

**Wairau/Awatere Resource Management Plan**

**Plan Change 62 – New Dairy Farms**

**Submissions received by Marlborough District Council**

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**May 2013**



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**Alphabetical index of Submitters (by surname) for Plan Change 62**

<b>PartNo</b>	<b>Submitter</b>	<b>Address</b>
4	DairyNZ ( James Ryan)	C/O PO Box 85066 Lincoln University Lincoln 7647
2	Department of Conservation ( Anna Cameron)	Planning and Permissions Unit Department of Conservation Private Bag 4175 Christchurch 8140
1	Marlborough Province of Federated Farmers of NZ ( Michael Bennett)	PO Box 1992 Christchurch 8140
3	Nelson/Marlborough Fish and Game Council ( Neil Deans)	PO Box 2173 Stoke Nelson 7041
5	Woolley - Philip J	PO Box 20 Tua Marina Blenheim 7246

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To: Marlborough District Council

Submission on: Wairau/Awatere Resource Management Plan Change No. 62: New Dairy Farms, and  
Marlborough Sounds Resource Management Plan: Proposed Plan Change No. 27: New Dairy Farms

From: Marlborough Province of Federated Farmers of New Zealand

Date: 24 May 2012

Contact: Michael Bennett  
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Federated Farmers of New Zealand

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**Federated Farmers would like to be heard in support of this submission**

**SUBMISSION TO MARLBOROUGH DISTRICT COUNCIL ON  
WAIRAU/AWATERE RESOURCE MANAGEMENT PLAN - PLAN CHANGE 62  
AND  
MARLBOROUGH SOUNDS RESOURCE MANAGEMENT PLAN - PLAN CHANGE 27**

**1. INTRODUCTION – About the submitter**

- 1.1. Federated Farmers appreciates the opportunity to submit on Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan (the Plan Changes).
- 1.2. Federated Farmers has 238 individual farmer members in Marlborough, which represents a substantial portion of the farming community.

**2. SUBMISSIONS**

**Federated Farmers opposes Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan in their entirety.**

**Decisions Sought**

- 2.1. **Withdraw Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan.**
- 2.2. **If the plan is not withdrawn amend Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan, as sought in the remainder of our submission.**
- 2.3. **Make any consequential amendments to give effect to our decisions sought.**

**Reasons for submission**

- 2.4. While the Plan Changes enable existing dairy farms, or those that expand without the addition of a milking shed to continue operation without a resource consent, future dairy conversions, including some now in preparation will require resource consent as a discretionary activity.
- 2.5. Contrary to the analysis of the issue and section 32 assessment that accompanies the proposed plan change (the Planning Report), the Marlborough Province of Federated Farmers does not see that there is an issue with new dairy conversions in Marlborough that justifies the Plan Changes. There are very few dairy conversions underway, and the total number of dairy farms has in fact decreased from over the past few years. Most farm land in Marlborough is too hilly for dairying, is in vineyards,



or lacks suitable quantities of available water for irrigation essential to dairy farming in the Marlborough climate.

- 2.6. The environmental performance of dairy farms has improved substantially in recent years. All dairy farms are subject to strict standards of environmental performance as a condition of supply via the Sustainable Dairying: Water Accord.
- 2.7. Federated Farmers are concerned that the Plan Changes will reduce options for farmers who hold land that may be suitable for future dairy conversion. Our experience in Southland has shown that discretionary activity status for new dairy farms is a significant constraint on future growth due to the uncertainty of a positive outcome, through the consent process and inability to secure credit to undertake farm purchase.
- 2.8. Federated Farmers are concerned about the singling out of one particular land use, implications for the future of dairying in Marlborough, and in neighbouring regions where the Federation is attempting to work with Councils to promote sustainable but flexible land use.

### **3. ANALYSIS OF THE ISSUE**

**Federated Farmers opposes Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan because the analysis of the issues is deficient in content.**

#### **Decision Sought**

- 3.1. Recognise that the understanding of issues underpinning Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan, are deficient in critical areas and that the objectives, policies, and rules that flow from them are equally deficient.**
- 3.2. Do not progress Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan unless the deficiencies in understanding of issues identified in our submission are suitably amended and the objectives, policies, and rules that flow from them amended in turn.**

#### **Reasons for submission**

- 3.3. Federated Farmers sees that there are two critical steps to preparing any proposed plan: describing an issue and developing a planning solution to that issue. Federated Farmers sees that the description of the issue on pages 1-3 of the Planning Report fails to achieve a sufficiently complete and balanced understanding to develop a coherent planning solution that gives effect to Part II of the Resource Management Act (1991).

- 3.4. Much of the information included in the Planning Report is national level information that is only of passing relevance to the situation in Marlborough. The fact that dairying has expanded significantly elsewhere in New Zealand does not take away from the fact that the industry has not grown and in fact appears to have contracted, from 85 to 60 farms, in Marlborough over the same period<sup>1</sup>. Climatic factors have meant that viticulture has out-competed dairying as a higher value land use – a situation that is unlikely to change in future as cost barriers to converting bare land to dairying are now much higher than even a few years ago.
- 3.5. The analysis and investigation of the economic benefits of dairying are particularly lacking. Outside of Marlborough, where aquaculture and viticulture have been more significant drivers of economic growth, the expansion of dairying has been associated with growth of wealth and opportunity in rural areas and rural centres (which includes all of the South Island), not seen in a generation. An expansion of dairying in Marlborough would bring with it enormous economic and social benefits that have not been adequately recognised. For the Southland dairy model farm, a 579 cow farm, showed farm working expenses for the 2010/2011 year of \$746,935, or \$1290 per cow.<sup>2</sup> Most of these expenses are sourced locally and relate to labour, contractor and professional fees, bought in feed, and other local services.
- 3.6. The planning report omits to note that virtually any human activity will have ancillary effects that are 'difficult to control'. It is understood that intensive agriculture, which may include dairying has some adverse effects that are impossible to avoid, but so too does any other activity undertaken by people.
- 3.7. The examples cited of the costly remediation of Lake Rotorua, Lake Taupo, and Te Waihora, are not applicable because there are no large lake catchments with particular sensitivities that are analogous to the Marlborough District. Fears arising from the experience with these catchments, that 'failure to act' will result in massive remediation costs for the Council are therefore groundless.
- 3.8. The planning report omits to mention that the Sustainable Dairying Accord and other activities undertaken by industry will achieve much of what will be sought by the Plan Changes. Action by industry can be expected to achieve significant environmental improvements, and yet this is not taken into account in the evaluation of the issue. Compulsory measures that will be required on all dairy farms include:
- measures to exclude stock from rivers, lakes and wetlands;
  - irrigation of effluent according to best practice;
  - the use of nutrient management plans.

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<sup>1</sup> *Livestock Improvement Corporation and DairyNZ. 2012. New Zealand Dairy Statistics 2011 – 12*

<sup>2</sup> There is no model available for Marlborough, but we think these figures are representative. Model farms are compiled from figures averaged across a number of 'monitor farms' in the region. The source for these figures is Farm Monitoring Report 2011 – Pastoral Monitoring: Southland Dairy. [Online] <http://www.mpi.govt.nz/news-resources/publications?title=farm%20monitoring%20report>

These measures are proven to be efficient and effective in improving the environmental performance of dairy farms.

3.9. Federated Farmers is particularly concerned about the targeting of a particular industry, even though there is no evidence that this industry will underpin the next land based resource boom in Marlborough. The Council, like us all, is in no position to know what the next 'boom' activity will be. Previous agricultural land use booms, for example the wool boom, establishment and expansion of agriculture, aquaculture boom, and (latterly outside of Marlborough) the dairy boom, all came unexpected except by a few and have not been repeated once they occurred.

3.10. Federated Farmers has heard it mentioned several times in conversation with Council staff and Councillors that the Plan Changes arise in part from concerns about the behaviour of one person. Federated Farmers is concerned that this is not mentioned as a reason for the planning report, even though it substantially contributes to the political context and apparent community concern driving the Plan Changes. If the extreme behaviour of an individual is part of the issue or reason why a plan change is undertaken, then it should be explained in the planning report so that it the merits of it can be evaluated by submitters, and other options such as negotiated agreements or application of the enforcement provisions of the Resource Management Act considered in the section 32 assessment.

#### **4. SECTION 32 INFORMATION**

**Federated Farmers opposes Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan because the section 32 assessment omits critical information and makes incorrect conclusions about costs, efficiency and effectiveness of the various options considered.**

##### **Decision Sought**

**4.1. Recognise that the section 32 information underpinning Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan, is deficient in critical areas and that the objectives, policies, and rules developed on the basis of this information are equally deficient.**

**4.2. Withdraw Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan and only re-notify it if the deficiencies in the section 32 information are suitably amended and decisions of the Council undertaken in light of the more complete evaluation that results.**

##### **Reasons for submission**

- 4.3. Federated Farmers is concerned that the Section 32 assessment presented on pages 6 to 11 omits key information on costs/benefits and efficiency/effectiveness of the various options presented. In particular the section 32 report makes incorrect assertions about the effectiveness of voluntary programmes and fails to recognise the wider cost implications of the regulatory approach.
- 4.4. Federated Farmers is concerned that the Section 32 assessment incorrectly determines that Option 2 (non regulatory) lacks effectiveness because:
- Evidence suggests that, while these voluntary programmes such as the Dairying and Clean Streams Accord are laudable, and there is some buy in from participants, they do not fully address the issue as it does not capture all participants, nor deliver a consistent result.*
- Leaving aside the evidence to support this statement (which we cannot respond to because it has not been made available to us), new industry initiatives are a compulsory condition of supply that will capture all participants, and are likely more consistent than a resource consent as a discretionary activity, which can include conditions to respond to any adverse environmental effect and which provide no assurance at all of a 'consistent' result.
- 4.5. Option 4 (regulating land use) lacks recognition of key costs of the Plan Changes, including:
- Ability to source capital
  - Viability of irrigation schemes
  - Stewardship
- 3.3 The recent experience of Federated Farmers in Southland has shown that discretionary activity status for new dairy farms is a significant constraint on future growth due to uncertainty of a positive outcome and inability to secure credit to undertake farm purchase. Prior to the notification of Plan Change 13 to the Water Plan for Southland, 60 – 70 new dairy conversions per year had taken place for several years. Since the notification of Plan Change 13, over 15 months ago, 2 dairy conversions have taken place in Southland, with inability to secure credit to fund property purchase identified as a key barrier.
- 4.6. Federated Farmers are also concerned about the viability of future water storage schemes in Marlborough. The piecemeal and reactive approach to resource management that has been taken, outside the framework provided by the New Zealand Coastal Policy Statement on Fresh Water, will in our view generate additional uncertainty and business risk for these very beneficial, but expensive schemes.
- 4.7. Federated Farmers disputes the Section 32 assessment of Option 4 (regulating land use) which notes that requirements to exclude stock, measure/estimate nutrient loss, and undertake good practice effluent management 'may become mandatory'. It has already been explained to the Council and to staff that these requirements are mandatory for new farms, with timelines to implementation now imposed by existing farms. The section 32 assessment also makes the argument that because measures required by regulation are already required by audited self management, that it will

be less costly to require them through this plan change. What the section 32 report does not recognise is that the Plan Changes (i.e. Option 4) directly undermine the ethic of stewardship that is reflected in farmer acceptance of The Sustainable Dairying Accord because it will result in it becoming much harder for farmer, industry, and community organisations to promote or uphold this kind of initiative in future. The section 32 assessment omits the negative effect on the ethic of stewardship arising from Option 4 which means that it has not been recognised, in turn creating a breach of RMA section 7(AA).

