

BEFORE THE SOUTHLAND REGIONAL COUNCIL

In the matter of sections 88 to 115 of the Resource Management Act
1991

And

In the matter Applications for resource consents by:

PLATINUM DAIRIES LTD

Applicant

EVIDENCE OF MATILDA JANE BALLINGER

21 June 2022

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QUALIFICATIONS AND EXPERTISE

1. My full name is Matilda Jane Ballinger and I am a Planner at Landpro Limited, a firm of consulting planners, scientists, surveyors and engineers. I hold the qualifications of BSc (Earth Science and Marine Science, University of Auckland) and MSc (Antarctic and Marine Science, University of Tasmania).
2. I have been employed by Landpro since May 2019 and have undertaken a wide variety of resource management related work for various clients, including preparing resource consent applications, providing regulatory advice, and consent management services. A significant proportion of my work relates to resource consents for dairy farms in Southland. I am currently in the process of applying to be an associate member of the New Zealand Planning Institute.
3. I acknowledge that I have been assisted by my colleague Dr Mike Freeman, Senior Scientist/Planner, to review parts of this evidence. This is my evidence and I take full responsibility for all the content of this document.
4. This evidence has been prepared in relation to the resource consent applications by Platinum Dairies Limited to use land for dairy farming that was not occurring as of June 2016, to discharge farm dairy effluent to land, to take and use groundwater and to use land for a stockholding area.

Other sources of information

5. I have considered the following information:
 - (a) The application and associated assessment of environmental effects (AEE) prepared by me. As well as the Resource Management Act (RMA) S92 response, prepared by me.
 - (b) The S42A report by Ms Jade McRae.
 - (c) The Overseer modelling reports by Ms Hunter, her evidence and the audit undertaken by Irricon.
 - (d) Brief of evidence from Jared Collie on behalf of Platinum Dairies Limited.
 - (e) Submissions from: Jenny Campbell on behalf of Coal Action Murihiku.

CODE OF CONDUCT FOR EXPERT WITNESSES

6. I have read the Code of Conduct for Expert Witnesses within the Environment Court Consolidated Practice Note 2014 and I agree to comply with that Code. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

7. I provide summary information on the following matters:
 - Background and proposal
 - Application summary
 - Comment on the S42A Report and Recommendations
 - Policy and Statutory Planning Analysis
 - Matters raised by submitters
 - Conditions
 - Conclusions

BACKGROUND

8. The following is a brief overview of the application as submitted on 7th December 2021, noting that the full description of the proposal is detailed in the AEE. The key components of the application as originally lodged are as follows:
9. The application site is located at 149 McKenzie Road, Winton. The site comprises a 256 hectare dairy platform owned by the Applicant (the existing dairy platform) and a 61.5 ha support block (Muir Block) also owned by the applicant. The property is located within the Makarewa River catchment. The applicant purchased the Muir Block in late-2019 and wishes to incorporate this 61.5 ha block into the dairy platform.
10. The property is generally flat in slope and is underlain by artificial drainage through much of the property. The applicant purchased the farm in 2011. In 2013 the applicant purchased 96ha of neighbouring milking land and included it in their now current dairy platform. The dairy farm has

been in operation at this location since approximately 2000. The Muir Block has been used by the applicant as a winter grazing block, previous to purchase, the block was used for growing and grazing swedes.

11. Soils on the property are comprised of a number of different types of soils, including Pukuemutu, Woodlands, Waikiwi and Dacre. These soils are known to have various vulnerabilities as indicated in the AEE submitted in support of the application, including a severe vulnerability to structural compaction and severe vulnerability waterlogging.
12. Gleyed is the only physiographic zone on the property. Contaminant loss via overland flow and via deep drainage are the main water quality risk associated with this zone, via both artificial drainage in flatter areas and overland flow in sloping areas.
13. The Environment Southland GIS system and topographical maps show that the dairy platform is located within the Makarewa River catchment. There is a small tributary of the Makarewa River on the existing milking platform. There are no waterways on the Muir Block.

SUMMARY OF APPLICATIONS

14. Applications have been prepared seeking resource consents to use land for a farming activity, discharge effluent to land, to abstract and use groundwater for dairy purposes and to use land for a feed pad/stock holding area. In summary, the applications sought:
 - Land Use Consent – To use land for a farming activity. The application seeks to increase the land area of the dairy platform above what existed at 3 June 2016 to include a 61.5 ha block.
 - Discharge Permit –To discharge dairy shed effluent from 1000 cows onto 212 ha of land via low rate pods.
 - Water Permit - To abstract 120,000 L/day of groundwater. This abstraction of groundwater is for dairy shed washdown and stock drinking water for 1000 cows.
 - Land use Consent – To use land for three feed pads/stockholdings areas.
15. A Farm Environmental Management Plan (FEMP) was lodged with the application which contains details of Good Management Practices (GMPs) proposed by the applicant to ensure that the farm is operated in accordance with industry-accepted good management practice.
16. The applicant seeks a minor variation to the application, to include the use of a umbilical system as a contingency, along side the slurry tanker. The effects from the umbilical system are no different to

the slurry tanker so it is my opinion that an additional assessment of effects is not needed and the addition of the umbilical system is within scope of the application. I have sought clarification from Ms McRae and she is satisfied that provided the application depth is the same (i.e. 5mm), then the effects will not be greater.

