

## Land Use Consent

**Under Section 104B** of the Resource Management Act 1991, a resource consent is granted by the Southland Regional Council to **Cashmere Bay Dairy Limited** of **145 Jaffray Road, RD 7, Otamita, Gore 9777** from **Date Granted 2022**.

**Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.**

### Details of Consent

Purpose for which permit is granted:	Use of land for farming
Location	- groundwater zones Knapdale (RWP), Croydon (pSWLP) - FMU Maitara - physiographic zones Oxidising, Gleyed, Old Maitara & Bedrock/Hill Country - catchments Maitara River and Okapua Stream
Expiry date:	<b>31 May 2033</b>

### Schedule of Conditions

1. Except as modified by conditions of resource consent, the activities authorised by this resource consent shall be carried out in general accordance with the application for resource consent (APP-20211381)<sup>1</sup> and all subsequent information provided during the application and the Farm Environmental Management Plan required by this consent.
2. For the avoidance of doubt, in the event that any inconsistency between the conditions of resource consent and the information and plans, including the Farm Environmental Management Plan (FEMP), submitted as part of the application, the conditions of resource consent shall prevail.

<sup>1</sup> Environment Southland Document ID: A702723

3. The use of land for farming shall occur on the landholding at 145 Jaffray Road, Otamita, as shown on the plan attached as Appendix 1, and consisting of:
- (a) a block of land referred to as the “dairy platform”, at or about map reference (NZTM 2000) 1279780E 4899930N and comprising Part Section 9 Block II Otama SD, Part Section 10 Block II Otama SD, Section 2 Block II Otama SD, Section 4 Block II Otama SD, Section 5 Block II Otama SD and Section 4 Block I Otama SD.; and
  - (b) a block of land referred to as the “Support Block 1”, at or about map reference (NZTM 2000) 1278329E 4901666N and comprising Lot 2 DP 12628 and Lot 2 DP 324253.
4. The farming activities shall be limited as follows:
- (a) a maximum milking herd of no more than 1,140 mature age cows;
  - (b) grazing 265 R1 heifers, 265 R2 heifers and nine mating bulls on Support Block 1;
  - (c) intensive winter grazing of a maximum of 1,195 mature age cows, 265 R1 heifers and 265 R2 heifers on a maximum of 517.5 ha of crop.

**Advice Note**

*Routine monitoring inspections of this property may occur up to once a year. This number does not include any other inspections required by other resource consents.*

5. When intensive winter grazing is occurring on any part of the landholding, the Consent Holder shall:
- (a) maintain a 5 metre buffer at all times between any surface water way (river, artificial watercourse, modified watercourse and natural wetland) and the area being grazed;
  - (b) progressively graze stock from the top to the bottom of any slope, where this is not possible a 20 metre “last bite” strip shall be left at the bottom of the slope to be grazed last;
  - (c) back fence cattle at all times to prevent the stock re-entering previously grazed areas;
  - (d) provide transportable water trough(s) in or near the areas being grazed;
  - (e) place supplementary feed (including silage, baleage or hay) in portable feeders in the area being grazed;
  - (f) critical source areas (including swales) within the area being grazed, shall be uncultivated and ungrazed; and
  - (g) graze cattle in mobs of no more than 120.

**Advice Note:**

*Intensive winter grazing is defined as the grazing of stock between 1 May and 30 September (inclusive) on forage crops (including brassica, beet and root vegetable crops), excluding pasture and cereal crops.*

6. The Consent Holder shall notify the Consent Authority the identity of the Person in Charge of the landholding:
- (a) prior to the first exercise of this consent, and
  - (b) no more than five working days following the appointment of any new Person in Charge.

### Exclusions

7. Intensive winter grazing shall not occur on any slope over 10 degrees.
8. The landholding must not be grazed by mature age female beef cows at any time of the year.

