- (2) industry-prepared FEMP templates and guidance material, with Southland-specific supplementary material added where relevant, so that it includes the default content set out in Part B below; or
- (3) a management plan and nutrient budget prepared in accordance with a condition of resource consent to discharge industrial wastewater onto land that is also used for farming activity, with the default content set out in Part B below included where relevant to the farm receiving the industrial wastewater. ~~provided it includes the material set out in Part B below in relation to each farm receiving industrial wastewater.~~<sup>2</sup>

[5] All FEMPs shall be certified and compliance with the FEMP audited in

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<sup>2</sup> An amendment is suggested so that cl 2 and 3 adopt a similar drafting style.

accordance with Part C.<sup>3</sup>

## **Part B – Farm Environmental Management Plan Default Content**

[6] The FEMP shall contain the following landholding details:

- (a) physical address;
- (b) description of the landholding ownership and the owner's contact details;
- (c) legal description(s) of the landholding; ~~and~~
- (d) a list of all resource consents held for the landholding and their expiry dates; and
- (e) the type of farming activities being undertaken on the property, such as 'dairy' or 'sheep and beef with dairy support'.

[7] The FEMP shall contain a map(s) or aerial photograph(s) of the landholding at a scale that clearly shows the locations of:

- (a) property and paddock boundaries; and
- (b) the physiographic zones found on the Regional Council's website (and variants where applicable) and soil types (or Topoclimate South soil maps); and
- (c) all lakes, rivers, streams (including intermittent rivers), springs, ponds, artificial watercourses, modified watercourses and natural wetlands; and
- (d) all critical source areas; and
- (e) all existing and proposed riparian vegetation and fences (or other stock exclusion methods) adjacent to water bodies; and
- (f) places where stock access or cross water bodies (including bridges,

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<sup>3</sup> We have assumed all FEMPs are certified and compliance audited. Parties are to say if this is not intended for management plans associated with the consented discharge of industrial wastewater.

- culverts and fords); and
- (g) the location of all known subsurface drainage system(s) and the locations and depths of the drain outlets; and
  - (h) land to be:<sup>4</sup>
    - (i) cultivated; or
    - (ii) intensively winter grazed; or
    - (iii) used for pasture-based wintering; and
    - (iv) used for a sacrifice paddock;<sup>5</sup> and
  - (i) any areas of the land within a catchment of a water body identified in Schedule X; and
  - (j) any heritage site recorded in the relevant district plan, on the New Zealand Heritage List/Rārangī Kōrero or on the New Zealand Archaeological Association website; and
  - (k) the presence of taonga species listed in Appendix M of the Southland Land and Water Plan<sup>6</sup> within water bodies on the farm (if known); and
  - (l) other significant values and uses (if known) of nearby land and waters including mahinga kai and nohoanga.

### **Nutrient Budget/Nutrient Loss Risk Assessment**

[8] For all landholdings over 20 ha, the FEMP contains either:

- (a) a nutrient budget (which includes nutrient losses to the environment) calculated using a model approved by the Chief Executive of Southland Regional Council); or
- (b) a nutrient loss risk assessment undertaken using a nutrient loss risk assessment tool approved by the Chief Executive of Southland

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<sup>4</sup> Roman numbers used.

<sup>5</sup> See 'Rule 35B' decision.

<sup>6</sup> Added for clarification.

Regional Council; ~~and the.....~~<sup>7</sup>

- (c) the nutrient budget or nutrient loss risk assessment will be ~~is~~ repeated:
- (i) where a material change\* in land use associated with the farming activity has occurred or is intended that may affect the implementation of cl [9] Objectives<sup>8</sup> (including a change in crop area/yield, crop rotation length, type of crops grown, stocking rate or stock type); and
  - (ii) each time the nutrient budget or nutrient loss risk assessment is repeated, all the input data used to prepare it shall be reviewed by or on behalf of the landholding owner, for the purposes of ensuring the nutrient budget or nutrient loss risk assessment accurately reflects the farming system. A record of the input data review shall be kept by the landholding owner; and
  - (iii) the nutrient budget or nutrient loss risk assessment must be prepared by a suitably qualified person who has been approved as such by the Chief Executive of Southland Regional Council.

### **Objectives of Farm Environmental Management Plans**

[9] The following objectives will be met:

- (a) **Nutrient and soil management:**
  - (i) losses of nitrogen, phosphorus, sediment and microbial contaminants from farming activities to water bodies do not increase (when compared to existing discharges) and are minimised with any change in farming activity;<sup>9</sup> and
  - (ii) the overland flow of water is minimised to control sediment loss from cultivated paddocks and from paddocks used for intensive

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<sup>7</sup> Structural change made to improve clarity.

<sup>8</sup> See Appendix N: FEMP decision.