- 4.8. Finally Federated Farmers is very concerned that section the Section 32 assessment (8. Risk of Uncertainty or Insufficient Information) extrapolates from the rejection of delaying until the ‘science is better known’ in *Andrew Day and others v Manawatu Regional Council (NZEnvC 182 (2012)*, to the assertion that *Intensification of land use, particularly where high nutrient values are involved, presents a major risk to water quality particularly if dairy conversions continue to grow*. Federated Farmers sees that this statement has no basis because there is no evidence that continued dairy conversions ‘present a major risk to water quality’, and as we have already outlined no issue with dairy conversions in Marlborough.

## 5. OBJECTIVES AND POLICY

**Federated Farmers oppose the additional clause 12.2.2.3.7 (b) to Objective 1.2.2.3.**

### Decision sought

**4.3 Delete additional text to Objective 12.2.2.3**

**4.4 If Objective 12.2.2.3 is adopted, 12.2.2.3.7 (b) from the additional text to Objective 12.2.2.3:**

***12.2.2.3.7 (b) Provision of an appropriate, non-grazed buffer along the margins of any water body, including any river, lake, or wetland, and any drain, to intercept the runoff of contaminants from grazed pasture.***

### Reasons for submission

- 5.1. The Plan Changes include a new insertion to Objective 12.2.2.3 to require that ‘risks’ of a new dairy farm are identified and managed and include ‘provision of non-grazed buffers’ from *any* water body.
- 5.2. Federated Farmers sees that in terms of water quality the efficacy of riparian setbacks is variable, and does not on its own reliably improve water quality, as demonstrated by Case Studies undertaken in agricultural catchments in the North Island<sup>3</sup>.

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<sup>3</sup> Parkyn, S.M.; Davies-Colley, R.; Halliday, N.J.; Costley, K.J.; Croker, G.F. (2003) Planted Riparian Buffer Zones in New Zealand: Do They Live Up to Expectations? *Restoration Ecology* 11: 436–447.

Riparian management schemes assessed, showing measures of water quality and stream health recorded as better (+), worse (-), or no change (=) in the buffer compared to the control reach for each variable.

Site	Time since planting (yr)	Planted length (m)	Average buffer width (m)	Difference in buffer relative to pasture control reach						
				Phosphorus (over 10% change in dissolved P)	Nitrogen (over 10% change in dissolved N)	Faecal inputs (over 10% change in <i>E. coli</i> )	Visual clarity (over 10% change)	Mean temperature (more than 1 deg change)	Stability (change in Pfankuch class)**	Invertebrates (change in QMCI class)***
Raglan	2	200	12.7	+	+	-	=	=	+	=
Matarawa	3	300	3.5	-	=	+	+	=	+	-
Little Waipa	4	660	10.6	+	=	+	+	-	=	=
Waitetuna	6	1600	7.2	=	-	nd	-	=	=	=
Mangawara	8	200	15.5	=	=	=	=	nd	=	+
Tapapakanga	10	2000	11.4	+	+	+	+	-	=	-
Kakahu*	20	3600	21	+	+	nd	+	+	=	+
Waitomo	20	100	18.8	=	=	-	-	=	=	=
Taupo*	24	4200	75	+	-	nd	+	+	+	+

\* Sites with a nearby stream as a control site instead of upstream

\*\* Stream stability was assessed using the Pfankuch index. In this system, scores are assigned to 15 different measures of stability (weighted according to their importance).

\*\*\* Quantitative Macroinvertebrate Community Index (QMCI) is a system where different invertebrate taxa are assigned scores according to their tolerance to different water/habitat qualities. All scores are amalgamated to give an overall score for a site.

nd No data.

This figure shows the effectiveness of riparian fencing and planting schemes in North Island that had been established between 2 to 24 years, based on comparison with un-protected control reaches upstream or nearby. This study found that:

*Significant changes in macroinvertebrate communities toward “clean water” or native forest communities did not occur at most of the study sites. Improvement in invertebrate communities appeared to be most strongly linked to decreases in water temperature, suggesting that restoration of in-stream communities would only be achieved after canopy closure, with long buffer lengths, and protection of headwater tributaries<sup>4</sup>.*

4.5 Improvements achieved by excluding stock from riparian margins are limited by the topography and climate. A literature review undertaken by the Ministry of Agriculture and Forestry (Now Ministry of Primary Industries) found that:

*The effectiveness of grass buffer strips as filters for nutrients and sediment is less in steep hilly terrain than rolling land, as overland flow is concentrated in channelised natural drainage-ways giving rise to high flow velocities. As a result buffer effectiveness is minimal, or at best, patchy along the stream length.<sup>5</sup>*

## 5 ADDITION TO RULE 30.4.1

**Federated Farmers opposes the addition to Rule 30.4.1 which makes new dairy farming a discretionary activity rule.**

**Decision sought**

<sup>4</sup> Parkyn et al (2003) ibid

<sup>5</sup> Parkyn S (2004) Review of Riparian Buffer Zone. Effectiveness. MAF Technical Paper No: 2004/05.

**5.1 If Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan is adopted, administer new dairy conversions through a permitted activity rule subject to conditions such as approval under the Sustainable Dairying Accord, or specific requirements of this document.**

#### **Reasons for submission**

5.2 For reasons already explained in our submissions on the description of the issue and section 32 assessment in the planning report, a requirement for a resource consent as a discretionary activity, and the uncertainty that this creates, will likely create significant obstruction to purchase of farms for conversion to dairying, and may create uncertainty of investment for future irrigation schemes.

5.3 As we also identify in our submission, consented activity status will either replicate the requirements of the Sustainable Dairying Accord, or else include requirements that are unworkable or achieve little environmental improvement.

5.4 It is therefore appropriate that if the Plan Changes are adopted, that the activity of new dairy farming be administered through a permitted activity which is automatically granted and can reference the Sustainable Dairying Accord requirements which will already be in place.

## **6 ABOUT FEDERATED FARMERS**

6.1 Marlborough Federated Farmers welcomes the opportunity to submit on Proposed Plan Change 62 to the Wairau/Awatere Resource Management Plan and Proposed Plan Change 27 to the Marlborough Sounds Resource Management Plan (the Plan Changes).

6.2 Federated Farmers of New Zealand is a primary sector organisation that represents farming and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.

6.3 The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

6.3.1 Our members may operate their business in a fair and flexible commercial environment;

6.3.2 Our members' families and their staff have access to services essential to the needs of the rural community; and

6.3.3 Our members adopt responsible management and environmental practices.

7.4 This submission was developed in consultation with the members of Federated Farmers. It is important that this submission is not viewed as a single submission, but as a collective one, that represents the opinions and views of our members.

7.5 Federated Farmers acknowledges submissions from individual members of Federated Farmers.

Gary Barnett  
Provincial President  
Marlborough Province  
Federated Farmers of New Zealand



**Form 5: Submission on publicly notified proposal for policy statement  
or plan**

*Clause 6 of First Schedule, Resource Management Act 1991*

**To:** Planning Technician  
Marlborough District Council  
PO Box 443  
BLENHEIM 7240

**Name of Submitter:** Al Morrison,  
Director-General of the Department of Conservation

**This is a submission on the following proposed plan changes:**

Proposed Plan Change 62 to the Wairau / Awatere  
Resource Management Plan (New Dairy Farming)

**The specific parts of the application that my submission relates to are:**

- I. All of the plan change.

**My submission is:**

- II. Section 6(ab) of the Conservation Act directs the Department of Conservation to "preserve as far as practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats". The Marlborough region provides habitat for many threatened freshwater fish species. Council has identified in the s32 report areas with potential for dairy farming<sup>1</sup>. These areas overlap with threatened freshwater fish habitat.
- III. The section 32 report states that some deterioration of water quality within the region has already resulted as a result of land intensification through dairying conversions. This deterioration (and future deterioration if allowed to continue) will detrimentally affect freshwater ecosystems and the life supporting capacity of freshwater and coastal environments.
- IV. Inappropriately sited or poorly managed land use, including dairy farms either by themselves or in combination with other activities have the potential to significantly adversely affect water quality in ground, surface and the coastal water of Marlborough.

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<sup>1</sup> Marlborough District Council. Wairau/Awatere Resource Management Plan Proposed Plan Change No. 62: New Dairy Farms & Marlborough Sounds Resource Management Plan Proposed Plan Change No. 27: New Dairy Farms. Report prepared to fulfill the requirement of Section 32 of the Resource Management Act 1991. File Reference: W045-15-62, M135-15-27. Appendix 1: Areas with potential for dairy farming.

- V. The Director-General of Conservation strongly supports the intent of this plan change as it will result in a detailed consideration of the effects on water quality from proposals for new dairy farming and related activities. The use of management plans are supported, but it is essential that these plans reflect Council's desire that adverse effects on water quality including cumulative effects are avoided.
- VI. Overall the Director-General seeks the plan change be approved. Amendments are detailed in this submission, the additions are shown as underline and deletions are shown as ~~strikethrough~~.

The Director General does wish to be heard in support of this submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



.....  
Michael Slater

acting under to delegated authority on behalf of the Director General of  
Conservation

Date: 24 May 2013

**Address for service:**  
Anna Cameron  
Planning and Permissions Unit  
Department of Conservation  
Private Bag 4715  
Christchurch Mail Centre  
CHRISTCHURCH 8140

The specific provisions of the proposed plan change that my submission relates to are:

**Volume 1, Chapter 12 – Rural Environments – Issues, Objectives and Policies:**

**1. Issue 12.2.1**

**My submission is that:**

The Director General of Conservation supports the intent of this amendment. However 'dairy farm effluent run off' could be interpreted to only catch effluent from dairy sheds. The purpose of this plan change is to capture non-point discharges/contaminants associated with dairy farming activities.

Amending the Issue as sought below will ensure consistency with the Resource Management Act 1991 (RMA), the National Policy Statement for Freshwater Management 2011 (Freshwater Management NPS), the New Zealand Coastal Policy Statement 2010 (NZCPS) and the Marlborough Regional Policy Statement (MRPS).

**I seek the following decision from Marlborough District Council:**  
*'dairy farm effluent run off'.*

**2. Objective 12.2.2.3.6**

**My submission is that:**

The Director-General of Conservation supports the requirement for land use consents to be obtained for the establishment and operation of any new dairy farm operation. The resource consent process will enable Council to consider the environmental effect of discharges of contaminants, including cumulative effects, from new dairy farms.

The rule requirement as consistent with the RMA, Freshwater Management NPS, the NZCPS and the MRPS.

**I seek the following decision from Marlborough District Council:**  
Retain as notified.

**3. Objective 12.2.2.3.7**

**My submission is that:**

The Director-General supports the intent of this objective.