### Nutrient Management

9. From the first exercise of this Consent, the Consent Holder shall implement a soil testing regime to determine the soil fertility status over the landholding and to develop fertiliser recommendations based on the soil testing results.
10. The Consent Holder shall maintain a record of their soil testing regime, soil testing results and fertiliser recommendations required by Condition 9 and provide this record to the Consent Authority ([EScompliance@es.govt.nz](mailto:EScompliance@es.govt.nz)) by 30 September each year.
11. The Consent Holder shall:
  - (a) manage the application of fertiliser in accordance with:
    - (i) the Code of Practice for Nutrient Management (With Emphasis of Fertiliser Use) Fertiliser Association, 2013, ISBN 978-0-47328345-2"; or
    - (iii) any subsequent updates;
  - (b) not apply fertiliser:
    - (i) to land during the period 1 June - 31 July inclusive;
    - (ii) within 10 m of a surface water body;
    - (iii) within 10 m of any wetland boundary;
    - (iv) within 20 m of any bore;
    - (v) when soil temperature is at or below six degrees Celsius;
    - (vi) when soil moisture capacity is exceeded; and
    - (vii) directly to land within a riparian strip/margin.
12. The Consent Holder shall:
  - (a) take representative soil samples at least once every two years and have those samples analysed for Olsen P by a laboratory with IANZ accreditation;
  - (b) by 30 September each year in 2024, 2026, 2028, 2030 and 2032 provide the results to the Consent Authority ([EScompliance@es.govt.nz](mailto:EScompliance@es.govt.nz)); and
  - (c) if Olsen P levels exceed a range of 26 - 32 the Consent Holder must reduce the amount of P fertiliser being applied to the landholding to ensure the risk of P loss is reduced. This reduction in P fertiliser shall be noted in the records required by Condition 29(a).

Field Code Changed

Field Code Changed

### Nutrient Modelling

13. The Consent Holder must ensure that nitrogen and phosphorus losses to water from farming activities undertaken on the land are maintained at, or below the baseline contaminant loss rates of:
  - (a) 46 kilograms per hectare per year nitrogen for the dairy platform; and
  - (b) 27 kilograms per hectare per year nitrogen for Support Block 1;

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as estimated by the four-year rolling average loss rates using OVERSEER FM® version 6.4.3, undertaken in accordance with the generally accepted best practice modelling including the applicable Best Practice Data Input Standards/Overseer FM User Guide;

- (c) 0.8 kilogram per hectare per year phosphorus for the dairy platform; and
- (d) 0.3 kilogram per hectare per year phosphorus for Support Block 1;
  - (i) as estimated by the four-year rolling average loss rates using OVERSEERFM® version 6.4.3, undertaken in accordance with the generally accepted best practice modelling including the applicable Best Practice Data Input Standards/Overseer FM User Guide; and
  - (ii) information from published New Zealand and Overseas research to estimate the additional phosphorus loss mitigation, beyond that modelled in Overseer, that is likely to occur as a result of the mitigation being implemented in accordance with the FEMP required under this resource consent.

For the purposes of this resource consent, the four-year rolling average is defined as the average of the most recent four consecutive years' results starting from 1 July 2022.

- 14. Each and every year for the duration of this consent, using the current version of OverseerFM and in accordance with the generally accepted best practice modelling and the current Best Practice Data Input Standards, the Consent Holder shall:
  - (a) model the nitrogen and phosphorus loss rates for the previous year from 1 July to 30 June inclusive;
  - (b) calculate the four-year rolling average of nitrogen and phosphorus loss rates; and
  - (c) re-model the baseline contaminant loss rates specified in Condition 13 in the current version of Overseer.
- 15. The re-modelled baseline contaminant loss rates, modelled in accordance with Condition 14(c) shall supersede and replace the baseline contaminant loss rates specified in Condition 13.
- 16. A report must be provided to the Consent Authority by 30 September each year summarising the results of Overseer nitrogen and phosphorus loss modelling required by Condition 14. The report must include:
  - (a) a review of the Overseer input data to ensure that the annual nutrient budget reflects the farming system;
  - (b) an explanation of any differences between that nutrient budget and the annual nutrient budget of all previous years of farming undertaken under this consent;
  - (c) a comparison of the four-year rolling average nitrogen and phosphorus losses with the applicable baseline contaminant loss rates; and
  - (d) the names and summaries of the relevant qualifications and experience of the person(s) who prepared and (if relevant) reviewed the nutrient budget.
- 17. All nutrient loss modelling required by this consent must be undertaken by a person who is a Certified Nutrient Management Advisor (CNMA) under the Nutrient Management Advisor Certification Programme (NMACP).