Overseer Modelling

17. Overseer (OverseerFM) modelling has been used to model long-term annual average N and P losses to water from the dairy platform and the Muir block during 20-21 season, and a proposed dairy platform that will operate if consent is granted. The 20-21 season was chosen as it was best representative of the system as at 2nd September 2020. During previous seasons the farm was under going a number of changes to enable them to run at their peak consented levels and therefore are not representative of what was occurring on 2 September 2020. Overseer FM version 6.4.3 has since been released (7th April 2022) and nutrient budgets have been re-run in this version. A summary of Overseer outputs for the property is detailed in Ms Hunter's evidence.
18. The overall results are summarised in the following table:

Table 1 Summary of predicted nitrogen and phosphorus losses in the current and proposed systems under Overseer version 6.4.3

	Milking Platform 20/21	Muir Block 20/21	20/21 Total	Proposed	Difference
N loss to water(kg/yr)	14,125	3510	17,635	16,541	6.2% decrease
N Loss/ha (kg/ha/yr)	55	57		52	
P loss to water (kg/yr)	358	61	419	399	4.8% decrease
P loss/ha (kg/ha/yr)	1.4	1.0		1.3	

19. The overall modelling of the proposed farming system at the dairy platform indicates that nitrogen losses to water are predicted to reduce by approximately 6.2% compared to the baseline combined model. Phosphorus losses to water are estimated to reduce by approximately 4.8% compared to the baseline combined model.

Discharge Permit

20. A new discharge permit is sought to replace the existing discharge permit to allow for the discharge of farm dairy effluent from 1000 cows. This effluent would be discharged across a total area of 212 ha.

21. Effluent storage infrastructure at the property consists of a concrete storage tank, a screw press and an HDPE-lined effluent storage pond.
22. The volume of deferred storage provided on farm meets the accepted 90%ile volume estimate of the Massey University Dairy Effluent Storage Calculator (DESC), as outlined in the application for resource consent.
23. Effluent would be discharged to low rate pods. The effluent application methods will apply effluent at a maximum rate of 10mm/hr with a 10mm depth and can be used all year round provided soil moisture deficit is adequate. The soils within the FDE disposal area appear to be classified by Map 1 of Appendix N of the Regional Water Plan as being Category A soils (artificial drainage or coarse soil structure) and Category B soils (Impeded drainage or low infiltration rate). The application also seeks to use a slurry tanker as a contingency method, at a depth of 5mm. The applicant wishes to also include the use of a umbilical system as a contingency at the same depth. The effects of the umbilical system are not considered to be greater than the slurry tanker.

Water Permit

24. A new water permit is sought to replace the existing water permit to allow the abstraction of 120,000 L/day. The abstraction rate would be less than 2 L/sec. The water would be used for stock drinking water and shed wash down water from 1000 cows. This would be abstracted from bore E46/1145 and E46/0175.

Land Use Consent for Farming

25. A land use consent is sought for the proposed farming activity which includes all farming activities located on the land. This includes an increase in area of the dairy platform, to include the Muir Block.
26. The application is to increase the dairy platform area by 61.5 ha. There is no increase in cows above what is currently consented.

Land Use Consent for Feed pad

27. A land use consent is sought for the use of three stockholding areas that would be used by cows in early spring and during adverse weather conditions. Two of the stock holding areas have covered components which will have a 500mm base of either straw or woodchip. The uncovered areas will have a 500mm base of woodchip. The third, uncovered stockholding area, is connected to the

effluent system and will have a 500mm base of woodchip. The use of the stockholding area has previously been occurring and the applicants are now seeking to authorise this use under the new NES-FW rules.

COMMENTS ON SECTION 42A REPORT

28. I have read the Section 42A Report prepared by Ms Jade McRae. The reporting officer ultimately recommends that consent should be granted, subject to a number of conditions. Ms Jade McRae identified a number of specific issues to be considered:

- (a) The effects from the proposed activities on water quality;
- (b) The effects on water quantity
- (c) The effects on soil health
- (d) The effects on odour
- (e) The effects on the Oreti River.

28. I have endeavoured to clarify and/or address the specific concerns raised as well as other relevant matters.

29. There are also a number of clarifications that I wish to make regarding the 42A report. I believe these are typographical errors at the start of the report and do not reflect the application or Ms McRae's views on the application. However, I point them out for clarity.

- Paragraph 2.2.1 There is a reference to an increase in the peak milking herd by 140 cows. There is no increase in the peak milking herd above what is consented. There is an increase from 932 cows milked in the 20/21 season to 1000 cows in the proposal, an increase of 68 cows to the current peak consented numbers. There is no further mention of this in the report, so I believe this is a simple typographical error.
- Paragraph 2.3.3 Table 2. To discharge dairy shed from up to 1000 cows and calving pad effluent from up to 150 cows. This should read 'to discharge dairy shed from up to 1000 cows and calving pad effluent from up to 120 cows', to reflect the Land Use Consents for the calving pads which each accommodate up to 120 cows. Again, I believe this is a simple typographical error.
- Paragraph 3.2.1 There is a reference to a 100ha effluent discharge area. The effluent discharge area is currently 212 ha, and there is no increase in the proposed discharge area. Ms McRae mentions a discharge area of 212ha further on in her report, so I believe this is a simple typographical error.

30. Correcting these errors has no impact of influence on the final recommendation of the report as the activities proposed/occurring are of lesser impact than what has been described by these errors, i.e. an increase in 140 cows and a smaller effluent discharge error.

Effects from the proposed activities on water quality

31. I agree with Ms McRae's comments on the proposed discharge.
32. Ms Hunter addresses the comments by Ms McRae regarding the Overseer modelling to estimate the current and proposed nutrient losses to water taking account of the mitigations and good management practices that Overseer models. I note that I disagree with Ms McRae's opinion that Reducing Olsen P levels to 30 is a good management practice (GMP). It is my opinion that this is a mitigation measure, as it is not considered a good management practice in Overseer. Ms Hunter has further explained this in her evidence.
33. Ms McRae makes a distinction between GMPs and mitigations. My understanding is that Ms McRae endeavours to make this distinction because she considers that GMPs should already be implemented to comply with for example the permitted activity requirements of Rule 20. Therefore, a mitigation would be something above and beyond this. There are numerous references to GMPs in the pSWLP, including the permitted activity requirements of Rule 20. However, the pSWLP defines GMP to: "*Include, but are not limited to, the practices set out in the various Good Management Practices factsheets available on the Southland Regional Council's webpage*". This is a very broad definition that is likely subject to change over time. However, because there is general agreement that a significant number of "mitigations" are proposed it is not critical to make a distinction between GMPs and mitigations.
34. I agree with Ms McRae's comments on nitrogen. The application involves mitigations that will result in a significant reduction in nitrogen lost to water.
35. I agree with Ms McRae's comments on phosphorus. The application involves mitigations that will result in a significant reduction in phosphorus lost to water.
36. I also note that the applicant has agreed to develop a riparian planting plan and implement this plan over the lifetime of the farming land use consent. This riparian planting, although not fully developed yet is likely to improve the attenuation of phosphorus in the riparian margins resulting in an additional reduction in phosphorus and a subsequent improvement in water quality. The applicant has approached Te Ao Mārama Inc. to work with them to develop a riparian planting plan that