The objective restricts Council's assessment to the adverse effects of new dairying activities to surface and ground water quality. The Wairau / Awatere Resource Management Plan defines groundwater and surface water as:

Groundwater: means natural water which is below the surface of the ground, the bed of the sea, or the bed of any lake or river or stream,

whether the water is flowing or not, and if it is flowing whether it is in a defined channel or not; and includes all natural water which has been, by means of a bore, brought above the surface from below the surface of the ground, the bed of the sea, or the bed of any lake or river or stream.

Surface water: means water contained in lakes, wetlands, drains, rivers, streams, either permanently or intermittently. As opposed to groundwater.

The groundwater definition excludes groundwater associated with wetlands and the surface water definition excludes water associated with the coastal environment. The RMA does not include a definition for groundwater or surface water but includes a definition for 'water'. Water is defined as:

- a) means water in all its physical forms whether flowing or not and whether over or under the ground:
- b) includes fresh water, coastal water, and geothermal water:
- c) does not include water in any form while in any pipe, tank, or cistern

The RMA definition for water does not exclude coastal water or wetlands. Consequently when reading the Objective with the definitions provided in the Plan the Objective does not clearly address potential adverse effects on wetlands and the coastal environment. Wetlands and the coastal environment are significant aspects of the Marlborough region and are vulnerable to the adverse effects associated with land intensification through dairying activities.

Objective 12.2.2.3.7(a) rightly identifies that 'measures' shall be used to prevent stock from entering or crossing rivers, lakes or wetlands. However, I consider that this objective would be more effective in achieving its intention if it was drafted more directly. Fencing, culverts and bridges are the only methods that effectively prevent stock from accessing these areas.

It is critical to the functionality of the buffers that these areas exclude stock. As discussed the most effective way of achieving this is to fence these areas. Like Objective 12.2.2.3.7(a) I consider that Objective 12.2.2.3.7(b) would benefit from being drafted more directly and stating that these buffers areas are required to be *fenced*.

This Objective requires that a nutrient management plan is prepared to demonstrate how nutrient inputs are managed and the notified Plan encourages the preparation of a water quality management plan. The Director-General supports the requirement to prepare a nutrient management plan as these are essential to avoid adverse effects on water quality.

The Objective requires that any new dairy farms will have 'no more than minor' adverse effects on the environment. Individually new dairy farms could achieve this test but collectively new and existing dairy farm operations could cumulatively have a more than minor adverse effect on water quality. It is essential that Council recognises cumulative effects of activities to ensure that the life supporting capacity, ecosystem processes and indigenous species including their associated ecosystems are sustainably managed. Consequently it is appropriate that any new dairy farms applications are considered with respect to any existing or consented dairy farms. This also raises an issue for the Council as there is no baseline data to assess the applications against and therefore determining what is an 'adverse effect'.

Amending the Objective to address the issues detailed above will ensure that the Plan is consistent with the RMA, Freshwater Management NPS, the NZCPS and the MRPS.

**I seek the following decision from Marlborough District Council:**

Retain Objective and amend as follows:

*Objective 12.2.2.3.7*

*Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on groundwater, surface water, wetlands or coastal water quality, including the life supporting capacity and health of any associated ecosystem. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:*

- a) Measure Fencing, culverts or bridges to prevent stock entering onto, or passing across, the bed of any river, lake, ~~or~~ wetlands or riparian margins of the coastal marine area;*
- b) Provisions of an appropriate, fenced non-grazed, buffer along the margins of any water body, including river, lake or wetlands and any drain to intercept the runoff of contaminants from grazed pasture;*
- c) Provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;*
- d) Demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies and coastal water to ensure contamination of water does not occur (including during flood events);*
- e) A nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser, and any other nutrient input and methods to reduce losses of nitrogen and phosphorous from the farm.*
- f) An assessment of the cumulative effects on the environment, in particular the cumulative effects on surface water, groundwater, coastal water and wetland quality.*

Objectives (b) and (d) refer 'appropriate' and Objective (c) refers to 'sufficiently sized'. Both of these phrases / terms need to be defined to provide certainty.

#### **4. Methods of Implementation 12.2.3**

**My submission is that:**

The Director General of Conservation supports the amendment to identify 'dairy farming' as an activity that requires a discretionary consent and supports the additional text added to the explanation text. These amendments enable the Council to manage adverse effects of dairy farm activities on water quality.

The Director General of Conservation supports the use of water quality and nutrient management plans.

I note that the s32 states that the 'MDC is also required to implement the National Policy Statement Freshwater management (NPS). The Council anticipates that it will be able to implement most of the policies through the Plan review except for Policy A1 of the NPS which requires Council to establish cumulative contaminant limits for all water bodies. ... Council does not hold the necessary data to implement such limits and proposes a staged programme to introduce cumulative limits by 2024'. Establishing and implementing water quality limits and thresholds need to be set so assessments can be undertaken to assess the level of effects associated with land intensification.

**I seek the following decision from Marlborough District Council:**

Retain as notified the reference to 'dairy farming' within the rule Method of Implementation, the reference to the management plans and the text insert into the explanation text after the methods in 12.2.3.

Insert an additional Method of Implementation that states that the Council will undertake work to set cumulative contaminant limits for all water bodies by 2024.

#### **5. Issue 12.4.1**

**My submission is that:**

The Director General of Conservation supports the amendment to this Issue to identify 'water quality' as a resource that needs to be managed appropriately with regard to certain activities. Water quality is a critical issue that is addressed in the Freshwater Management NPS and this Plan must give effect to any National Policy Statement.

**I seek the following decision from Marlborough District Council:**

Retain as notified.

**6. Objective 12.4.2.3.6**

**My submission is that:**

Same comments made at submission point 2 above.

**I seek the following decision from Marlborough District Council:**

Same decisions sought as detailed in submission point 2 above.

**7. Objective 12.4.2.3.7**

**My submission is that:**

Same comments made at submission point 3 above.

**I seek the following decision from Marlborough District Council:**

Same decisions sought as detailed in submission point 3 above.

**8. 12.4.3 Methods of Implementation**

**My submission is that:**

With regard to the Management Plans refer to submission point 4

**I seek the following decision from Marlborough District Council:**

Same decisions sought as detailed on submission point 4 with regard to management plans.

**9. Anticipated Environmental Results 12.9**

**My submission is that:**

The Director General of Conservation supports the addition to the Anticipated Environmental Results.

**I seek the following decision from Marlborough District Council:**

Retain as notified.

**Volume 2, Chapter 30 – Rural 3 and 4 Zones:**

**10. Rule 30.4.1, Standard 30.4.3.12.1 and Assessment Criteria 30.4.3.12.2**

**My submission is that:**

The Director General of Conservation supports this rule, standard and assessment criteria as they are consistent with the RMA, the Freshwater Management NPS and the NZCPS. A discretionary activity allows Council to fully consider the environmental effects of these activities.

**I seek the following decision from Marlborough District Council:**

Retain as notified.

## Volume 2, Chapter 26 – Definitions

### 11. Farming

**My submission is that:**

The Director General of Conservation supports the inclusion of 'milk' in the farming definition.

**I seek the following decision from Marlborough District Council:**  
Retain the definition of farming as notified.

### 12. New Dairy Farming

**My submission is that:**

The Director-General is concerned about the intensification of existing dairy farms by increasing the scale of authorised activities. It is essential that this plan change takes into account the potential adverse effects on water quality of such activities. It is essential that Council manages both the intensification of land use for example increase in the authorised cow numbers and/or any increase in the land holding area.

The definition for new dairying farming activities refers to 'related activities' however the proposed Plan does not define related activities. Providing a definition for related activities will enable farmers to further consider their management of all of their farm operations to avoid adverse effects on water quality. The Southland Regional Council included a definition for 'related activities' in their equivalent plan change. The definition provided below is that one with some amendments. Those amendments are shown as double underline and ~~double-strikeout~~.

**I seek the following decision from Marlborough District Council:**

Retain the definition of new dairy farming and amend as follows:

*Means a land based activity, having as its primary purpose the farming of dairy cattle for milk production, and related activities on land converted for that purpose after the date of the public notification of the Resource Management Plan Change 62 (24 April 2013), ~~but does not~~ and includes any increase in the area or intensity of an existing dairy farming operation ~~that is undertaken without any additional dairy shed.~~*

Include the following related activities definition:

*Means activities associated with any new dairy farming that are occurring on the same landholding as the milking platform and leased land contiguous with the milking platform, and includes:*

- *winter forage crop placement;*
- *winter grazing of forage crops or pasture;*
- *drainage development;*



- wetland management;
- activities that affect significant indigenous ecosystems and habitats with indigenous biodiversity values ~~that have medium or the highest levels of significance~~ or adversely affect their ecosystems services;
- sediment management;
- contingency arrangements to address those risks to the farming system and water quality that would be posed by wet and dry periods;
- arrangements for stock exclusion from waterways and the margins of waterways;
- new and existing drainage networks (including sub-surface drains).



**SUBMISSION FROM THE**  
**NELSON/MARLBOROUGH FISH AND GAME COUNCIL**

**SUBMITTER:** Nelson/Marlborough Fish and Game Council  
P O Box 2173  
  
Stoke  
Nelson

**DISTRICT COUNCIL:** PC62@marlborough.govt.nz  
Proposed Plan Change 27 & 62 to the Wairau /Awatere and  
Marlborough Sounds Resource Management Plans  
Marlborough District Council  
PO Box 443  
Blenheim 7240

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This brief submission is made in reference to Proposed Plan Change 27 & 62 to the Wairau /Awatere and Marlborough Sounds Resource Management Plans (PC62).

Fish and Game Councils are Statutory Bodies with Functions (*inter alia*) to:

*'manage, maintain and enhance the sports fishery and game resource in the recreational interests of anglers and hunter...*

***'to maintain and improve the sports fish and game resource by***

***maintaining and improving access to;..***

*'in relation to planning,-*

*'To represent the interests and aspirations of anglers and hunters in the statutory process,...and*

*'To advocate the interests of the Council, including its interests in habitats...''*

**Section 26Q, Conservation Act 1987.**

## **Introduction**

The Fish and Game Council thank the Marlborough District Council (MDC) for the opportunity to comment on the PC62. We are supportive of the development of plans, which provide a strategic approach to environmental management and a framework for managing resources. Our view is that these issues need to be addressed more fully and consistently.

## **Reason for Submission**

Fish and Game is generally supportive of PC62, however, we do have mixed views on some of the content and approach. While a number of water quality management principles are supported others are loosely defined or not extensive enough and are inconsistent with an integrated approach to managing the environment. This step towards addressing the effects of further land use intensification on water quality is supported, but needs assessment of other or existing water quality issues from intensive land use including but not restricted to dairy farming. Potential contaminants other than nutrients also should be considered; particularly sediment in spring fed water bodies which are not flushed by regular floods.

A particular concern is that it will be impossible to assess whether any land use change would have an adverse effect on water quality given that no limits have been set for those water bodies against which the contribution from the particular proposal in question could be assessed. A requirement for the provision of and adherence to nutrient management plans is desirable, but this does not in itself limit diffuse contamination from the land use. Nor is this a requirement of existing land uses which may be equally or more vulnerable to leaching of contaminants into water. It seems that it would be desirable, as a minimum, to require the keeping of relevant records from all intensive land uses to be phased in over a relatively short period to inform the Council of what the current situation is. In addition, a consent requirement must be to fence off all water bodies from stock and ensure there are no stock crossings of water bodies, particularly those nominated in resource management plan schedules.

