

31 May 2019



Agri Magic Limited
Attn To: Nicci Delahunty
707 McLaughlins Road
RD 1
Darfield 7571

Customer Services
P. 03 353 9007 or 0800 324 636
200 Tuam Street
PO Box 345
Christchurch 8140
E. ecinfo@ecan.govt.nz
www.ecan.govt.nz

Dear Nicci Delahunty

Notice of Resource Consent Decision

Record Number: CRC194604
Applicant Name: Wakaepa Limited
Activity Description: To use land for farming land use.
Decision: Granted

Decision

The decision of Environment Canterbury is to grant your application on the terms and conditions specified in the attached resource consent document. The reasons for the decision are:

1. The activity is consistent with the policies of the regional plan or national policy statement.
2. The activity will achieve the purpose of the Resource Management Act 1991.

Commencement of consent

Your resource consent commences from the date of this letter advising you of the decision.

If you object to or appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined.

Lapsing of consent

This resource consent will lapse if the activity is not established or used before the lapse date specified on your consent document. Application may be made under Section 125 of the Resource Management Act 1991 to extend this period.

Your rights of objection and appeal

▪ Objection to Decision

If you do not agree with the decision of the consent authority, you may object to the whole or any part in accordance with Section 357A(1)(g) of the Resource Management Act 1991 (RMA). Notice of any objection must be in writing and lodged with Environment Canterbury **within 15 working days** of receipt of this decision in accordance with Section 357C(1) of the RMA.

- **Right to Appeal**

You may appeal the decision of the consent authority to the Environment Court in accordance with section 120 of the RMA. The notice of appeal must be lodged with the Court within 15 working days of receipt of this decision, at PO Box 2069, Christchurch. A copy of the appeal should also be forwarded to Environment Canterbury within the same timeframe.

If you are in any doubt about the correct procedures, you should seek legal advice.

- **Objection to Costs**

Section 357B of the RMA allows you to object to costs. Your objection must be received **within 15 working days** of the date on which you receive your invoice. Your objection must be in writing and should clearly explain the reasons for your objection as detailed in section 357C of the RMA.

Monitoring of conditions

It is important that all conditions of consent are complied with, and that the consent holder continues to comply with all conditions, to ensure that the activity remains lawfully established.

You can find online Information regarding the monitoring of your consent at www.ecan.govt.nz/monitoringconsent.pdf.

Charges, set in accordance with section 36 of the Resource Management Act 1991, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.

Further information about your consent

For some activities a report is prepared, with officer recommendations, to provide information to the decision makers. If you require a copy of the report please contact our Customer Services section. You can find online information about your consent document at www.ecan.govt.nz/yourconsent.pdf.

Queries

For all queries please contact Customer Services Section quoting your CRC number noted above.

Thank you for helping us make Canterbury a great place to live

Yours sincerely



Consents Planning Section

cc:
Wakaepa Limited
Attn To: Janeen Lee Keating
181 Whitecliffs Road
RD 1
Coalgate 7673

RESOURCE CONSENT CRC194604

Pursuant to Section 104 of the Resource Management Act 1991

The Canterbury Regional Council (known as Environment Canterbury)

GRANTS TO: Wakaepa Limited
A LAND USE CONSENT (S9): To use land for farming land use.
COMMENCEMENT DATE: 31 May 2019
EXPIRY DATE: 31 May 2034
LOCATION: 181 Whitecliffs Road, Glentunnel

SUBJECT TO THE FOLLOWING CONDITIONS:

Definitions:

The Nitrogen Discharge Allowance means the discharge of nitrogen below the root zone as modelled with the current version of Overseer as represented by the Overseer inputs provided with the application.

The Overseer inputs reflect the proposed farm system at the time this consent was granted and were inputted into the model in accordance with the Overseer Best Practice Data Input Standards. They can be updated to reflect the current Overseer Best Practice Data Input Standards, but must still describe the same activity.