18. The Consent Holder may use an alternative model that has been demonstrated to be equivalent to Overseer provided:

- (a) the evidence to demonstrate equivalence is provided to the Consent Authority at least six months prior to submitting the relevant annual report as required by Condition 16; and
- (b) the use of the alternative model is approved by the Chief Executive of the Consent Authority.

**Mitigation Measures**

19. The Consent Holder shall:

- (a) decommission bore F45/0172, located at or about NZTM2000 1280360E 4898745N, in accordance with NZS 4411:2001 Environmental Standard for Drilling of Rock and Soil; and
- (b) provide written confirmation, along with the drilling log, of the decommissioned bore to the Consent Authority ([EScompliance@es.govt.nz](mailto:EScompliance@es.govt.nz)) by 1 June 2023.

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20. Prior to the exercise of this consent, the Consent Holder shall inspect all bridges and culverts and, where necessary, undertake improvements to the structures to ensure that there is no runoff of agricultural effluent to surface water.

21. The Consent Holder shall undertake maintenance of the existing and any new dairy lanes to ensure they are contoured to ensure that any run-off occurs onto vegetated areas where it will not enter any surface water body.

22. Except for crossings of surface waterways, the Consent Holder shall not construct any new dairy lanes within 20 metres of a surface waterbody.

23. The Consent holder shall prepare and implement a Riparian Planting Plan for the farm that includes the use of native plants. This plan shall be prepared within ~~426~~ months and begin being implemented within 12 months of the consent being granted and be incorporated into the Consent Holder's Farm Environmental Management Plan required by Condition 31. The plan required by this condition shall be provided to Hokonui Rūnanga ([hokonui.office@ngaitahu.iwi.nz](mailto:hokonui.office@ngaitahu.iwi.nz)).

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24. The Riparian Planting Plan required by Condition 23 shall include, but not be limited to the areas below. The consent holder, in partnership with Hokonui Rūnanga may identify further areas for inclusion within the Riparian Planting Plan and to be added to the map in Appendix C:

- (a) the planting of both sides of the waterway that runs from Jaffray Road at paddocks 52/53 to paddocks 12/13, as detailed in the application, beginning at or about NZTM 1280338E 4900292N and finishing at or about 1279251E 4899364N;
- (b) the planting of the wetland/pond area north of the milking shed and adjacent to the main dairy lane, as detailed in the application, at or about NZTM 1279764E 4900156N; and

~~(c)~~ the planting of both sides of the waterway that runs from McBain Road at Run off paddock 26 to paddocks 62/South West Block, beginning at or about NZTM 1278550E 4901978N and finishing at or about 1279298E ~~4900057N~~, as identified in Appendix C-

**Commented [MB1]:** The applicant has agreed with Hokonui Rūnanga to plant this area. We have identified the area on a map (Appendix C) to be clear that the planting does not include the area now owned by the applicant.

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25. The Critical Source Area identified in Appendix C, at or about NZTM 2000 1279668E 4901781N, shall be fenced to exclude stock. This area must be fenced no later than 1 June 2023.

26. The culverted under the laneway identified in Appendix C, at or about NZTM 2000 1279776E 4900197N, must have an abutment (or similar structure) added to it to divert any laneway runoff from the waterway. This work must be completed no later than 1 June 2023.

**Commented [MB2]:** These areas were identified in the site visit with Hokonui Rūnanga. The applicant has agreed to fence/fix these areas by June 2023.

27. The Consent Holder shall:

(a) provide written confirmation, along with date stamped photos, of the planting required by condition 24(a) to the Consent Authority ~~by 1 June 2023~~ annually until 2025.

~~(b) provide written confirmation, along with date stamped photos, of the planting required by condition 24(b) to the Consent Authority by 1 June 2024; and~~

~~(c) provide written confirmation, along with date stamped photos, of the planting required by condition 24(c) to the Consent Authority by 1 June 2025.~~

**Commented [MB3]:** The details and timing of the plantings should be outlined in the Riparian Planting Plan.

28. The Consent Holder shall utilise catch crops in their winter grazing program where suitable. The suitability for a catch crop shall be assessed ~~by a suitably qualified agronomist~~ on an annual basis where it is determined that a catch crop is not to be used the reasons for this decision shall be recorded and shall be detailed in the Farm Environmental Management Plan required by condition 31.