## **Decisions sought**

### **Wairau/Awatere Resource Management Plan**

#### 12.2.1 Objective

This addition should not refer only to 'dairy farm effluent runoff' but to 'farm development or intensification' as otherwise it could be argued that the objective provisions only apply to those parts of the property or the times in which dairy shed effluent was being discharged, which represents about 10% of the total effluent from dairy stock. In due course other forms of land

intensification which result in elevated risk of contamination should also be covered by these provisions, at least in respect of the gathering of information (see below).

## 12.2.2 Objectives and Policies

12.2.2.3.6: This requirement should be applied to existing dairy or new other intensive farms as well. The RMA is supposed to be effects based and if an existing farm is having an effect or potential for effect then it should be treated the same as any proposed new farm.

12.2.2.3.7: Using the words “no more than minor adverse effects” is problematic and needs revising. How is this defined, monitored and measured? Does it include all the other cumulative effects on water quality in the catchment? Environmental water quality limits and thresholds need to be set and measured against which any application can be measured to assess whether the effects are minor or not. Otherwise it would be impossible to measure the effects on water quality, for example, from the intensification of a single property in a catchment with multiple properties if no limits have been established. If an activity on its own is minor in effect it should not be consented if when combined with other cumulative effects it would cause water quality thresholds to be exceeded. This is only possible to do within the context of a limit on resource use or assimilative capacity.

12.2.2.3.7a: Appropriate “measures to prevent stock” access to water bodies need to be defined as do the rivers lakes and wetlands to which this would apply. Does this include small drains, streams, creeks and wetlands, and those that may be ephemeral? As a minimum, Fish and Game considers this should include the named spring fed streams such as Mill Stream and their tributaries, as these are particularly vulnerable to stock access, and other water bodies nominated in the current resource management plans for their instream values. It should also include other valuable streams such as those identified as spawning streams on the North Bank of the Wairau, for example. This information is largely provided in schedules to the Wairau Awatere and Sounds Pelorus plans and should be linked to these policies and rules as required.

12.2.2.3.7b: “appropriate” buffer margins need to be defined/specified. This was debated for the Sounds Pelorus plan more than ten years ago as 20 m for large rivers like the Wairau, 10 m for habitat streams such as Mill Stream or spawning streams, and 5 m for other streams. This should be a condition of consent of new developments, as it is to be required under the new Dairy Accord.

12.2.2.3.7c: “sufficiently sized” storage ponds need to be defined/specified as to their size in proportion to both the scale of the farm and the nature of the receiving environment including the ultimate receiving water bodies.

12.2.2.3.7d: “appropriate” separation distances need to be defined/specified as to their distance.

12.2.2.3.7e: both provision of and adherence to the nutrient management plan should be a condition of consent, with the information in such a plan verifiable and able to be audited by a third party process, or the Council.

#### 12.2.3 Methods of Implementation:

Management Plans: Replace “encouraged” in the first sentence on water quality management plans with “required”. If management plans are to be the means to ensure compliance, they will be necessary rather than just encouraged. In addition, land users will need to keep monthly records suitable for use with models such as Overseer, such as when, what, where and how much fertiliser is applied, stock is run on areas and those areas are irrigated. All land users will be required to keep such records, or the runoff from their activities assessed conservatively (ie it is assumed that their leaching is high for their activity type). This would encourage use of verifiable and audited nutrient management plans to show actual nutrient losses.

#### 12.4.2 Objectives and Policies:

All of the comments made above previously in regard to 12.2.2 can also be applied word for word to the corresponding part in this section.

30.4.1, 30.4.3.12, 30.4.3.12.1, 30.4.3.12.2 : Delete the word “New” from all of these sections. It is our submission that PC62 needs to also be applied to existing dairy farms to ensure that they are not affecting water quality.

Volume 2 Definitions: Delete the New Dairy farming definition. This must be replaced by a definition to recognise all intensification of land use proportional to likely effects on water quality. Thus the most likely change is dairy farming, but irrigated dry stock development should also be included in due course.

#### **Marlborough Sounds Resource Management Plan**

All of the comments made above previously in regard to the Wairau/Awatere Resource Management Plan can also be applied word for word to the corresponding section of the Marlborough Sounds Resource Management Plan.

#### **Extension of coverage requested**

PC62 should be extended to cover / incorporate all landuse activities in the catchment that can cause water quality issues rather than just new dairy farming, such as intensive or irrigated dry stock farming or deer farming. Other stock access to waterways can cause contamination and sedimentation and for example cattle and deer. Activities aside from dairy farming such as intensive cropping can cause sedimentation and nutrient enrichment of water bodies . Wintering off of dairy herds can also cause problems and this is not currently covered by PC62 and should be for those areas. PC62 should be comprehensive to landuse and cover existing activities,

particularly where water quality is already an issue. This does imply the setting of nutrient and/or sediment limits in the plan. If nutrient output/leachate limits are set for a catchment area then these need to include all land uses not just new dairy farming. How do you monitor, measure and separate the effect of new dairying on water quality from other effects? Essentially the effect on water quality is caused by either a direct or indirect discharge and any land use that is causing an effect or has the potential to do so should be treated the same.

**Request to be heard**

Fish and Game wishes to be heard in support of this submission and reserves the right to expand on the issues raised and comment on other submissions where appropriate. Fish and Game is prepared to consider presenting our submission in a joint case with others making similar submissions.

Dated 22 May 2013



Neil Deans  
Manager



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[www.dairynz.co.nz](http://www.dairynz.co.nz)

Planning Technician  
Marlborough District Council  
PO Box 443  
Blenheim 7240

23 May 2013

Dear Sir/Madam

**RE: Proposed Plan Change 62 (New dairy farms) to the Wairau/Awatere Resource Management Plan**

DairyNZ appreciates the opportunity to submit on Proposed Plan Change 62 (New dairy farms) to the Wairau/Awatere Resource Management Plan (PC62).

DairyNZ is the industry good organisation that represents New Zealand's dairy farmers. Funded by a levy on milk solids and through partnering with Government and other investors, our purpose is to secure and enhance the profitability, sustainability and competitiveness of New Zealand dairy farming. We aim to do this by leading innovation in world-class dairy farming and by working in the best interests of New Zealand's dairy farmers.

DairyNZ wishes to be heard in support of this submission. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Yours sincerely

A handwritten signature in black ink, appearing to read "James Ryan", written over a light grey rectangular background.

James Ryan  
**Regional Policy Manager**

Address: c/o PO Box 85066  
Lincoln University 7647  
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## 1.0 OVERVIEW

1.1 DairyNZ opposes PC62 on the basis that the dairy sector is already implementing an ambitious range of initiatives that will meet the underlying objectives of the proposed plan change. There is no evidence that there will be any significant growth in dairy farming in the district in the foreseeable future. In fact, over the last 10 years the total number of dairy farms and dairy cows in the district has declined. DairyNZ is of the view that the issues that PC62 seeks to manage are best addressed in a more integrated manner through:

- Marlborough District Council's ongoing review of the Marlborough Regional Policy Statement, the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan, and the
- Implementation of the National Policy Statement for Freshwater Management.

## 2.0 CHARACTERISTICS OF DAIRY FARMING IN MARLBOROUGH

2.1 There are approximately 60 dairy farms in Marlborough, which represents 0.05% of dairy farms in New Zealand. While there has been significant growth of dairy farming in New Zealand over the last ten to twenty years, this has not been the case in Marlborough. In the 10 year period between 2001/02 and 2011/12 there has been a decrease in both the number of dairy farms (from 85 to 60) and the number of dairy cows in the district (from 18,401 to 17,593)<sup>1</sup>. On this basis it would seem that PC62 is based on the misapprehension that there has been, or that it is likely that there will be, significant growth in dairy farming in the district.

## 3.0 DAIRY SECTOR ENVIRONMENTAL SUSTAINABILITY INITIATIVES

3.1 DairyNZ recognises that the dairy sector needs to continue to improve management of its environmental footprint. As a result, the dairy sector has substantially increased the level of investment it is making in a comprehensive range of programmes that will help achieve the social, economic, environmental and cultural outcomes of the Wairau/Awatere Resource Management Plan.

3.2 The dairy industry has recently been successful in obtaining significant government investment through the Primary Growth Partnership<sup>2</sup> to further drive efficiency and sustainability gains in farm systems. When combined with funding provided through the farmer levy, DairyNZ is in a position to invest in programmes that will lead to improvements in nutrient management on Marlborough's dairy farms. A number of these key sustainability initiatives are summarised below. In addition, Fonterra and other milk supply companies are significantly increasing their commitment to implementing a range of sustainability initiatives.

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<sup>1</sup> Livestock Improvement Corporation and DairyNZ. 2012. New Zealand Dairy Statistics 2001/02 – 2011/12.

<sup>2</sup> The Primary Growth Partnership is a government-industry initiative to invest in research and innovation to boost the economic growth and sustainability of New Zealand's primary, forestry and food sectors.



## Research

3.3 DairyNZ is involved in a range of research programmes including Pastoral 21 which is a collaborative venture between DairyNZ, Fonterra, Dairy Companies Association of New Zealand, Beef & Lamb and the Ministry of Science & Innovation. The aim of the Pastoral 21 is to:

*“By 2016, deliver profitable, low-risk, new, simple, adoption-ready dairy production systems that increase production by 20% while reducing nutrient loss to the environment by 30%.”*

3.4 Initial results from the Pastoral 21 research confirm that alternative farm management options support the programme’s objectives of increased productivity and a lower environmental footprint including reduced nutrient losses for both the milking platform and support land used for wintering. Although the research is part of a five year programme, the results are being used as a pilot for the development of extension and learning resources to support improvements in farming practices. Uptake of the results will require continued improvements in farming capability to make use of new practices including pasture management and grazing.

## Sustainable Dairying: Water Accord

3.5 In 2003 Fonterra led development of the Dairying and Clean Streams Accord. The Accord has played an important role in increasing farmer understanding of the importance of environmental issues in farm decision making.

3.6 DairyNZ has recently led development of a new Sustainable Dairying: Water Accord. The new Accord establishes a range of targets to manage the effects of dairying on water quality including the establishment of good management practices expected of all dairy farmers in New Zealand, not just Fonterra suppliers. The new Accord sets expectations and commitments across a range of areas including nutrient management, effluent management, water use management, stock exclusion from waterways, riparian management and good practice standards for new conversions.

3.7 In order to take account of increased community expectations of the dairy sector’s environmental performance, the new Accord has been developed in conjunction with a range of representatives from iwi, local government and the Fish and Game Council.

3.8 The new Accord will help to achieve the objectives of the Wairau/Awatere Resource Management Plan by increasing the uptake of good management practices. Through monitoring, evaluation and independent audit, the new Accord will help to identify opportunities for farmers to continue to make improvements in farming practices.

3.9 To ensure integrity and public confidence in the results of industry monitoring and reporting against the new Accord, a specific governance and reporting structure has been agreed. The Dairy Environment Leadership Group (DELG) is a multi-stakeholder group comprising industry representatives along with local and central government, iwi and the environmental sector to oversee the Accord’s implementation.