addresses any of their concerns but appreciates that Te Ao Mārama Inc. is very busy. If Te Ao Mārama Inc. is not available to assist with developing a riparian planting then, the applicant will use another suitably qualified organisation or person to assist.

37. I agree with Ms McRae's comments on microbes and sediment loss.
38. I agree with Ms McRae's comments on water quantity. The abstraction is less than 2L/s, therefore no significant hydraulic connection is expected. Over-allocation from the Lower Oreti and Makarewa groundwater management zones is not expected.
39. I agree with Ms McRae's comments on soil health. I note that the minimum requirements for the size of the effluent disposal area are 4 hectares per 100 cows, and the generally recommended guideline is at least 8 ha per 100 cows. The 212 ha discharge area equates to 21 ha per 100 cows, significantly above the recommended guidelines.
40. I agree with Ms McRae's comments on odour. The agreed upon draft consent conditions will ensure that the risk of adverse effects from odour and spray drift on surrounding landowners and occupiers will be minimal.
41. I agree with Ms McRae's comments on the Oreti River. I agree that the mitigations and good management practices proposed or implemented will minimise the risk of overland flow to the Oreti River.
42. I agree with Ms McRae's conclusion that the application and mitigations proposed will not result in significant adverse environmental effects. I note, as above, that the applicant has approached Te Ao Mārama Inc. to assist with developing a riparian planting plan, and discuss any concerns that Te Ao Mārama Inc. may have with the application. However, because of workloads, Te Ao Mārama Inc. have not replied. I agree with Ms McRae's comments that mitigations and farm system changes in this application are likely to result in a very small improvement in local groundwater nitrate concentrations.
43. I agree that three compliance inspections carried out on the property per year would be appropriate.

Statutory Considerations

44. Section 3.4 of Ms McRae's S42A report details a comprehensive planning assessment. I consider that that assessment has been very thorough, and I agree with its conclusions. As such I do not repeat the analysis in this report.

Part 2 of the RMA

45. I agree with the reporting officer that it is appropriate (but not essential, given the level of direction in the NPSFM and pSLWP) to refer to Part 2 of the RMA when considering this application.
46. I consider the application is consistent with Part 2 of the RMA. It seeks to enable the applicants to utilise their land for farming in a way that provides for their social and economic well-being, their staff, families and whanau and the rural economy, while also enabling them to reduce their 'environmental footprint' in a manner that will achieve sustainable management as defined in Section 5(2).
47. The applicant acknowledges and respects the long history and relationship Tangata Whenua have with the area. I note that the applicant has reached out to work with Te Ao Marama Inc to ensure that the application will not adversely affect Tangata Whenua values, traditions or taonga.

National Policy Statement on Freshwater Management (2020)

48. I agree with Ms McRae's conclusions and consider the application is consistent with the NPSFM, including Policies 1, 3, 7, 9 and 10. I highlight Policy 5 as being particularly relevant because it directs that water quality must be maintained or improved. I rely on the expert nutrient budget evidence to conclude that implementation of the application will see a small reduction in contaminant loss to water and that this will make a small contribution to improving water quality in the wider catchment. I consider that implementation of the application will contribute to achieving an improvement in groundwater and surface water quality, which would benefit ecosystem health and human health (the Maitai River is a source of drinking water) noting that these are two obligations identified in the NPSFM. The application inherently recognises the values and connections of Te Mana o te Wai as set out in the NPSFM. I also note that the three aims¹ of the Essential Freshwater package are to :

¹ <https://environment.govt.nz/what-government-is-doing/areas-of-work/freshwater/work-programme/>

- Stop further degradation of our freshwater
- Start making immediate improvements so water quality improves within five years
- Reverse past damage to bring out waterways and ecosystems to a healthy state within a generation.

The application is proposing mitigations that would make a small contribution to improvements to water quality. Whilst the applicant would likely be required to make future further changes to contribute to improvements to water quality in the future, through FMU limit settings, Farm Environmental Management Plans and future iterations of regional plans. The application is proposing an improvement in water quality now, which is consistent with the aims of the Essential Freshwater package and Te Mana o te Wa, to make improvements to water quality.

49. *Southland Regional Policy Statement (2017)*

50. I agree with Ms McRae's conclusions.

Regional Water Plan

51. I agree with Ms McRae's conclusions.

Proposed Southland Water and Land Plan

52. I agree with Ms McRae's conclusions.

Draft consent conditions

53. I acknowledge and thank Ms McRae for providing a copy of her proposed conditions along with the main S42A report. I have reviewed those conditions and I am in general agreement with them. I have made a number of relatively minor suggested changes that I consider would make some of the conditions more robust and/or practicable. Those specific changes are detailed together with applicable comments in the attached Appendix B.

Consent Duration

54. I agree with Ms McRae's conclusions.

MATTERS RAISED BY SUBMITTERS

55. The application for resource consent was publicly notified. Submissions were received from one party. Further comment has been provided on submissions below.