**Commented [MB4]:** George has detailed in his evidence on how he determines whether a catch crop is to be used. This depends on timing and weather. It is not suitable to have a catch crop every year.

29. Following intensive winter grazing on all areas of the landholding, the Consent Holder shall re-sow at the earliest opportunity based on paddock suitable conditions and as soon as practicable to minimise the amount of time that bare ground is exposed.

30. The Consent Holder shall cultivate;

(a) with the contour of the land being used for cultivation and shall not cultivate up and down the slope; and

(b) no less than 5 metres from the outer edge of any surface water body or natural wetland unless for the purpose of renewing or establishing pasture in accordance with Rule 25(b) of the Proposed Southland Water and Land Plan (Decisions Version), or any subsequent replacement versions.

#### Records and Reporting

31. The Consent Holder must have and maintain a record of the following practices undertaken on-farm for each year between 1 July and 30 June:

- (a) fertiliser application, including rates and dates of application;
- (b) types of crops and total area of cropping, including winter feed/forage crops;
- (c) cultivation methods;
- (d) stock units with references to type, age and breed;
- (e) effluent application areas; and
- (f) all other inputs to the OVERSEER® nutrient budgeting model.

32. These records required by Condition 29 shall be provided to the Consent Authority ([EScompliance@es.govt.nz](mailto:EScompliance@es.govt.nz)) by 31 July each year.

**Field Code Changed**

#### Farm Environmental Management Plan

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33. The Consent Holder shall have and maintain a Farm Environmental Management Plan (FEMP). The FEMP shall, in accordance with Appendix N of (Decisions Version) the Southland Water and Land Plan (or any replacement Appendix in an updated version of the plan), demonstrate how the following outcomes are to be achieved:
- (a) nutrients are used efficiently and nutrient loss to water is minimised;
  - (b) contaminant losses from critical source areas are reduced;
  - (c) cultivation is undertaken in a manner that minimises the movement of sediment and phosphorus to waterways;
  - (d) intensive winter grazing occurs in a way that minimises the loss of sediment, phosphorus and microbiological contaminants to waterways;
  - (e) agricultural effluent and other discharges are managed in a way that avoids or minimises the loss of contaminants to water; and
  - (f) Irrigation water is applied to meet plant demands and minimises the risk of leaching and run-off.
34. The FEMP required by Condition 31 shall also include, but not be limited to:
- (a) a site map showing the location of critical source areas; physiographic zones; permanent or intermittent rivers, streams, lake, drains, ponds or wetlands; where known the location and depth of any subsurface drainage systems including outlets, riparian vegetation and fences adjacent to waterways and stock access points across waterways;
  - (b) details of the implementation and maintenance of mitigation measures required by the conditions of this consent and any mitigations voluntarily implemented including new riparian planting;
  - (c) details of the implementation and maintenance of Good Management Practices, including adoption of changing industry good management practices. This includes where the implementation of these is to avoid, remedy or mitigate any farm specific environmental risks to water quality shown through any monitoring undertaken on the property voluntarily or as required by the conditions of this consent;
  - (d) a review of the data obtained from the monitoring undertaken in accordance with the Farm Environmental Management Plan and any changes made, or to be made, as a consequence of that monitoring.

**Advice Note:**

*Should the use of a Freshwater Farm Plan be required or available, on the basis that it is certified under Section 217G of the Resource Management Act 1991 (as amended from time to time in accordance with section 217E(2) or (3)) and available for use, the Consent Holder may elect to use such plan.*

35. The FEMP shall be reviewed at least once a year and can be modified at any time by the Consent Holder; and either:
- (a) an updated version shall be provided to the Consent Authority and Hokonui Rūnanga by 30 September each year; or
  - (b) the Consent Holder must notify the Consent Authority and Hokonui Rūnanga in writing that no changes have been made by 30 September each year.

**Advice Note:**

*The results from the review of the FEMP will be assessed by the Consent Authority to ensure that the FEMP will still achieve the objectives specified in the FEMP and the FEMP has been prepared in accordance with Appendix N of the Southland Water and Land Plan (Decisions Version) (or any updated version of the plan).*

36. The Consent Holder shall operate in accordance with the FEMP at all times. Where there is inconsistency between the FEMP and the conditions of the consent, the conditions of this consent shall prevail.