<sup>9</sup> In line with Policy 16, the requirement to not increase discharges and to minimise losses has been re-ordered.

winter grazing, pasture-based wintering and for sacrifice paddocks; vegetated setbacks are maintained to slow the overland flow of water, filter and support the infiltration of sediment/nutrients; and sediment trap(s) established where critical source areas are cultivated;

(iii) if the farm is within a catchment identified in Schedule X, adverse effects on water quality are reduced (when compared to existing activities).

(b) **Habitat management:** activities in waterways, natural wetlands and their margins are managed so that in-stream and riparian habitat values are not diminished, and where practicable are improved;<sup>10</sup>

[10] If relevant to farming operations, the following objectives will also be met:

(a) **Intensive Winter Grazing and Pasture-Based Wintering:** ensure the particular risks of these activities are managed effectively, grazing of critical source areas and setbacks<sup>11</sup> are avoided; and the extent and duration of exposed soils is minimised;<sup>12</sup>

(b) **Collected agricultural effluent management:** manage the discharge of collected agricultural effluent in accordance with industry best industry practice to ensure the adverse effects of contaminants on water quality do not increase and are minimised;<sup>13</sup>

(c) **Irrigation system designs and installation:** ensure that all new irrigation systems and significant upgrades meet industry best practice; standards<sup>14</sup>

(d) **Irrigation management:** ensure efficient on-farm water use that

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<sup>10</sup> See 'Appendix N: FEMP' decision.

<sup>11</sup> The term 'setback' and not 'buffer' is used in the rules.

<sup>12</sup> See 'Appendix N: FEMP' decision, single new objective applying to both IWG and pasture-based wintering.

<sup>13</sup> A former 'To' objective. Amendments suggested for consistency with other objectives and to implement Policy 16.

<sup>14</sup> A former 'To' objective. Amendments suggested for consistency with other objectives and to implement Policy 16.

meets crop demands, including through upgrading existing systems to meet industry best practice standards, and ensuring that water and contaminant losses to water bodies do not increase and are minimised.<sup>15</sup>

The FEMP must also identify additional objectives if these are relevant to the farming activities and/or to address environmental risks associated with the farm and the environment within which it is located.

[11] For each (relevant) objective above:

- (a) identify how the farm fits within the wider catchment, known as a ‘catchment context’, including a description of where contaminants lost from the farm end up; and
- (b) identify the risks associated with the farming activities on the property, including the risk pathways of the relevant physiographic zones (and variants), and the risks caused by extreme weather events; and
- (c) demonstrate how the losses of nitrogen, phosphorus, sediment and microbial contaminants are being minimised; and
- (d) where the farm is located in a Schedule X catchment, assess how the effects on water quality will be reduced by taking into account the risk pathways of the relevant physiographic zone and the catchment context(s), the risks associated with farming activities and the actions to minimise losses of contaminants; and
- (e) define the actions to be taken that clearly set a pathway and timeframe for achievement of the objectives; and
- (f) identify any specific mitigations required by a resource consent held for the property; and
- (g) specify the records to be kept for demonstrating mitigations have

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<sup>15</sup> A former ‘To’ objective. Amendments suggested for consistency with other objectives and to implement Policy 16.

been actioned and are achieving the objective.

### **Winter Grazing Plan**

[12] A Winter Grazing Plan is to be prepared each year for the following activities:<sup>16</sup>

- (a) intensive winter grazing; or
- (b) pasture-based wintering of cattle; or
- (c) for stock other than cattle, where pasture is to provide less than 50% of the animal's diet and supplementary feed will be offered on the paddock; or
- (d) sacrifice paddocks.

[13] Implementing the FEMP, the Winter Grazing Plan is to:

- (a) record:
  - (i) the location, paddock slope, land area used, crop type, expected pasture or crop yield and supplementary feed amount and type; and
  - (ii) stock type, numbers and estimated<sup>17</sup> duration of grazing on each paddock.
- (b) identify:
  - (i) any critical source areas, explain how stock will be excluded from them between 1 May–30 September; and
  - (ii) any water bodies and features from which stock must be setback and excluded, explaining how this will be done.
- (c) explain the procedures to be followed in an adverse weather event (including higher than or below average rainfall);

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<sup>16</sup> New clause, see Appendix N: FEMP decision.

<sup>17</sup> We suggest 'estimated' duration as this is dependent on the quality of feed available and weather conditions.