Party	Position
Jenny Campbell and Dave Kennedy	Oppose

56. The main concerns raised in the submission were concerns about mitigation measures, consideration of climate change, degraded groundwater quality, consistency with the NPS-FM, RPS, pSWLP and s7 of the RMA, and consultation with iwi.

57. I acknowledge the concerns of the submitter in regard to the current state of degraded waterbodies in Southland, including the Oreti River. As shown through nutrient modelling and mitigations, the application is likely to result in a very small contribution to improvement in water quality.

58. The submitter is concerned that the mitigations proposed do not sufficiently mitigate the negative effects on freshwater quality, referring to the s95 report. Ms McRae states in her evidence that the *'proposed dairy farm expansion activity has appropriate mitigation measured proposed by the applicant...'* and that *'recommended conditions of consent include implementing soil testing regime, restrictions on intensive winter grazing, maintaining a Farm Environmental Management Plan and ensuring proposed mitigation measured are implemented to improve water quality'*.

59. The submitter has concerns that the expanding dairy cow numbers to the currently consented limit will have a detrimental impact on the ability to reduce methane emissions to meet with is required under domestic and international agreements to keep climate change warming below 1.5 degrees. It is my understanding that greenhouse gas emissions are currently not a relevant matter under the Resource Management Act. I further note that that He Waka Eke Noa and the Emissions Trading Scheme are proposed to address the agreements referred to. Additionally, current and future mitigations on farm, such as riparian planting and decreased nitrogen fertiliser use, are likely to result in a reduction in greenhouse gas emissions.

60. The submitter has concerns about groundwater quality. I acknowledge that groundwater quality in this area is 'average' (estimated 3.6 – 8.5 g N/m³) but note that based on expert evidence from Ms Hunter, the measures included in the application will result in a reduction in contaminant loadings and a subsequent improvement in groundwater quality.

61. I do not agree with the comments by the submitter on policy analysis. I agree with Ms McRae's conclusions on the policy analysis as stated in her evidence and do not repeat them here.
62. The submitter is concerned that consultation with Tangata Whenua has not been undertaken. This has been addressed above.

CONCLUSIONS

63. The granting of the resource consent applications is highly likely to result in a reduction in contaminant losses to water compared to the existing environment and importantly, compared to the situation if the consents are not granted. A key objective of the pSWLP and higher planning instruments is to improve water quality in the receiving environments and a strong case has been made that this will be achieved by granting the applications.

MATILDA BALLINGER

Matilda Ballinger

PLANNER

21 June 2022

APPENDIX A – DRAFT CONSENT CONDITION COMMENTS

Discharge Permit

Under Section 104B of the Resource Management Act 1991, a resource consent is granted by the Southland Regional Council to **Platinum Dairies Limited** of **731 Benmore-Otapiri Road, RD 2, Winton 9782** 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 Permit

Purpose for which permit is granted: To discharge agricultural effluent to land from up to 1,000 cows via low rate pod system, umbilical system and slurry tanker.

Location

- site locality 149 McKenzie Road, Lochiel
- map reference NZTM2000 1242300E 4870330N
- physiographic zones Gleyed
- groundwater zones Makarewa and Lower Oreti
- catchments Makarewa River
- FMU Oreti

Legal description of land at the site: Section 9 Block IX New River HUN, Section 10 Block IX New River HUN, Section 11 Block IX New River HUN, Section 12 Block IX New River HUN, Section 13 Block IX New River HUN, Section 22 Block IX New River HUN, Section 23 Block IX New River HUN, Section 24 Block IX New River HUN, Lot 1 DP 13715.

Expiry date: **31 December 2030**

Schedule of Conditions

General conditions

1. This resource consent shall not be exercised until Discharge Permit AUTH-302423 is surrendered or has expired.

2. This consent shall be exercised in conjunction with Land Use Consent AUTH-20211740-04.
3. This consent authorises the discharge of dairy shed effluent, silage leachate and feed pad effluent ("agricultural effluent") onto land, via a land disposal system consisting of a stone trap, sump, mechanical separator and a synthetically lined effluent storage pond to low rate pods and slurry tanker, as described in the application (APP-20211740) for resource consent dated 7 December 2021¹ and further information dated 23 February 2022². The activity shall be limited to:
 - (a) the discharge to land of agricultural effluent generated from milking of up to 1,000 cows up to twice per day;
 - (b) the discharge to land of agricultural effluent via a low rate pod system;
 - (c) the discharge to land of agricultural effluent via a high rate slurry tanker as a contingency measure;
 - (d) the discharge of agricultural effluent to an area of 213 hectares as per the plan attached as Appendix 1;
 - (e) the discharge to land of calving pad effluent generated from the use of a calving pad between 15 July and 15 October (inclusive) and during adverse weather conditions; and
 - (f) The discharge of contaminants to land associated with the conversion of land on a farm to dairy farm land.

Advice Note: Routine monitoring inspections of this consent may occur up two times a year. This number does not include any other inspections required by other resource consents.

4. Notwithstanding these conditions, this permit shall be exercised in accordance with the Collected Agricultural Effluent Management Plan. Where there is inconsistency between the Collected Agricultural Effluent Management Plan and the conditions of this consent, the conditions of this consent shall prevail.
5. The discharge shall not exceed:
 - (a) a depth of application of 10 millimetres for each individual application, and an instantaneous rate of 10 millimetres per hour via a low rate pod system; and
 - (b) a depth of application of 5 millimetres for each individual application via a slurry tanker or umbilical system.
6. The minimum return period for the discharge of agricultural effluent to land shall be 28 days.
7. The discharge shall not occur when the moisture content of the soils is at or above field capacity.
8. Nitrogen loading onto any land area as a result of the exercise of this consent shall not exceed 150 kilograms of nitrogen per hectare per year.

Exclusions

9. This consent does not authorise the discharge of:

¹ Environment Southland Document ID: A724135

² Environment Southland Document ID: A749323

- (a) dairy shed effluent collected during 6 June to 24 July, other than slipped cows; and
- (b) effluent collected by an underpass.