3.10 DairyNZ and the Dairy Companies Association of New Zealand (DCANZ) will collate information annually on performance for consideration by DELG. That report will be audited by an independent third party. The audit will review information collection systems and practices as well as sampling on-farm performance to verify the accuracy of reporting.

## **Nutrient management programme**

3.11 Through the Primary Growth Partnership, the dairy sector (including DairyNZ, Fonterra and other partners) has entered an agreement with Government to invest \$170M to lead transformation within the dairy value chain through new investment in people, capability and knowledge. A key component of the programme involves reducing the environmental footprint of the industry whilst increasing efficiency and improving agricultural education. Part of this investment includes a comprehensive nutrient management programme that will help farmers to improve nutrient use efficiency and reduce nutrient losses including assisting them to meet the regulatory requirements expected of them as a result of the development of freshwater limits.

## **Nutrient management indicators**

3.12 As part of the nutrient management programme, regional nutrient management indicators have been developed to help farmers identify opportunities to become more productive and profitable through improvements in nutrient use efficiency. The programme also seeks to raise awareness amongst farmers of their farm's nutrient footprint and to identify opportunities to reduce nitrogen and phosphorus losses from their system.

3.13 This programme recognises and addresses the different stages needed in behavioural change processes, from raising awareness to education and tool provision that enable positive actions and choices. This work is actively supported by fertiliser companies and milk supply companies.

3.14 The indicator of nutrient use efficiency is:

a) Nitrogen conversion efficiency: an indication of a farm's efficiency at converting external nitrogen inputs such as supplementary feed and fertiliser into nitrogen in products such as milk and meat.

3.15 The indicators of nutrient loss are:

a) Nitrogen leaching (kg N/per ha/year): an estimate of the nitrogen lost (leached) in drainage water below the plant's root system.

b) Phosphorus run-off (kg P/per ha/year): an estimate of the amount of phosphorus lost from the farm system via surface runoff.

3.16 The development of nutrient management indicators will help to achieve the objectives of PC62 by supporting the uptake of good nutrient management practices.

## **Audited Nutrient Management**

3.17 Another key element of the nutrient management programme is the Audited Nutrient Management project. This project aims to create a set of protocols for the collection, analysis and audit of farm data that will enable milk supply companies to measure and monitor the efficiency with which nitrogen is utilised on dairy farms. A key feature of the project is that it provides farmers with actual results at year end (based on OVERSEER), as opposed to predictive nutrient budgets that have been predominantly used in the past.

- 3.18 The Audited Nutrient Management project provides information to the farmer about their nitrogen use efficiency and/or losses, and how they compare with other, similar farming systems.
- 3.19 This information is provided back to farmers, so that they can see how well they are handling each issue relative to their peers. Farmers are encouraged to seek information and professional advice on practices and actions that can influence how efficiently they are using nutrients and how they can reduce nutrient losses from their farm system.
- 3.20 The Audited Nutrient Management project also provides:
- a) Improved input information to guide farmers in developing their nutrient management plans.
  - b) A tool to enable milk supply companies to apply a driver for change in behaviour around nitrogen management.
  - c) Ability for the industry to demonstrate increasing efficiency over time.
- 3.21 Milk supply companies may use the system to employ a range of tools to drive improved nutrient management practices, such as:
- a) Support mechanisms to assist those with low nitrogen conversion efficiency and/or high leaching rates.
  - b) Incentives or rewards to those with high nitrogen conversion efficiency and/or low leaching rates.
  - c) Minimum standards that must be achieved as a condition of supply.
- 3.22 Fonterra has fully committed to supporting the Audited Nutrient Management project and it is now being implemented with all of its suppliers nationwide. A range of other milk supply companies are now also implementing the project.

### **Building industry capability in nutrient management**

- 3.23 The other key element of the dairy sector's nutrient management programme is a joint dairy and fertiliser industry plan for building the capability of farmers and farm advisors to manage nutrients. The purpose of this initiative is to ensure that when dairy farmers are referred to nutrient management advisors, these advisors have met defined standards of minimum knowledge, training and certification.
- 3.24 This initiative will increase the number of capable advisors that can work with farmers to improve their nutrient use efficiency and reduce nutrient losses.
- 3.25 A scheme is also being developed to certify nutrient management advisors and audit their performance over time. This scheme will become the principal measure for nutrient management advisors with the certification requirement built into industry good practice through the Code of Practice for Nutrient Management.

## Effluent management

- 3.26 The dairy industry is involved in a range of programmes to increase effluent compliance including through the development of the Farm Dairy Effluent Design Code of Practice and Design Standards. The first round of companies (including a range of companies that provide services to farmers in Marlborough) has now passed through the associated effluent system design accreditation programme. This programme will help continue to improve standards with respect to effluent system design and management.
- 3.27 DairyNZ has recently been involved in the development of an Institution of Professional Engineers New Zealand (IPENZ) practice note for the design of effluent storage ponds. Associated with this programme is a training course on the design and construction of effluent storage ponds which DairyNZ has developed in partnership with Infratrain. DairyNZ has also partnered with Massey University to develop a course on the design of effluent systems.
- 3.28 The investment that the dairy sector is making to improve effluent management has been matched by farmer investment in new infrastructure, training and technology. This increase in investment and improved management has also helped ensure farmers optimise nutrient use.
- 3.29 Milk supply companies are also involved in a number of initiatives to improve effluent management.

## Sustainable Milk Plans

- 3.30 DairyNZ is developing a flagship environmental farm planning tool described as a Sustainable Milk Plan. These plans will help improve nutrient management and include targets and actions by creating a farm specific, practical plan that helps landowners to focus on the actions that are essential to minimise their environmental footprint. A Sustainable Milk Plan will help farmers to achieve regulatory and/or milk company requirements but may also exceed them.
- 3.31 A key difference between the Sustainable Milk Plans and other environmental farm plans is that the Sustainable Milk Plans identifies specific “targets” that focus on key environmental outcomes and performance measures that take account of the sensitivity of the local environment. The plans can help farmers focus on practical actions that they can take to improve issues such as effluent management, nutrient management, soil health and waterway protection. Examples of actions that might be highlighted could be the need to improve planting or fencing around a waterway, an upgrade to effluent infrastructure and soil testing to help optimise Olsen P levels.
- 3.32 One of the advantages of the development of the Sustainable Milk Plans is that through the process of their development, farmers’ understanding of links between their farm business and environmental outcomes is increased. Additionally, through ongoing auditing and monitoring, valuable information is provided on environmental performance, rates of change and barriers to change. In this manner, improvements can be made to help the development and implementation of plans.

## Supporting the uptake of good management practice

- 3.33 Research confirms that the most effective forum for farmers to learn is through communicating with other farmers<sup>3</sup>. Much of DairyNZ's focus centres on taking research and practical evidence out to groups of farmers through discussion groups. DairyNZ is involved in a wide variety of extension activities to support good environmental management. This includes providing advice to farmers on effluent management, nutrient use efficiency and water management as well as programmes that enhance other aspects of successful farm management that can indirectly impact on environmental performance, including production performance that increases resource use efficiency, staff management and training.
- 3.34 These extension initiatives complement some of the work carried out by milk supply companies as well as initiatives by other agencies including Marlborough District Council.

## 4.0 DAIRYNZ'S VIEW OF PLAN CHANGE 62

- 4.1 DairyNZ supports MDC's desire to manage the region's freshwater resources sustainably. DairyNZ supports the objective of the Wairau/Awatere Resource Management Plan to *"maintain or enhance... the quality of surface and groundwater"* and the objective of the Marlborough Sounds Resource Management Plan *"to avoid remedy or mitigate the adverse effects of rural activities"*.
- 4.2 DairyNZ acknowledges that the effect of land use on water quality, including the environmental effects of dairy farming, is a significant issue. Accordingly DairyNZ recognise the need for catchment limits as required by the National Policy Statement for Freshwater Management. However, DairyNZ is not aware of the likelihood of significant growth in dairy farming in Marlborough for the foreseeable future. It is our concern that it has become fashionable for local authorities to develop policies and rules that target the dairy sector without any robust evidence.
- 4.3 As stated in PC62 there are only 61 dairy farms in the district with only a small number of conversions taking place in the last five years. While the MDC State of the Environment Surface Water Quality Monitoring Report highlights that there is a link between pastoral agriculture and degraded water quality it does not provide any evidence to suggest that effects on water quality are caused exclusively by dairy farming. However, PC62 singles out the dairy sector for new regulation without any scientific evidence for doing so.
- 4.4 Given that dairy sector implementing a range of environmental initiatives we are confident that there will be a significant reduction in the effects of dairy farming upon water quality in the district. This is confirmed by independent studies carried out in a range of catchments where dairy farming is prevalent and where the types of good management practices advocated by the Sustainable Dairying: Water Accord have been adopted<sup>4</sup>. This is even

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3. Nuthall, P 2001. Managerial ability – a review of its basis and potential improvement using psychological concepts. *Agricultural Economics* 24, 247 – 262.

4. Wilcock, R.J., Monaghan, R.M.; Quinn, J.M.; Srinivasan, M.S.; Houlbrooke, D.J.; Duncan, M.J.; Wright-Stow, A.E.; Scarsbrook, M.R. (2012). Trends in water quality of five dairy farming streams in responses to adoption of best practice and benefits of long-term monitoring at the catchment scale. *Marine and Freshwater Research* (in press).

more likely to be pertinent given that there has been a decrease in the number of dairy farms in the district over the last 10 years.

- 4.5 It is our understanding that MDC are reviewing the Marlborough Regional Policy Statement, the Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan, and working to a programme to implement the National Policy Statement for Freshwater Management. Therefore we feel that it is more appropriate for the underlying issues in PC62 to be addressed through these processes which would enable them to be dealt with in a more integrated manner.

**Attach Sustainable Dairying: Water Accord**



A young boy is swinging on a rope over a body of water. He is shirtless and wearing grey shorts with a blue waistband. The background is a blurred green forest. The text is overlaid on the right side of the image.

SUSTAINABLE  
DAIRYING:  
WATER ACCORD

A

Commitment  
to New Zealand by  
the Dairy Sector

# This Accord

*This Accord has been developed under the oversight of the Dairy Environment Leadership Group (DELG). DELG comprises representatives from the dairy sector, central government, regional councils, iwi and the NZ Fish and Game Council.*

## Accountable Partners

In accordance with this Accord the following parties have specific responsibilities and are accountable for delivering the commitments and monitoring and reporting as specified. They undertake to carry out those responsibilities in good faith and to the best of their abilities.

DairyNZ

Fonterra Co-operative Group Ltd

Miraka Ltd

Open Country Dairy Ltd

Synlait Ltd

Tatua Co-Operative Dairy Company Ltd

Westland Milk Products Ltd

Dairy Companies Association of New Zealand (DCANZ)

## Supporting Partners

Supporting Partners make commitments to the outcomes this Accord promotes in support of the accountable parties.

Irrigation NZ

Fertiliser Association of New Zealand

Institute of Primary Industry Management

Federated Farmers of New Zealand

## Friends of the Accord

Friends of the Accord are supportive of the purpose of this Accord and commit to contribute to its success in the spirit of collaboration.