- 1 The use of land for farming shall only be within the area shown on Plan CRC194604, attached to and forming part of this consent.
- 2 The consent holder shall maintain a Farm Environment Plan (FEP) in accordance with Appendix CRC194604, which forms part of this consent; and
 - a. On farm practice shall be in accordance with the FEP at all times;
 - b. The FEP shall be updated as necessary to reflect any changes in the farming operation over time; and
 - c. A copy of the FEP shall be provided to the Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance on request.
- 3 For the purpose of Objective 5A (Management Area: Nutrients) in the FEP prepared in accordance with Condition (2), the consented nitrogen loss limit is:

- a. The Nitrogen Discharge Allowance, which was 15 kg N/ha/yr when calculated using Overseer version 6.3.1.

The determination of whether a farm meets a nitrogen loss limit will be made using the nitrogen loss from the most recent year, modelled using Overseer. If the most recent year exceeds the limit, then the average nitrogen loss from last four years may be used to determine whether the limit is met.

Where a nitrogen discharge limit changes (i.e. the introduction of reductions from a certain date), then the option of using the average of the last four years will only apply to those recent years which were subject to the same nitrogen discharge limit. For example if a limit changed in 2022, then in the year 2022, there are no recent year to average over. In the same example, then in the year of 2023, the average nitrogen loss of the 2022 and 2023 years could be used. This determination shall be made using the current version of Overseer.

Advice Note 1: *To assist the FEP auditor and the Consent Holder this Objective and Target has been inserted into Appendix CRC194604 attached to this consent.*

Advice Note 2: *This property is located within the Selwyn Te Waihora: Selwyn Te Waihora Nutrient Allocation Zone.*

- 4 The Farm Environment Plan (FEP) prepared in accordance with Conditions (2) and (3) above:
 - a. Shall be audited within 12 months of the grant of this consent. Subsequent audits shall be undertaken within the timeframes specified in Part C of Appendix CRC194604; and
 - b. Shall be audited in accordance with Part C of Appendix CRC194604. A copy of the audit data shall be provided to the Canterbury Regional Council in accordance with the requirements of the Canterbury Certified Farm Environment Plan (FEP) Auditor Manual.
- 5 The farming activity shall be managed:
 - a. To achieve and maintain a Farm Environment Plan audit grade of "A" or "B", as assigned in accordance with Part C of Appendix CRC194604; and
 - b. Such that it is not assigned a "C" or "D" grade.
- 6 The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
 - a. Dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;

- b. Ensuring that the provisions of Appendix CRC194604 relating to the FEP audit grading system and timeframes are still appropriate; or
- c. enabling the standards set by a regional plan to be met when a regional plan has been made operative which sets rules relating to minimum standards of water quality.

7 If this consent is not exercised before 30 June 2024, it will lapse in accordance with Section 125 of the Resource Management Act 1991.