10. No discharge shall occur within:

- (a) 20 metres of any surface watercourse;
- (b) 100 metres of any water abstraction point;
- (c) 200 metres of any place of assembly or dwelling not on the subject property; and
- (d) 20 metres from any property boundaries.

Where there is inconsistency between the plan attached as Appendix 1 and the conditions of this consent, the conditions of this consent shall prevail.

11. The stored or discharged agricultural effluent shall not enter any surface watercourse in any way, including:

- (a) directly;
- (b) indirectly;
- (c) by overland flow;
- (d) via entrainment by stormwater or run-off; or
- (e) via a pipe.

12. The stored or discharged agricultural effluent shall not:

- (a) form ponds or flow on the land surface, or
- (b) cause contamination of water.

13. The stored or discharged agricultural effluent shall not cause any odour beyond the boundary of the site (see Appendix 1) that is offensive or objectionable in the opinion of the Council's Compliance Officer.

14. Spray drift beyond the boundary of the site shall not occur.

Effluent storage

15. The discharge shall occur via an agricultural effluent storage facility of between 4,214 cubic metres and 4,937 cubic metres capacity.

16. The Consent Holder must maintain at least 500 mm of freeboard in the agricultural effluent storage facility at all times.

System management

17. The Consent Holder shall notify the Consent Authority the identity of the Person in Charge of the agricultural effluent disposal system:

- (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.

18. The Consent Holder shall install and maintain:

- (a) an operational alarm that alerts the Person in Charge to any system failure that could cause the over-application, overflow or spilling of agricultural effluent (e.g. sudden pressure drop, irrigator stoppage); and / or
 - (b) an operational automatic switch-off system that prevents any over-application or spilling of agricultural effluent.
19. Where the agricultural effluent reticulation system is installed in such a way that effluent can be siphoned when pumping ceases, the Consent Holder shall install and maintain an anti-siphon device in the agricultural effluent pipeline.
20. In the event of the failure or mismanagement of the agricultural effluent disposal system, or any other event that may result in a discharge of agricultural effluent that may have significant adverse effect on water quality, particularly in the region of the abstraction point of a registered drinking-water supply, the Consent Holder shall notify, as soon as reasonably practicable, the following:
- (a) the Consent Authority (ph 03 211 5115 or 03 211 5225 after hours); and
 - (b) Southland District Council (ph 0800 732 732).

Collected Agricultural Effluent Management Plan

21. Prior to the first exercise of this consent, the Consent Holder shall prepare and submit to the Consent Authority a Collected Agricultural Effluent Management Plan. The Collected Agricultural Effluent Management Plan shall:
- (a) provide concise and clear direction to the Person in Charge and other staff on the operation of the agricultural effluent system;
 - (b) identify environmental risks of agricultural effluent discharges specific to the farm including, but not limited to, locations of drains, surface waterways, sub-surface drainage and critical source areas in the agricultural effluent disposal area;
 - (c) identify how the above environmental risks are avoided;
 - (d) describe how each component of the agricultural effluent system is maintained and have regard to the information provided in the pond storage calculations provided in the application;
 - (e) describe how agricultural effluent in storage is managed;
 - (f) describe how agricultural effluent is managed when soils are at or above field capacity and/or during adverse weather conditions; and
 - (g) describe how the stormwater diversion on the system is set up and managed.
22. Annually or more frequently, the Collected Agricultural Effluent Management Plan shall be reviewed and the outcome of the review provided to the Consent Authority within one month.
23. If amended at any time, the most recent version of the Collected Agricultural Effluent Management Plan shall be provided to the Consent Authority within one month of the amendment.

Advice note: *The Collected Agricultural Effluent Management Plan required by Condition 21 may be incorporated into the Farm Environmental Management Plan required by Land Use Consent AUTH-20211740-04.*