Iwi Leadership Group

Environmental NGOs

Regional Councils/LGNZ

Government agencies



# Purpose, Vision & Approach

The purpose of this Accord is to:

Enhance the overall performance of dairy farming as it affects freshwater by:

- *Committing to good management practices expected of all dairy farmers in NZ; and*
- *Recording pledges by the dairy sector, with the support of others, to assist and encourage dairy farmers to adopt those good management practices and to monitor and report progress.*

*...and in so doing ensure the dairy sector contributes responsibly to realising the vision for New Zealand's waterways.*

## Vision

Underpinning the Accord is a common desire of the signatories to recognise, protect and, where opportunities exist, enhance the many benefits and experiences New Zealanders enjoy in freshwater. These include fishing, swimming, recreating, gathering mahinga kai and provision of habitat for aquatic species as well as the ability to use water for social, cultural and economic betterment. The Accord refers to these as freshwater *values and interests*.

These values and interests have shaped the high-level goal or "vision" to which this Accord contributes:

*Our waterways continue to provide for the full range of values and interests enjoyed by New Zealanders.*

## Approach

The vision will be promoted by managing land and water use to contribute to achieving the water quality desired by New Zealanders and profitable, competitive and sustainable agriculture. For the dairy sector this will be delivered by a commitment to:

- *build a culture of **continuous improvement** in on-farm performance relating to natural resource use*
- *develop **partnerships with iwi** and an understanding of how the principle of*

*kaitiakitanga/guardianship and the relationship iwi have with natural resources can be reflected in practice*

- *develop **partnerships with other stakeholders** including communities and community groups, researchers and other relevant government and non government agencies to promote and support the ethic of stewardship and build effective management tools and technologies*
- ***reduce the impact** of existing dairy farms in catchments where desired values have been significantly compromised by dairying*
- *ensure new dairying implements **good practice** in environmental management from the time of conversion.*

Subject to five yearly reviews, progress against this vision will be measured by the extent to which the individual commitments specified in this Accord are delivered.

## How the Accord contributes

This Accord is an expression of the dairy sector's commitment to industry self-improvement. But it also recognises that the dairy sector's actions and expectations do not exist in isolation of other parties. Success in achieving the vision and delivering better water quality depends upon a range of parties working with a common understanding of the issues and challenges and pursuing shared vision and aligned actions. In this way the Accord is an expression of collective responsibility across the dairy sector and a wider range of stakeholders.

### Sustainable Dairying - Lifting the game

DairyNZ has joined with other dairy industry organisations including Federated Farmers, the Dairy Companies Association of NZ and the Dairy Women's Network to work on a new refreshed strategy for sustainable dairy farming.

Dairy farming needs to be seen to work for all New Zealanders. The strategy for sustainable dairy farming is therefore centred around dairy farming being both competitive and responsible.

The Accord contributes to that wider aspiration. It takes a vital step by positioning the sector to cope with a future that will focus on managing water within limits recognising that expectations of performance will evolve over time.

# Background

The importance of New Zealand's freshwater is undeniable. Recent years have seen a heightened call for action as our rivers, lakes and wetlands have been subject to new pressures and competing demands. The 2003 Dairying and Clean Stream Accord (DCSA) was one of the first major industry efforts to extend beyond regulatory bottomlines, engage with other stakeholders and take responsibility for doing better.

Since that first DCSA the focus on water has sharpened further. The government issued the National Policy Statement on Freshwater Management (NPSFM), many regional councils have issued new regional plans, co-governance in different forms has emerged and the Land and Water Forum has been established to foster collaboration between multiple stakeholders and build a durable way forward in tackling land and water challenges and opportunities.

This Sustainable Dairy: Water Accord builds on, and effectively succeeds, the successful DCSA that ran from 2003 until 2012. It seeks a further step change in the management of risks to waterways posed by dairying. In doing so it recognises the costs that accrue where freshwater values and interests are compromised and the benefits of maintaining healthy waterways both for the dairy sector and its reputation as a high quality, sustainable food producer, and for all current and future New Zealanders.

## How this Accord works

This document includes expectations and commitments.

- **Expectations** are what the signatories to this document are working to see occur over the medium to long term. They are in the nature of goals that set a direction of travel in addressing water issues as we move ahead. Expectations are not, however, enforceable performance measures as they are seldom within the direct control of any one accountable partner.
- **Commitments** are those measures (e.g. programmes or other initiatives and associated resourcing commitments) that parties pledge to make to contribute to the realisation of expectations. Commitments are distinguished according to whether they are made by DairyNZ (on behalf of the sector as a whole), by dairy companies (on behalf of their supplier farmers) or by supporting partners.

The Accord also clearly sets out what monitoring and reporting is to occur, by whom and according to what timeframe. Although fixed timeframes are set, the nature of the issues means that the commitment to maintain and enhance water needs to be for the long term. Timeframes and commitments will require refreshing over time.

Words followed by an asterisk (\*) are defined in the Glossary at the end of this document.

## Local partnerships and initiatives

This Accord cannot deal in detail with all the circumstances and issues and opportunities that exist in the many varied catchments throughout New Zealand. Nor does it seek to capture the full range of sector responses to its environmental sustainability challenges. Individual dairy companies and DairyNZ have their own sustainability strategies and programmes that target water issues and which will be critical to the implementation of this Accord.

Further, some responses and solutions need to be addressed at the *catchment scale*. In that regard the opportunity for *local partnerships* focused on specific issues and challenges remains a likely and necessary way forward in some places. This may also mean that other land uses and industries will need to be involved if public expectations for water are to be met in full. The dairy sector is already involved in catchment scale programmes and that effort will continue outside of the ambit of this Accord.

## Relationship to Resource Management Act (1991)

This Accord cannot, and does not purport to, substitute for the control of land and water by government agencies and regional councils under the Resource Management Act 1991, the associated NPSFM or current or future national environmental standards. As noted earlier, this Accord is emerging at a time when regional councils are fundamentally overhauling the management of water in response to the NPSFM.

The commitments made in this Accord, while attempting to reflect expectations of good practice dairying, may not as a result of the application of the NPSFM, be regarded by regional councils as an adequate response to some, or all, dairying and environment issues faced in all or parts of their regions. Accordingly, regional councils must reserve the right to exercise their statutory functions, duties and rights as they consider appropriate in the regional context.


## Regional Programmes

Although regional councils are friends of this Accord, where they have policies, rules or voluntary targets or programmes in place those must have priority. Nothing in this Accord is to be read as derogating from those existing rules or programmes. Where such a situation exists, or is likely to exist in the future, regional councils may work with the accountable and supporting partners to produce a *regional programme of action* that will align the Accord targets with those expected at the regional or sub-regional level ensuring that all parties have clear expectations.

# Overview of Key Commitments

<i>Nature of Commitment</i>	
<b>DairyNZ</b>	Design and promote tools and resources that build capacity throughout the dairy sector to enable full and timely completion of the commitments made in this Accord.
<b>Dairy Companies</b>	Design and implement programmes to encourage and support supplier farms to make changes necessary to meet the targets specified in this Accord
<b>DCANZ</b>	Act as secretariat for the administration of this Accord including the collation of data for reporting to DELG.
<b>Irrigation NZ</b>	Continue to build capacity in the irrigation sector to define and deliver good management practice in water use.
<b>FANZ (Fertiliser Association of NZ) and member companies</b>	<p>Continue, in partnership with the dairy sector and, where applicable, other supporting partners, to:</p> <ul style="list-style-type: none"> <li>• support farmers in good nutrient management practice</li> <li>• gather robust and comprehensive data on nutrient use and nutrient use management practices on dairy farms</li> <li>• invest in the continuous improvement of nutrient modelling tools</li> </ul> <p>Continue to invest in research into the optimal nutrient uptake by pasture and minimisation of nutrient loss from the farm system.</p>
<b>IPIM (Institute of Primary Industry Management)</b>	Promote the expectations and commitments made under this Accord to its members and ensure that continuing professional development of its membership has due regard to this Accord.
<b>Federated Farmers</b>	<p>Continue to:</p> <ul style="list-style-type: none"> <li>• Provide a strong farmer voice and leadership across the whole agricultural sector on workable, practical and equitable responses to water issues.</li> <li>• Support and promote the value and importance of this Accord through its membership and in public forums.</li> </ul> <p>Provide “eyes and ears” feedback to DELG on implementation issues and work constructively and respectfully within the framework and processes established under the Accord to raise and resolve any such issues.</p>
<b>Government agencies (to the extent that commitments fall within individual agencies’ functions and responsibilities)</b>	<p>Continue to recognise sustainable dairy farming as critical to New Zealand’s economic well-being and a legitimate and valued land use.</p> <p>Continue to support research that will provide the dairy sector with the tools and knowledge to enable a reduction in the freshwater footprint of dairying.</p> <p>Continue to support policy research and innovation aimed at identifying the optimal approaches to managing the impacts of dairying by securing wise use of resources and socially durable resource management decisions.</p> <p>Continue to work with the sector to explore and unlock the potential for dairy growth and enhanced water management through, for example, irrigation schemes.</p>
<b>Regional Councils</b>	Engage with the dairy sector in the development and implementation of regional programmes of action to identify specific opportunities for co-coordinated and mutually beneficial action targeted at shared goals.
<b>Iwi</b>	<p>Continue to work in partnership with the dairy sector to:</p> <ul style="list-style-type: none"> <li>• assist the sector to better understand iwi values in waterways</li> <li>• develop solutions to water issues</li> <li>• find opportunities for iwi involvement in implementation of programmes to enhance waterways</li> <li>• ensure iwi aspirations for iwi-owned dairy farms to operate at good environmental practice can be realised</li> </ul>
<b>Environmental NGOs</b>	<p>Continue to support and promote the value and importance of this Accord through its membership and in public forums.</p> <p>Provide “eyes and ears” feedback to DELG on implementation issues and work constructively and respectfully within the framework and processes established under the Accord to raise and resolve any such issues.</p>

 Committing parties

 Supporting parties with specific commitments

 Friends of the Accord

FEBRUARY 2013

# Riparian Management

## Expectations

- Dairy farms will exclude dairy cattle from significant waterways and significant wetlands.
- Riparian planting will occur where it would provide a water quality benefit.
- The crossing of waterways by dairy cows will not result in degradation of those waterways.

## Dairy companies will:

Implement measures to exclude dairy cattle from waterways\* and drains\* greater than one metre in width and deeper than 30 cm and significant wetlands\* on dairy farms\* according to the following phase-in timetable:

For waterways and drains:

- 90% exclusion of the length present on dairy farms by 31 May 2014; and
- 100% of the length present on dairy farms<sup>1</sup> by 31 May 2017.

For significant wetlands

- 100% exclusion of all wetlands identified by a regional council as at 31 May 2012 by 31 May 2014; and
- 100% of any additional regionally significant wetlands present on dairy farms within three years of them being identified by the regional council.

Encourage dairy farmers to:

- exclude dairy cattle from all wetlands; and
- apply the stock exclusion commitment to third party grazing land as if it were their own land.