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### Auditing

37. The Consent Authority may require the Consent Holder to have the farming activity as authorised by this consent independently audited by a person who is a Certified Nutrient Management Advisor or Farm Environmental Plan Auditor or a Suitably Qualified Person who has demonstrated an equivalent level of expertise.
38. The audit shall assess the performance of the farming activity occurring on the property against:
  - (a) the objectives and good management practices specified in the FEMP;
  - (b) any additional mitigation measures implemented on the property either voluntarily or as required by the conditions of this consent; and
  - (c) the baseline contaminant loss rates specified in Condition 13 and 15.
39. The audit must determine the level of confidence of achieving each objective set out in the FEMP. This level of confidence shall be categorised into the following:
  - **High** - the objective is probably being achieved
  - **Medium** - the objective is possibly being achieved
  - **Low** - it is unlikely that the objective is being achieved.
40. The audit shall record the justification for each level of confidence assessment, including noting the evidence, or lack of, used to make the determination.
41. Where an objective has received a Medium or Low level of confidence, the audit shall include the actions required for the farm to meet the objective and a timeframe whereby these actions need to be undertaken.
42. 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.
43. The audit report shall be provided to the Consent Authority within three months of the date of the Consent Authority issuing a requirement to undertake the audit.
44. The frequency of audit requirements may be annually except where, for two consecutive years, an audit report has concluded that all objectives are probably being achieved (received a high level of confidence). In that situation no further audit will be required for at least three years.
45. Where the audit identifies actions required to be undertaken for the farm to meet the objective the Consent Holder must implement these actions within the timeframes stated in the audit.
46. Upon completion of any changes made and/or mitigations implemented as required by the audit, the Consent Holder shall confirm in writing, including photographs (date and time stamped) to the Consent Authority that these actions have been completed and implemented.
47. Upon completion of all the changes made and/or mitigations implemented as identified in the audit, the Consent Holder must ensure the measures are properly maintained, continue to function and are not removed or altered for the duration of this consent (and any subsequent variation versions).

**Lapse and Review**

48. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purposes of:
- (a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cultural effects on the tangata whenua and/or cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit; or
  - (b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or the Environment Southland Regional Policy Statement;
  - (c) Amending the auditing/monitoring/recording/reporting/modelling programme to be undertaken;
  - (d) Adding or adjusting compliance limits;
  - (e) Ensuring the Maitai Freshwater Management Units meets the freshwater objectives and freshwater quality limits set in an operative regional plan or National Policy Statement for Freshwater Management; and
  - (f) Requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment as a result of the exercise of this permit.