Review of consent

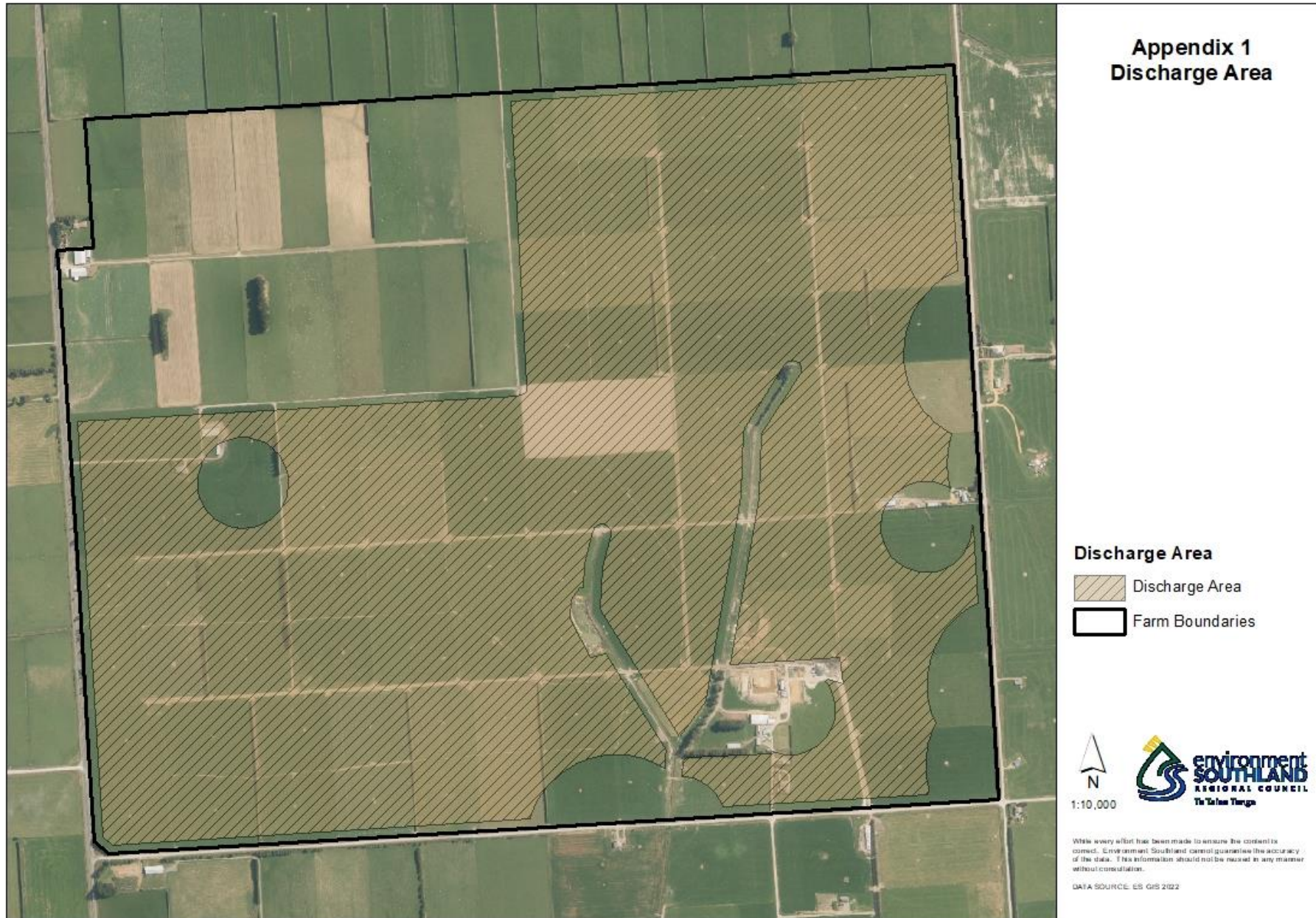
24. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, for the purposes of:
- (a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including 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;
 - (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 monitoring programme to be undertaken;
 - (d) adding or adjusting compliance limits;
 - (e) ensuring the Oreti Freshwater Management Unit 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 arising as a result of the exercise of this permit.

for the **Southland Regional Council**

Bianca Sullivan
Independent Hearing Commissioner

Notes:

1. *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.*
2. *In accordance with Section 125(1)(a) of the Resource Management Act, this consent will 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 126 of the Resource Management Act, 1991, this consent may be cancelled by the Consent Authority if not exercised for a continuous period of 5 years or more.*
4. *The Consent Holder is reminded that they may apply at any time under Section 127 of the Act to have any condition of this consent changed except that which specifies the expiry date of this consent.*
5. *If you require a replacement permit upon the expiry date of this permit, any new application should be lodged at least 6 months prior to the expiry date of this permit. Applying at least 6 months before the expiry date may enable you to continue to exercise this permit until a decision is made, and any appeals are resolved, on the replacement application.*
6. *Dairy shed effluent should not be discharged onto any land area that has been grazed within the previous 5-10 days. Where there has been significant damage to soil during grazing, it is recommended that effluent not be applied until that damage has been repaired.*
7. *Measuring the moisture content of the soil to determine when the soils are at or above field capacity can be done by either actual monitoring on site or by reference to the appropriate Council monitoring site. The Council's soil moisture monitoring sites can be viewed at <http://gis.es.govt.nz/> and following the "Soil Moisture Map" link.*
8. *Ponding is the accumulation of effluent on the soil surface resulting from the application of effluent to saturated soils, or the application of effluent inducing saturated soil conditions.*
9. *Extreme caution should be taken when applying nitrogen fertiliser to the effluent disposal area. It is recommended that a nutrient budget is used to check that nitrogen and potassium application rates to the effluent disposal area are not excessive.*
10. *The Consent Holder should display, in a prominent place in the dairy shed, a copy of the resource consent and relevant limits about the operation of the effluent disposal system that must be complied with.*
11. *Storage systems should be operated at low levels when conditions for effluent disposal are suitable in order to maintain storage for wet weather periods. In particular, storage systems should be emptied in late summer/early autumn to ensure sufficient storage capacity for the following late winter/early spring period.*



Land Use Consent

Under Section 104B of the Resource Management Act 1991, a resource consent is granted by the Southland Regional Council to **Platinum Dairies Limited** of **731 Benmore-Otapiri Road, RD 2, Winton 9782** 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 three calving pads

Location	- groundwater zones	Makarewa and Lower Oreti
	- FMU	Oreti
	- physiographic zone	Gleyed
	- catchments	Makarewa River

Expiry date: **31 December 2030**

Schedule of Conditions

1. This resource consent authorises the use of land for three calving pads as described in the application for resource consent dated 7 December 2021¹. The activity shall be limited to:
 - (a) the use of land for three calving pads for up to 360 cows combined between 15 July and 15 October (inclusive); and
 - (b) the use of the land for three calving pads during adverse weather conditions.
2. This consent shall be exercised in conjunction with Discharge Permit AUTH-20211740-01 (or any subsequent variation versions) and Land Use Consent AUTH-20211740-04 (or any subsequent variation versions).

¹ Environment Southland Document ID: A724135

3. The calving pads shall be located as described in the tables below:

Legal description	Section 9 Block IX New River HUN
Map Reference of Calving Pad #1 (NZTM 2000)	1242178E 4870308N
Property address	149 McKenzie Road

Legal description	Section 9 Block IX New River HUN
Map Reference of Calving Pad #2 (NZTM 2000)	1242175E 4870247N
Property address	149 McKenzie Road

Legal description	Section 22 Block IX New River HUN
Map Reference of Calving Pad #3 (NZTM 2000)	1241015E 4870932N
Property address	777 Winton Lorneville Highway

4. The calving pads shall not be located within:

- (a) 350 metres of any surface watercourse;
- (b) 70 metres of any water abstraction point;
- (c) 200 metres of any place of assembly or dwelling not on the subject property;
- (d) 20 metres of any mapped tile drains; and
- (e) 20 metres from any property boundaries.