Implement measures to ensure 100% of regular stock crossing points\* are either bridged or culverted by 31 May 2018.

Introduce measures to achieve progressive planting of the length of waterways\* within or bounding dairy farms from which there is stock exclusion\* where planting will contribute to water quality enhancement according to the following phase-in schedule:

- 50% of dairy farms with waterways will have a riparian management plan\* by 31 May 2016 and all of these farms will have completed
  - half of their riparian management plan commitments by 31 May 2020
  - full implementation of their riparian management plan by 31 May 2030
- 100% of all dairy farms will have a riparian management plan\* by 31 May 2020.

Promote and facilitate (including through partnerships with other organisations) riparian planting to enhance ecosystem health (on-going).

<sup>1</sup> Stock exclusion from streams smaller than one metre in width and 30cm in depth may be negotiated as part of regional programmes of action where necessary to maintain or enhance particular freshwater values and interests in specific localities.

## DairyNZ will:

Systematically prepare (in partnership with regional councils) regionally tailored riparian management guidelines<sup>4</sup> to promote stream health and water quality according to the following timetable.

Guidelines completed for<sup>3</sup>:

- Three regions completed by 31 May 2014
- Nine regions by 31 May 2015
- All regions by 31 May 2016

<sup>3</sup> The preparation of guidelines will be prioritised according to the presence of priority catchments determined by the state of/risk to water quality and by the introduction of limits on contaminant loads from diffuse discharges.

<sup>4</sup> Such guidelines will include recommended setback/planting width, planting density and plant species and well as the recommended means by which the extent of planting should be monitored.

## Monitoring and reporting

Dairy companies will monitor and report:

- Length of stock excluded waterway/area of significant wetland and the length of any dispensations\* (reported annually).
- The percentage of stock crossings that have bridges or culverts and any dispensations\* (reported annually).
- Extent of riparian margin planted on-farm and through industry/community partnerships (e.g off-farm planting) (reported biennially)

DairyNZ will report:

- Progress on the development of riparian management guidelines (reported biennially).

# Nutrient Management

## Expectations

- Dairy farmers will manage Nitrogen (N) and Phosphorus (P) loss from dairy farming systems, acknowledge the need to manage within nutrient loss limits and pursue continuous improvement in nutrient use efficiency.

## Dairy companies will:

Collect data from all dairy farmers (using agreed protocols and consistent data collection systems\*) and model N loss and N conversion efficiency from those farms according to the following phase-in timetable:

- 85% of dairy farms by 31 May 2014
- 100% of dairy farms by 31 May 2015

Provide N loss and N conversion efficiency performance information back to dairy farmers along with performance benchmarking, according to the following phase-in timetable:

- 85% of dairy farms by 30 November 2014
- 100% of dairy farms by 30 November 2015

In catchments recorded in an operative regional plan as being fully allocated in nutrient assimilative capacity terms, either:

- reduce, as appropriate, the average per hectare N and/or P loss (with N modelled using Overseer®); and/or
- engage in catchment programmes that seek to improve water quality outcomes in receiving waters using specified on-farm and/or catchment scale good management practices.

Manage P loss risk associated with sediment discharge, run off and overland flows by:

- Meeting the stock exclusion and riparian management commitments (by dates specified in Section 5 of this Accord)
- Ensuring that 100% of races and regular stock crossing points\* over all waterways have bridges or culverts (by dates specified in the "Riparian Management" section of this Accord)
- Promoting good practice in the on-farm management of tracks, races and winter cropping (on-going)
- Promoting good practice in effluent management and meeting the effluent management commitments (by dates specified in the "Effluent Management" section of this Accord).

## DairyNZ will:

By 31 May 2013 develop an audited nitrogen management system that will enable dairy companies to model nitrogen loss on supplier dairy farms in a robust manner according to agreed protocols and consistent data collection systems.

Assist dairy companies to present meaningful information to their suppliers by collating information from multiple companies for benchmarking purposes.

Enhance the ability to make cost effective changes in farm systems that reduce nutrient loss by:

- Supporting relevant research
- Ensuring quality nutrient management advice is available to farmers
- Ensure proven cost effective solutions are available to farmers (on-going)

By 31 May 2013 DairyNZ will (in partnership with the fertiliser industry) develop and promote a nutrient management adviser and certification programme aimed at improving the quality and

## Supporting Partners:

**Fertiliser companies and NZIPIIM will:**

- provide nutrient budgeting/management planning services to dairy farmers as part of the commercial relationship between customers and fertiliser supply.

**Fertiliser companies will:**

- partner with dairy companies to collect nutrient use/management information from dairy farmers
- ensure 10% of FANZ member company nutrient management advisers are certified by 31 May 2013 and 50% by 31 May 2014.

availability of specialist nutrient management advice.

### Monitoring and reporting

Dairy companies will monitor and report:

- Progress with implementation of the data collection programme
- The average N loss per hectare (by region and/or catchment) as modelled using Overseer (initially for 2013/2014 with a progress update every three years using a five-year rolling average once data is available).
- Actions and resources devoted to the promotion of good practice in nutrient management (reported every three years).

DairyNZ will report:

- Actions and resources devoted to research and the development of nutrient management tool development and promotion.
- Progress with the development and implementation of a nutrient management adviser and certification programme including the numbers of people trained and certified as nutrient management advisers (reported annually).



# Effluent Management

## Expectations

- Dairy farms will comply with regional council effluent management rules and/or resource consent conditions.
- Effluent systems installed on dairy farms will be fit for purpose and able to achieve 365-day compliance with applicable rules.

## Dairy companies will:

Arrange for the assessment of supplier dairy farms on a three yearly basis to review compliance (or ability to comply) with regulatory requirements (resource consents and regional plan rules). For farms identified as being at risk of non-compliance, a farm specific management plan shall be put in place to ensure 365-day compliance and an annual assessment will be undertaken until such time as the management plan is fully implemented and non-compliance risk is remedied.

This three yearly assessment programme is to be delivered according to the following timetable:

- 85% of farms are being assessed by 31 May 2013
- 100% of farms area being assessed by 31 May 2014.

By 31 May 2014 introduce programmes to reduce reliance on discharges to water from two-pond FDE treatment systems in areas where land application would result in improved water quality outcomes.

## DairyNZ will:

Build excellence in the design, construction and maintenance of effluent (including sludges and slurries) management infrastructure by developing and/or promoting:

- Industry design and construction code of practice and standards (by 31 November 2012 with promotion on-going)
- A training and accreditation scheme for effluent industry (by 31 November 2012 with promotion on-going)
- Pond construction training /design guidance (by 31 November 2012 with promotion on-going)
- A FDE system warrant of fitness (WOF) scheme available as a tool for farmers (by 31 May 2014).

Build excellence in the operation of FDE systems by:

- Ensuring there is high quality training available for those operating FDE systems.
- Promoting as a matter of good practice that persons new to the industry have participated in FDE training (such as that currently offered by the AgITO) before having responsibility for operating FDE systems.

## Monitoring and reporting

Dairy companies will monitor and report:

- The size and nature of the programme to provide annual farm dairy effluent assessment and any significant change to that programme (one off reporting in 2013 with further updates as required).

Dairy NZ will monitor and report:

- The number of people who have completed effluent system designer training certification and the number of companies with accreditation for effluent design services (reported biennially).
- Actions and resources devoted to the promoting the use of certified persons in FDE management (reported every three years commencing 2013).
- The number of people who have completed the AgITO effluent management course or other relevant courses established in accordance with DairyNZ's commitment to building excellence in the operation of FDE operating systems (reported biennially).
- The rate of compliance (based on regional council reported significant non compliance\* and, to the extent possible, on type of compliance failure) with regional councils' effluent rules and resource consent conditions.



# Water Use Management

## Expectation

- Dairy sheds will use no more water for wash down and milk cooling than that necessary to produce hygienic and safe milk.
- Irrigation systems will be designed and operated to minimise the amount of water needed to meet production objectives.

## Dairy companies will:

### By 31 May 2014:

- Introduce programmes to assist dairy farmers to meet national and local regulation controlling water takes; and
- Commit to requiring 85% of all dairy farms (including all significant water users) to install water meters by 2020.

## DairyNZ will:

Promote water use efficiency in the farm dairy and in the reticulation of stock drinking water, through in particular promotion of the existing Smart Water Use programme (on-going).

Promote the installation and use of water meters to measure water use in the farm dairy (on-going).

By May 31 2015 institute on-farm trials to better understand the volumes of water being used for shed wash down and milk cooling for a range of shed types and under different seasonal and geographical conditions.

Work with, and support, Irrigation NZ on the Irrigation Good Management Practice programme as detailed below and promote that programme through extension channels (on-going).

## Supporting Partners:

**Irrigation NZ** will develop and promote a capacity building and good practice assurance programme that:

A. Builds excellence in the design, installation and commissioning of irrigation infrastructure by developing and promoting:

- Design Code of Practice and standards and design audit procedure
- A training and accreditation scheme for irrigation design companies
- A training scheme for irrigation installers
- A training and accreditation scheme for evaluators
- A irrigation system commissioning report by a certified evaluator for all new and replacement irrigation systems certifying that installation is in accordance with design

B. Builds excellence in the operation of irrigation systems by ensuring:

- Irrigation system operator training
- Annual calibration of irrigation systems and a five yearly audit by a certified evaluator.
- Online resources to enable irrigators to easily determine and benchmark their system performance
- An 80% beneficial use performance benchmark.

## Monitoring and reporting

Dairy companies will monitor and report:

- The number of dairy farms that have water meters installed (reported annually from 2014/15).
- Programmes and resources devoted to encouraging compliance with national and local regulation (reported annually from 2014/15).

DairyNZ will monitor and report:

- The results of the water use trials.
- The number of people who have completed irrigation system designer, evaluator and operator training (reported biennially).

The number of companies with accreditation for irrigation system design services and who hold a National Certificate in Irrigation Evaluation (reported biennially).

# Conversions

## Expectations

- New dairy farms establish and operate using good practice at the outset to minimise potential negative consequences on water values and interests.
- New dairy conversions will comply with all relevant regional plan rules and/or hold all necessary resource consents.

## Dairy companies will:

From 31 May 2013, ensure that new dairy farm conversions\* comply with the following standards before milk collection commences:

- Dairy farms must have systems in place to manage all sources of effluent to ensure compliance with relevant regulatory obligations 365 days a year.
- All animal races are to have bridges or culverts when crossing all waterways\* and drains\*.
- Animals are to be excluded from waterways\* and drains\* that are at any point within the boundary of the dairy farm\* wider than 1 metre and deeper than 30cm.
- Dairy farms must have a nutrient management plan\* in place.
- All required regulatory consents have been sought (including consents for water take and use/irrigation).
- From 31 May 2015 ensure that all new dairy farm conversions\* have a riparian management plan\* in place before milk collection commences.

## DairyNZ will:

Work with rural professionals to ensure the expectations expressed above is understood by those advising on conversions\* and factored into the advice given in conversion decision-making process (on-going).

By 31 May 2014 produce published material that explains the industry good practice obligations for conversions\* (including regionally-specific practices) and additional recommended practices (including in particular practices in relation to wetlands) and make that material available to relevant organisations (including regional councils, dairy companies, and rural professionals).