for the **Southland Regional Council**

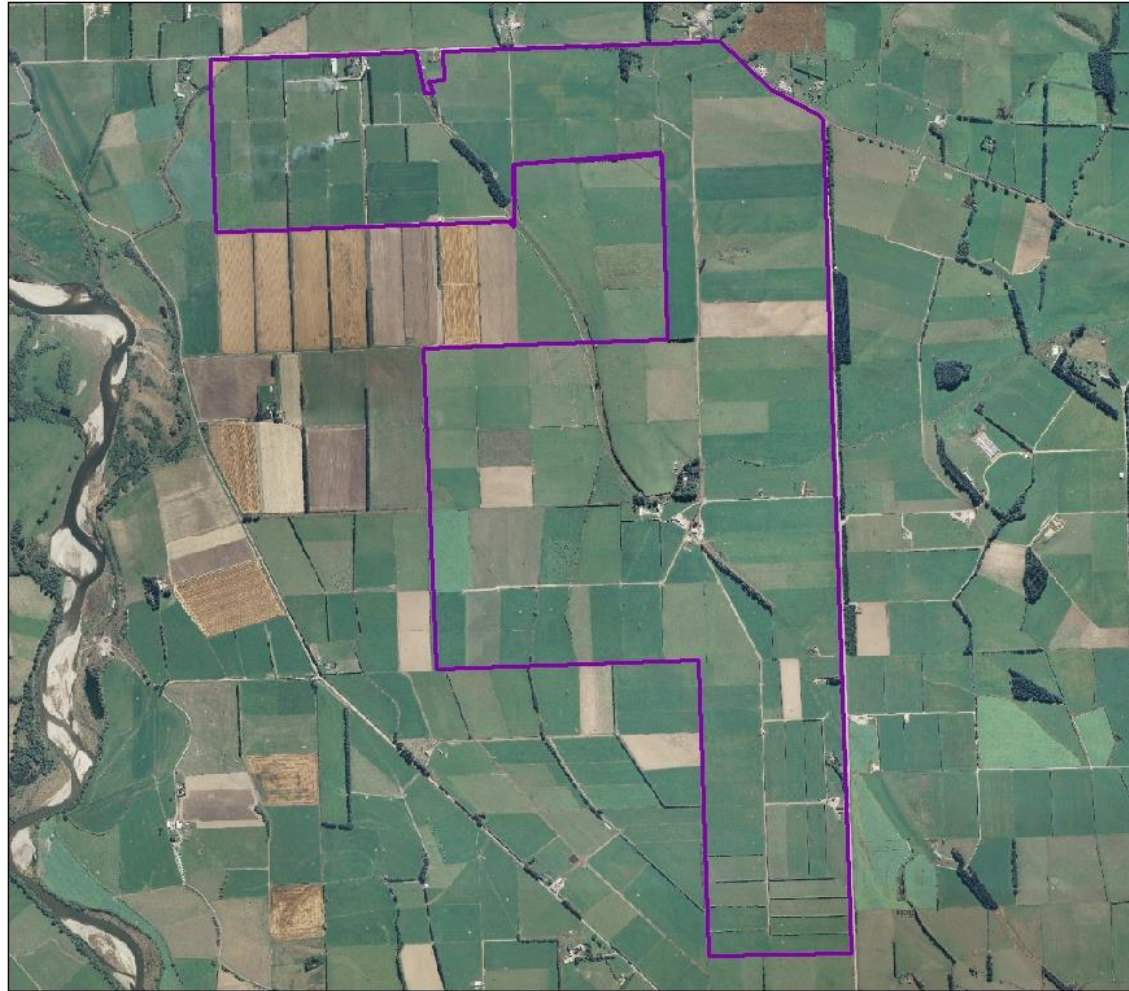
Allan Cubitt  
**Independent Hearing Commissioner**

**Notes:**


1. *Reporting to Council is required by conditions of your consent. The key dates for you to meet are listed below in table 1:*

Due date	Condition number	Requirement
30 Sept each year	10	Provide record of soil testing regime, soil testing results and fertiliser recommendations
30 Sept 2024, 2026, 2028, 2030 & 2032	12	Provide Olsen P results
30 Sept each year	16	Report summarising results of Overseer modelling
1 June 2023	19	Confirmation of bore F45/0172 decommission
Once complete	23	Riparian planting plan to Hokonui Rūnanga
1 June 2023, 2024 & 2025	25	Confirmation of riparian planting
30 Sept each year	30	Provide record of farming practices
30 Sept each year	33	Provide updated version of FEMP if changes were made due to review or confirm no changes were made due to review

2. *In accordance with Section 125(1)(a) of the Resource Management Act, this consent shall lapse after a period of five years after the date of commencement unless it is given effect to or an application is made to extend the lapse period before the consent lapses.*
3. *In accordance with Section 138 of the Resource Management Act, this consent may be surrendered by providing written notice to the Consent Authority. This written notice must be accompanied with evidence to demonstrate that the conversion is complete and that all of the conditions of this permit have been satisfied in full.*
4. *The Consent Holder shall pay an annual administration and monitoring charge to the Consent Authority, collected in accordance with Section 36 of the Resource Management Act, 1991, payable in advance on 1 July each year. This charge may include the costs of inspecting the site up to two times each year (or otherwise as set by the Consent Authority's Annual Plan)*
5. *The FEMP, supporting evidence and on-site practices may be audited by the Consent Authority at any time for compliance and enforcement purposes.*



### Appendix 1

 Landholding Boundaries



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While every effort has been made to ensure the contents correct, Environment Southland cannot guarantee the accuracy of the data. If no information should not be used in any manner without consultation.

DATA SOURCE: ES GIS 2022

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