Commented [MB1]: Calving pad #1 is 30m from the waterway. It is contoured away from the waterway and effluent is collected and store in the effluent storage pond. There is a contoured laneway between the waterway and the calving pad. Overland flow from the calving pad to the water way is very unlikely due to the contouring and the 500mm of woodchip.

5. Calving pad #1 shall be:

- (a) no greater than 1,295 m² in area;
- (b) constructed with drains under the base to capture effluent generated on the calving pad; and
- (c) constructed with a minimum depth of 500 mm of wood-based material across the base and nibbed edges to prevent overland flow beyond the perimeter of the calving pad.

6. Calving pad #2 shall be:

- (a) no greater than 800 m² in area;
- (b) constructed with a minimum depth of 500 mm of straw and/or wood-based material across the base of the covered area of the pad; and
- (c) constructed with a minimum depth of 500 mm of wood-based material across the base and nibbed edges to prevent overland flow beyond the perimeter of the of the uncovered area of the pad.

7. Calving pad #3 shall be:

- (a) no greater than 1,560 m² in area;
- (b) constructed with a minimum depth of 500 mm of straw and/or wood-based material across the base of the covered area of the pad; and
- (c) constructed with a minimum depth of 500 mm of wood-based material across the base and nibbed edges to prevent overland flow beyond the perimeter of the of the uncovered area of the pad.

8. Liquid effluent generated on the calving pad #1 shall be captured by the subsurface drainage and drain to the effluent system authorised by Discharge Permit AUTH-20211740-01.

9. This consent does not authorise the discharge of any liquid effluent or animal and vegetative waste produced as a result of the activity authorised by this consent being undertaken.

Advice Note: *The Consent Holder shall discharge:*

- (a) *the calving pad sludge and associated vegetative matter in accordance with Rule 38 of the Proposed Southland Water and Land Plan (Decisions Version) or any subsequent versions; and*
- (b) *the liquid effluent generated from calving pad #1 in accordance with the conditions of Discharge Permit AUTH-20211740-01 (or any subsequent variation versions).*

10. 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 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;
- (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; or
- (c) ensuring the Oreti Freshwater Management Unit meets the freshwater objectives and freshwater quality limits set in an operative regional plan pursuant to Policy A1 of the National Policy Statement for Freshwater Management.

for the **Southland Regional Council**

Bianca Sullivan

Independent Hearing Commissioner

Notes

- 1. *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.*
- 2. *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. This charge may include the costs of inspecting the site up to one time each year (or otherwise as set by the Consent Authority's Annual Plan).*

Land Use Consent

Under Section 104B of the Resource Management Act 1991, a resource consent is granted by the Southland Regional Council to **Platinum Dairies Limited** of **731 Benmore-Otapiri Road, RD 2, Winton 9782** 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 Makarewa and Lower Oreti
- FMU Oreti
- physiographic zones Gleyed
- catchments Makarewa River

Expiry date: 31 December 2030

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-20211740)¹ 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.

¹ Environment Southland Document ID: A724135

3. The use of land for farming shall occur on the landholding at 149 McKenzie Road, Lochiel, 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) 1242347E 4870390N and comprising Section 9 Block IX New River HUN, Section 10 Block IX New River HUN, Section 11 Block IX New River HUN, Section 12 Block IX New River HUN, Section 13 Block IX New River HUN, Section 22 Block IX New River HUN, Section 23 Block IX New River HUN, Section 24 Block IX New River HUN, Lot 1 DP 13715; and
 - (b) a block of land referred to as the “Muir Block”, at or about map reference (NZTM 2000) 1240824E 4871349N and comprising Lot 2 DP 544352 and Lot 2 DP 13820.

4. The farming activities shall be limited as follows:

- (a) a maximum milking herd of no more than 1,000 mature age cows;
- (b) grazing 265 ~~R1 heifers~~ dairy support cattle;
- (c) intensive winter grazing of a maximum of 100 mature age milking cows on a maximum of 10 ha of crop.
- ~~(e)~~ (d) 100 mature age milking cows on farm 1 June to 20th of July.

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.

Commented [MB1]: Miranda has modelled 265 calves on the property from birth until Dec/Jan. Dairy support cattle allows the flexibility for the stock to be calves, R1s or R2s or mating bulls. Have discussed with Ms McRae and she is happy for the wording to change to 'dairy support cattle'.

Commented [MB2]: Miranda has modelled in calf cows coming back on farm 23rd of July. August has 750 cows modelled as being on farm.

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 and mature age beef steers at any time of the year.

Advice Note:

Beef breed cattle are defined as any cattle not defined as dairy cattle or dairy support cattle in the National Environmental Standards for Freshwater (2020) and includes dairy breed bulls being farmed for meat as opposed to breeding with dairy cattle.

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) 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
 - (ii) 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 and 2030 provide the results to the Consent Authority (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 28(a).

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) 52 kilograms per hectare per year nitrogen;
 - (i) 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.
 - (b) 1.3 kilogram per hectare per year phosphorus;
 - (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. 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.
20. 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.
21. Except for crossings of surface waterways, the Consent Holder shall not construct any new dairy lanes within 20 metres of a surface waterbody.
22. The Consent Holder shall:
 - (a) permanently fence the Critical Source Area to exclude stock access, as detailed in the application, at or about NZTM2000 1242304E 4971087N, as per Appendix 2; and
 - (b) provide written confirmation, along with date stamped photos, of the permanently fenced Critical Source Area to the Consent Authority (EScompliance@es.govt.nz) by 1 June 2023.
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 six 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 30.
24. The Riparian Planting Plan required by Condition 23 shall include, but not be limited to the areas below:
 - (a) the planting of the CSA at the head of the property's main waterway, as detailed in the application, at or about NZTM2000 1242304E 4971087N, as per Appendix 2;
 - (b) the planting of both sides of the waterway that runs from paddocks 16/17 to the southern property boundary, beginning at or about NZTM 1242297E 4871064N and finishing at or about 1242031E 4870087N, as per Appendix 2; and
 - (c) the planting of the large pond area in paddock 25 and both sides of the waterway that runs from paddocks 25/26 to paddocks 21/23, beginning at or about NZTM 1241883E 4870714N and finishing at or about 1242045E 4970228N, as per Appendix 2.