- (d) confirm how the following practices are to be implemented:
  - (i) downslope grazing or a 20 m ‘last-bite’ vegetated strip at the base of the slope; and
  - (ii) back fencing to prevent stock entering previously grazed areas.
- (e) for intensive winter grazing:
  - (i) identify paddocks to be resown after grazing and the date by which this is to occur, weather permitting.
- (f) for pasture-based wintering of cattle:<sup>18</sup>
  - (i) explain the intended paddock set-up including:
    - (1) the predicted post grazing residual on each paddock; and
    - (2) identification of paddocks to be resown after grazing and the date this is to occur, weather permitting; and
  - (ii) if a post-grazing residual is intended, explain how the amount of exposed soil will be minimised and the armouring provided by the pasture on the paddock will be retained.
- (g) for stock other than cattle, where pasture is less than 50% of the animal’s diet and supplementary feed will be offered on the paddock:
  - (i) identify paddocks to be resown after grazing and the date this is to occur, weather permitting; and
  - (ii) (placeholder – parties are to respond whether setbacks from water bodies are required.)
- (h) with reference to the planned total feed to be offered stock<sup>19</sup> and the relevant physiographic zones (and variants), explain how the intensity, operation and location of intensive winter grazing and pasture-based wintering of stock (including cattle) will:
  - (1) not lead to an increase in contaminant losses when compared with what has occurred in the past;
  - (2) minimise contaminant losses; and

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<sup>18</sup> See the ‘Rule 20B’ decision.

<sup>19</sup> An alternative way to express ‘planned total feed’ may be to refer to crop yield (kg of dry matter per m<sup>2</sup>) and the proportion of crop in the total diet (kg of dry matter offered per cow per day).

- (3) for Schedule X catchments, lead to a reduction in adverse effects on water quality.

### **Part C – Farm Environmental Management Plan Certification, Auditing, Review and Amendment**

[14] Farm Environmental Management Plan Certification:

- (a) the FEMP must be certified, prior to implementation on the farm, by a Suitably Qualified Person (SQP) who has been approved as such by the Chief Executive of Southland Regional Council;
- (b) the purpose of FEMP certification is to confirm that the farming activities on the farm will be carried out in a way that will achieve the Objectives in this Appendix and will comply with any resource consent for the landholding;
- (c) the FEMP must be re-certified, prior to implementation, following any amendments to the FEMP carried out in accordance with Part C (17) of this Appendix;
- (d) within one month of a FEMP being certified, a copy of the certified FEMP must be provided to the Southland Regional Council.

[15] Auditing of the certified Farm Environmental Management Plan:

- (a) within 12 months of the landholding's first FEMP being certified, the landholding owner must arrange for an audit of the farming activities<sup>20</sup> to ascertain and ensure compliance with the FEMP. Thereafter, the frequency of auditing will be in accordance with any conditions of consents held for the landholding, or alternatively, where there are no consent or consent conditions requiring auditing, every two years after receipt of the previous audit report, unless the Chief Executive of the Southland Regional Council, having regard to

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<sup>20</sup> Forest & Bird/Fish & Game chapeau.

- the Objectives of the Southland Water and Land Plan, specifies in writing, a shorter or longer period between auditing;
- (b) the auditor must be a ~~Suitably Qualified Person (SQP)~~<sup>21</sup> who has been approved as such by the Chief Executive of Southland Regional Council and must not be the same person or from the same organisation that prepared the FEMP;
  - (c) the auditor must prepare an audit report that:
    - (i) sets out the auditor's findings;
    - (ii) states whether compliance has been achieved; and
    - (iii) sets out any recommendations from the auditor.
  - (d) within one month of the final audit report being prepared, the audit report must be provided to the Southland Regional Council by the auditor.

[16] The FEMP must be reviewed by the landholding owner, or their agent, as follows:

- (a) when there is a material change~~\*to the nature of the~~ in farming activities ~~occurring~~ on the landholding that increases the risk of not achieving the plan's objectives, and where that ~~material~~ change is not provided for within the landholding's certified FEMP; and<sup>22</sup>
- (b) at least once every 12 months; and
- (c) to respond to the outcome of an audit.

[17] The outcome of the review is to be documented and amendments to the FEMP must be made where Part C(16)(a) applies, and in circumstances where the annual review identifies that amendments are required.

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<sup>21</sup> SQP has been defined above.

<sup>22</sup> See Appendix N: FEMP decision.

**Notes:**

- (a) actions and mitigations in a FEMP may be more stringent than permitted activity standards of the pSWLP rules where this is appropriate to achieve the FEMP objectives;
- (b) the no increase in contaminant loss explanation required by clause 13(h)(1) is to be made in the context of the whole of the relevant land holding consistent with Policy 16(c1) for farming activities that affect water quality. The same approach is to be taken for the explanation of reduced adverse effects on water quality for landholdings located in a Schedule X catchment required by clause 13(h)(3);
- (c) when addressing ‘intensity’ in Clause 13(h) the factors in Clauses 13(a)(i) and (ii) shall be applied, as relevant, in the required explanation;
- (d) minimise means to reduce to the smallest amount reasonably practicable;
- (e) intensive winter grazing means – insert plan definition;
- (f) pasture-base wintering means – insert plan definition; and
- (g) sacrifice paddock means – to be decided.