Issued at Christchurch on 31 May 2019

Canterbury Regional Council

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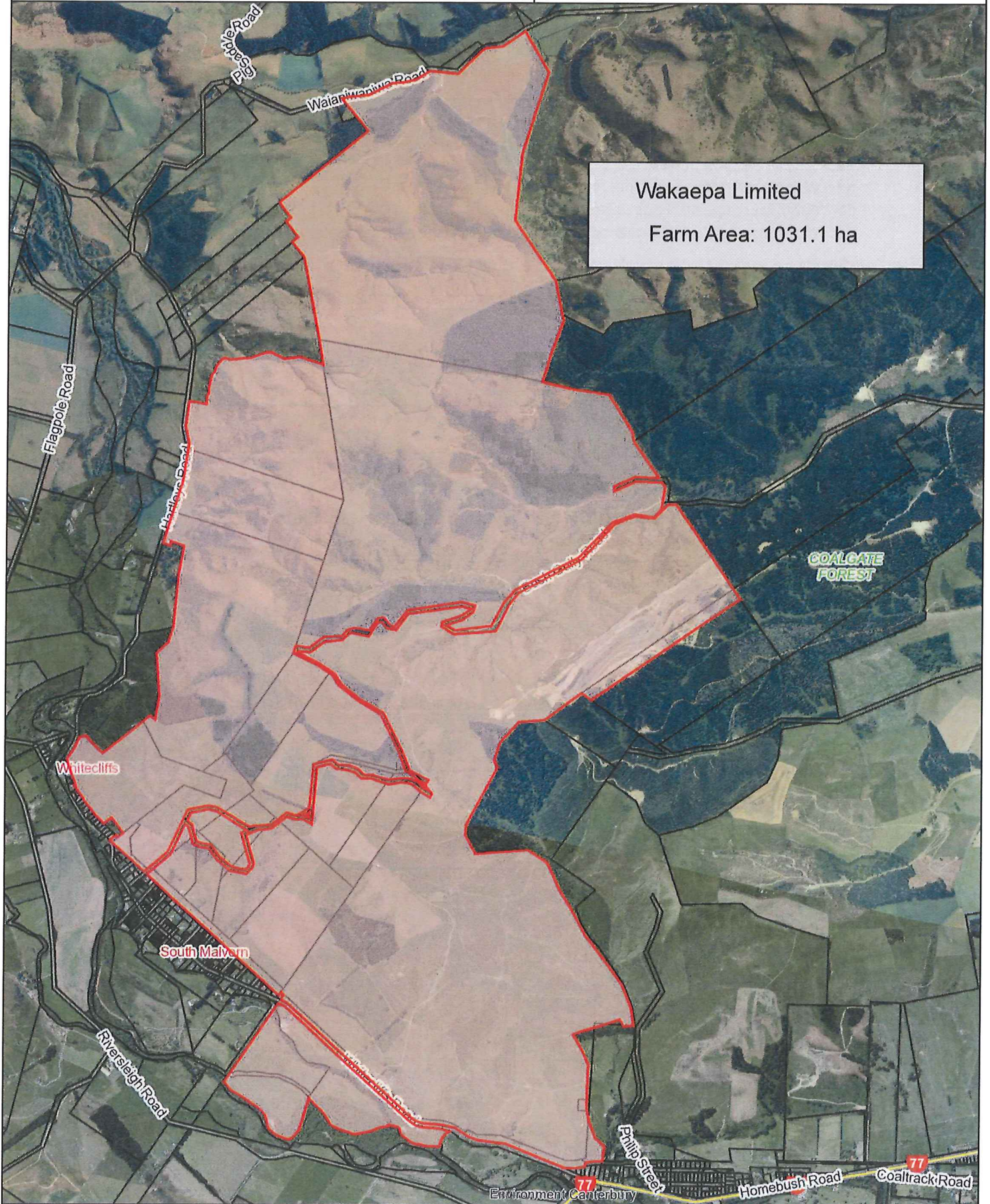
Information from this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it.



0 0.35 0.7 1.05 1.4
Kilometres

Scale: 1:25,000 @A4

Map Created by Environment Canterbury on 27/05/2019 at 8:47:48



Appendix CRC194604 - Schedule 7 Farm Environment Plan

Definitions

In Schedule 7 the following definitions apply:

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

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

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

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

Part A – Farm Environment Plans

A Farm Environment Plan can be based on either of:

1. The material set out in Part B below;

OR

2. Industry prepared Farm Environment Plan templates and guidance material that:
 - (a) includes the following minimum components:
 - (i) the matters set out in 1, 2, 3, 4B and 5 of Part B below;
 - (ii) contains a methodology that will enable development of a plan that will identify actual and potential environmental effects and risks specific to the property, addresses those effects and risks and has a high likelihood of appropriately avoiding, remedying or mitigating those effects;
 - (iii) performance measures that are capable of being audited as set out in Part C below; and
 - (iv) matters or requirements set out in Part B of Schedule 7 that have been added as a result of a sub-region planning process; and
 - (b) has been approved as meeting the criteria in (a) and being acceptable to the Canterbury Regional Council by the Chief Executive of the Canterbury Regional Council.