25. The Consent Holder shall provide written confirmation, along with date stamped photos, of the planting required by condition 24 to the Consent Authority (EScompliance@es.govt.nz) annually until completion by 1 June 2025.
26. 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.
27. 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

28. 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.
29. These records required by Condition 28 shall be provided to the Consent Authority (EScompliance@es.govt.nz) by 31 July each year.

Farm Environmental Management Plan

30. 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.

31. The FEMP required by Condition 30 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.

32. 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 by 30 September each year; or
 - (b) the Consent Holder must notify the Consent Authority 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).

33. 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.

Auditing

34. 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.

35. 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.
36. 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.
37. The audit shall record the justification for each level of confidence assessment, including noting the evidence, or lack of, used to make the determination.
38. 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.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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

45. 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 Oreti 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**

Bianca Sullivan

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:*

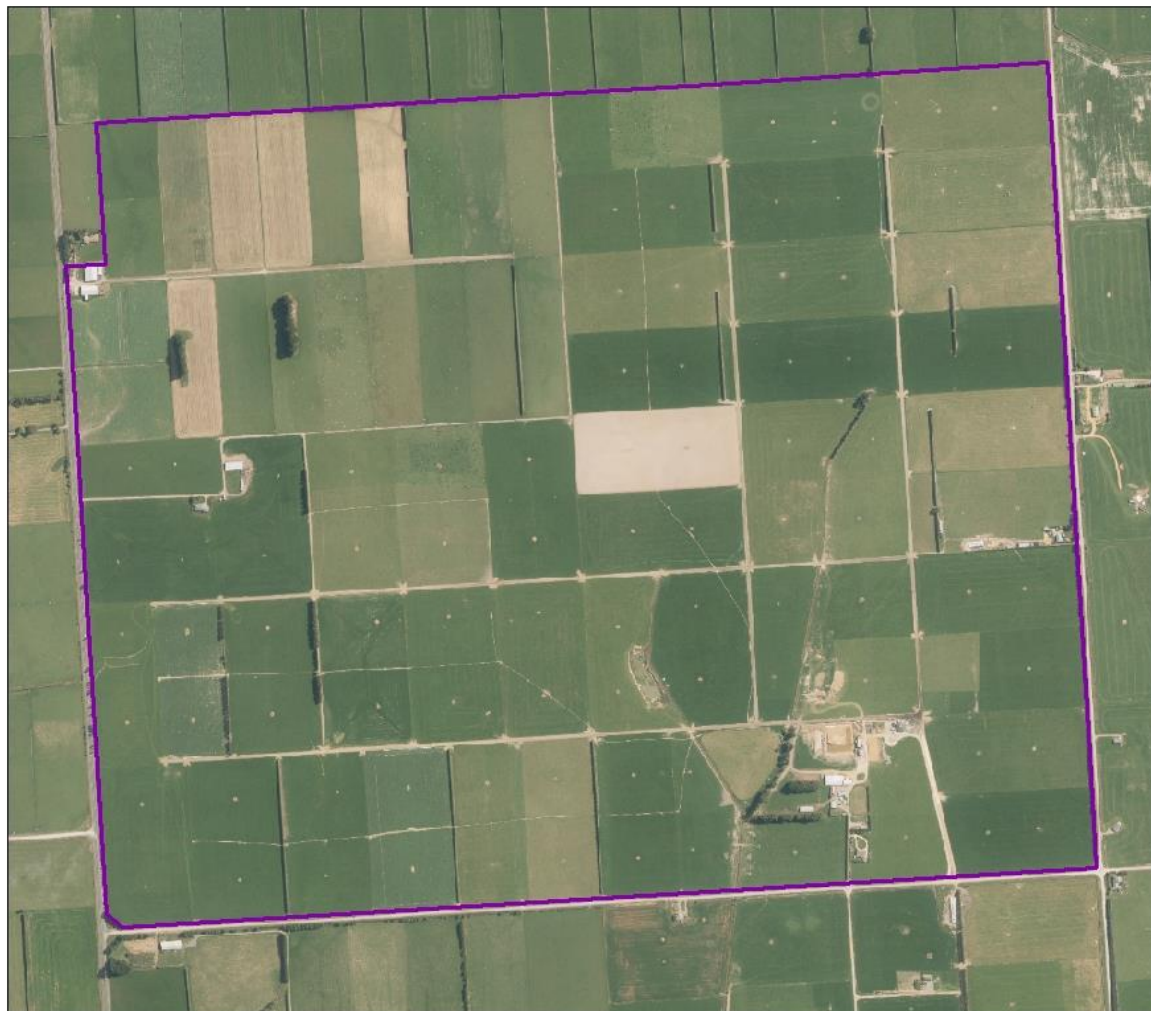
Table 1: Key Dates


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	12	Provide Olsen P results
30 Sept each year	16	Report summarising results of Overseer modelling
1 June 2023	22	Confirmation of permanently fenced CSA
Annually until completion by 1 June 2025	25	Confirmation of riparian planting
30 Sept each year	29	Provide record of farming practices
30 Sept each year	32	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.*

DRAFT

Appendix 1



 Landholding Boundaries



1:10,027



While every effort has been made to ensure the content is correct, Environment Southland cannot guarantee the accuracy of the data. This information should not be relied in any manner without consultation.

DATA SOURCE: ES GIS 2022

Appendix 2: Location map – riparian planting and CSA fencing