## Supporting Partners:

**Federated Farmers** will promote good industry practice through membership publications and other relevant communications including providing recognition of outstanding examples of sustainable dairy conversions

**The Institute of Primary Industry Management** will promote continuing professional development opportunities for rural professionals that include raising awareness of industry good practice obligations for dairy conversions and how these obligations are most appropriately implemented.

## Monitoring and reporting

Dairy companies will monitor and report:

- The pre-supply check procedures in place and audit results that ensure 100% compliance (reported biennially)

DairyNZ will monitor and report:

- The initiatives to engage with rural professionals and raise awareness of issues relating to dairy conversions\* (reported biennially).

# Governance & Administrative Matters

## Oversight and Review

DELG will continue to maintain oversight of the Accord. It will undertake a review of the adequacy and continued appropriateness of the Accord commitments every five years with the first review to commence before the end of 2017. To the extent possible, five yearly reviews will consider the contribution made to the vision as expressed in the "Purpose, Vision and Approach section" of this Accord.

## Collective responsibility for compliance

All dairy companies agree there is a collective responsibility for ensuring compliance with this Accord and that they will act in the common interest of this Accord in the event that a supplier farm seeks to change dairy company in response to efforts by that dairy company to ensure compliance with this Accord.

## Communication and collaboration

Accountable partners will meet annually with supporting partners to share information regarding any issues associated with the Accord and its implementation. Such meetings will aim to strengthen the relationship between the dairy sector and supporting partners and build a sense of collaboration and trust.

## Monitoring and reporting

Dairy companies will provide information to DairyNZ/DCANZ in accordance with the timeframes indicated to demonstrate compliance with the commitments made in this Accord. Dairy companies and DairyNZ will work together to ensure data is collected in a manner that allows for valid aggregation/collation and reporting at appropriate regional and/or catchment scales (noting the need to maintain individual dairy farm confidentiality).

DairyNZ/DCANZ will collate that information and report to DELG annually on progress against Accord commitments providing the information according to the frequency indicated in this Accord.

## Audit

The report referred to above will be prepared in draft form and audited by an independent third party commissioned by DELG (and funded by DairyNZ/DCANZ) prior to finalisation. The audit will include:

- a review of the validity of the systems and practices used for data collection by dairy companies; and
- a check of the reliability of a sample of farm-level information (though on the ground verification of reported information).

The final report will include third party verification as to the accuracy of the reported data. A separate summary for farmers will also be prepared for distribution to farmers.

## Additional Accountable Parties

Should DELG consider that the aims and spirit of the Accord would be enhanced by the addition of further accountable or supporting partners it will initiate discussion with those additional parties and encourage them to commit accordingly. An up to date list of all signatories will be kept on the DairyNZ/DCANZ Website.

### Key Dairy Sector Organisations

The **Dairy Environment Leadership Group (DELG)** is collective of interests established to influence dairy industry sustainability priorities and monitor progress on enhancing environmental performance. It comprises representatives from Fonterra, DairyNZ, DCANZ, Government, Iwi, Federated Farmers, Regional Councils and the environmental sector. DELG has overall governance responsibilities as specified in this Accord

The **Dairy Companies Association of New Zealand (DCANZ)** is the umbrella body of companies processing milk in New Zealand. It was established to work collectively on public policy issues of importance to dairy companies and engage in advocacy and representation with authorities in New Zealand and overseas. Its membership comprises Fonterra Brands (NZ) Ltd, Open Country Dairy Ltd, Westland Milk Products Ltd, Synlait Ltd, Tatura Co-Operative Dairy Ltd, Miraka Ltd and Goodman Fielder.

**DairyNZ** is the industry good organisation representing New Zealand's dairy farmers. It is funded by a levy on milksolids. DairyNZ's purpose is to secure and enhance the profitability, sustainability and competitiveness of New Zealand dairy farming.

# Glossary

## Agreed protocols and data collection systems

The protocols and systems agreed as part of DairyNZ's audited nitrogen management system developed in accordance with DairyNZ's commitment to nutrient management under this Accord. These may include protocols for measuring nitrogen management performance in areas where Overseer® is not a reliable tool.

## Conversion

The development of a new dairy farm on land previously used another form of pastoral farming, cropping or forestry.

## Dairy farm

A property engaged in the farming of dairy cattle for milk production.

- *From 1 June 2012 to 31 May 2017* the "property" shall be limited to the milking platform (being that area devoted to feeding cows on a daily basis during the milking season) but excluding any dairy grazing land (whether or not contiguous with the milking platform) that is owned by the same person or entity as the milking platform and/or farmed in association with the milking platform.
- *From 1 June 2017* the "property" shall include, in addition to the milking platform, any land regularly used for dairy grazing\* (whether or not contiguous with the milking platform) that is owned or leased by the same person or entity as the milking platform and/or farmed in association with the milking platform.

This definition excludes:

- land used under a third party grazing arrangement between the owner of dairy cattle and another landowner for the purpose of temporary grazing; and
- land that is owned or leased by the same person or entity as the milking platform but which is not regularly used for dairy grazing.

## Dispensation

Dispensations for individual dairy farms may be granted by dairy companies in respect of compliance with stock exclusion and stock crossing obligations. Such dispensations will relate to exceptional situations where permanent fencing and/or bridging/culverting is impractical or cannot be feasibly achieved in the timeframes indicated in the riparian management commitment. Where such dispensations are made, dairy farms will be subject to farm-specific management plans that detail practices to mitigate effects (including use of temporary fencing) and/or timeframes by which full compliance with obligations of this Accord is to be achieved.

## Drain

An artificially created channel designed to lower the water table and/or reduce surface flood risk and which has permanently flowing water but does not include any modified (e.g. straightened) natural watercourse.

## Exclusion

In the context of stock, "excluded" means effectively barred from access to water and to the banks of a waterway either through a natural barrier (such as a cliff) or a permanent fence, except for any regular stream crossing point.

## Land regularly used for dairy grazing

Land used each year for grazing dairy cattle throughout the off-season (i.e. that part of the year when cows are not being milked).

## Nutrient management plan

A plan prepared in accordance with the Code of Practice for Nutrient Management (NZ Fertiliser Manufacturers' Research Association 2007) which records and takes into account all sources and nutrients in the farming system and all relevant nutrient management practices and mitigations.

## Regional councils

Has the same meaning as given in Section 2 of the Resource Management Act 1991

## Regional policy statement and regional plan

Have the same meaning as given in Section 2 of the Resource Management Act 1991

## Regular crossing point

A point on a waterway or drain where dairy cattle cross to access the milking shed, then return following milking, more than once per month.

## Riparian management plan

A plan that records, in narrative and/or map form, what riparian margin is to be planted and with what species in order to promote the water quality and/or any biodiversity or landscape objectives sought by the landowner. Riparian management plans are to be developed consistent with the riparian management guidelines developed by DairyNZ. For the avoidance of doubt, riparian management plans need not propose riparian planting on all riparian areas from which stock are excluded if there would be no significant water quality benefit from such planting.

## Significant non-compliance

In the context of effluent management means those incidents of non-compliance with rules or consent conditions that result in, or present a risk of, untreated farm dairy effluent discharging to a waterway.

## Significant wetland

An area which has a vegetative cover dominated by indigenous wetland plant species and which is identified as significant in an operative regional policy statement or regional plan.

## Waterway

A lake, spring, river or stream (including streams that have been artificially straightened but excluding drains) that permanently contains water and any significant wetland. For the avoidance of doubt, this definition does not include ephemeral watercourses that flow during or immediately following extreme weather events.



To: Marlborough District Council  
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MARLBOROUGH  
DISTRICT COUNCIL

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**SUBMISSION ON APPLICATION FOR A RESOURCE CONSENT**

**1. Submitter Details**

Name of Submitter(s) in full

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Philip Woolley

**2. Application Details**

Application Number

U W045-15-62 M135-15-27

Name of Applicant (state full name)

Marlborough District Council

Application Site Address

Seymour Street  
Blenheim

Description of Proposal

new Dairy Farm Plan changes to Wairau/  
awaterere and Marlborough Sounds Resource  
Management Plans.

**3. Submission Details (please tick one)**

I/we support all or part of the application

I/we oppose all or part of the application

I/we are neutral to all or part of the application

The specific parts of the application that my/our submission relates to are (give details, using additional pages if required)

The entire Proposal.

Sub: 6

Part: \_\_\_\_\_



The reasons for my/our submission are (use additional pages if required)

The council has not conducted a complete section 32 analysis

The decision I/we would like the Council to make is (give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought. Use additional pages if required)

That the establishment of a new Dairy Lagoon is a conditional activity, subject only to Lantona rules and Dairy NZ best practice.

4. Submission at the Hearing

I/we wish to speak in support of my/our submission

I/we do not wish to speak in support of my/our submission

OPTIONAL: Pursuant to section 100A of the Resource Management Act 1991 I/we request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. (Please note that if you make such a request you may be liable to meet or contribute to the costs of commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)

5. Signature

Signature P.J. Woolley Date 24/5/2013
Signature [Signature] Date 24/5/2013

6. Important Information

- Council must receive this completed submission before the closing date and time for submission for this application. The completed submission may be emailed to mdc@marlborough.govt.nz
You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the hearing report.

7. Privacy Information

The information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public file held by Council. The details may also be available to the public on Council's website. If you wish to request access to, or correction of, your details, please contact Council.



Reset Form



P.O. Box 20  
Tua Marina  
Blenheim 7246

24 May 2013

Planning Officer  
Marlb District Council  
Box 443  
Blenheim

Dear Sir,

We wish to put in this submission as part of the planning process regarding the proposed plan change 27 and 62 to the Wairau/ Awatere Resource Management Plan and Marlborough Sounds Resource Management Plan.

We reject completely the proposed changes for the following reasons. :

1. Section 32 of the R.M.A. has not been complied with, particularly subsection 3 and 3A where there have been no evaluation taken of the benefits and costs of the proposed policies and rules changes. (This is acknowledged by the council statement – waiting for more comprehensive information.)
2. Under the proposed rules the loss of one's own personal property rights is unacceptable.
3. The council has signalled itself as having all the skill and knowledge to determine such plan changes, without having determined the effects on the environment or of any concept of the operation of a dairy farm in any particular location.
4. Council has set itself up as judge and jury without any quantification of effects on the environment.

We propose that the new council rules be the following :

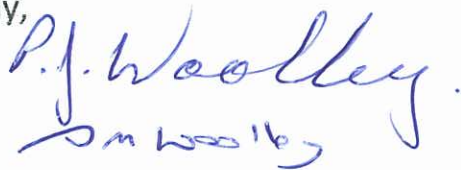
1. That the establishment of a new dairy farm be a conditional activity.

2. That the conditions of consent be the terms and condition of supply as found in the Fonterra terms and condition of supply.
3. That best practices for the industry be based on data produced by Dairy NZ.

Statement 2 and 3 will allow for the developments in technology and data to be incorporated into the plan as they become known.

We wish to be heard in support of our submission.

Yours faithfully,

A handwritten signature in blue ink that reads "P.J. Woolley". The signature is written in a cursive style with a large, sweeping "y" at the end.

P J Woolley  
S M Woolley