Part B – Farm Environment Plan Default Content

The plan requirements will apply to:

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

The plan shall contain as a minimum:

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

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

5A **Management Area: Nutrients**

Objectives:

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

Targets:

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

Advice Note 1:

The consented loss limits (as per condition 3 of CRC194604) are:

- a) *the Nitrogen Discharge Allowance, which was 15 kg N/ha/yr when calculated using Overseer version 6.3.1.*

The determination of whether a farm meets a nitrogen loss limit will be made using the nitrogen loss from the most recent year, modelled using Overseer. The determination shall also take into account whether the nitrogen loss has been influenced by a severe

extraordinary event (including but not limited to droughts and floods). If the most recent year exceeds the limit, then the average nitrogen loss from last four years may be used to determine whether the limit is met.

Where a nitrogen discharge limit changes (i.e. the introduction of reductions from a certain date), then the option of using the average of the last four years will only apply to those recent years which were subject to the same nitrogen discharge limit. For example if a limit changed in 2022, then in the year 2022, there are no recent year to average over. In the same example, then in the year of 2023, the average nitrogen loss of the 2022 and 2023 years could be used. This determination shall be made using the current version of OVERSEER®.

For clarity, the relevant definitions are included at the end of the FEP Appendix.

Advice Note 2:

This property is located within the Selwyn Te Waihora sub region.

Advice Note 3:

Please note that the nitrogen baseline has been calculated as the average nitrogen loss from the properties identified in Condition 1 of CRC194604.

5B Management Area: Irrigation

Objective:

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

Targets:

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

5C Management Area: Cultivation and Soil Structure

Objective:

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

Targets:

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

5D Management Area: Animal Effluent and Solid Animal Waste

Objective:

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

Targets:

- (1) Effluent systems meet industry Codes of Practice or an equivalent standard.

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

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

Objective:

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

Targets:

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

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

Objective:

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

Target:

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

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

Objective:

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

Target:

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

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

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

Sub-region Additions

7. Selwyn Te Waihora – Additional Requirements

Within the Selwyn Te Waihora sub-region the following additional requirements for Farm Environment Plans apply:

1. include a map(s) or aerial photograph at a scale that clearly shows the location of any known mahinga kai, wāhi tapu or wāhi tāonga within any property or farming enterprise located in the Cultural Landscape/Values Management Area.
2. include a description of how the following objective will be met:
Nutrient Management: To maximise the nutrient use efficiency while minimising nutrient losses to water by:
 - (a) minimising the loss of phosphorus and sediment within the Phosphorus Sediment Risk Area as shown in the Planning Maps; and
 - (b) achieving Good Management Practice in respect of nutrient losses; and
 - (c) managing the discharge from drains within the Lake area of the Cultural Landscape/Values Management Area; and
 - (d) further reducing the nitrogen loss calculation from 2022 where a property or farming enterprise's nitrogen loss calculation is greater than 15 kg of nitrogen per hectare per annum.

Part C – Farm Environment Plan Audit Requirements

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

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

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

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

DEFINITIONS

The Nitrogen Baseline means the discharge of nitrogen below the root zone as modelled with the current version of Overseer as represented by the Nitrogen Baseline Overseer inputs provided with the application.

The Nitrogen Baseline Overseer Inputs reflect clause A of the Nitrogen Baseline definition, as defined below, and were inputted into the model in accordance with the Overseer Best Practice Data Input Standards. They can be updated to reflect the current Overseer Best Practice Data Input Standards, but must still describe the same activity.

Clause A: "the discharge of nitrogen below the root zone, as modelled with OVERSEER®, (where the required data is inputted into the model in accordance with OVERSEER® Best Practice Data Input Standards)" "averaged over a 48 month consecutive period within the period of 1 January 2009 – 31 December 2013, and expressed in kg per hectare per annum, except in relation to Rules 5.46 and 5.62 where it is expressed as a total kg per annum from the identified area of land"

The Nitrogen Discharge Allowance means the discharge of nitrogen below the root zone as modelled with the current version of Overseer as represented by the original Overseer inputs provided with the application.

The Overseer inputs reflect the proposed farm system at the time this consent was granted and were inputted into the model in accordance with the Overseer Best Practice Data Input Standards. They can be updated to reflect the current Overseer Best Practice Data Input Standards, but must still describe the same activity.

