A GUIDE
TO PREPARING RESOURCE CONSENT APPLICATIONS FOR INTENSIVE FARMING ACTIVITIES
IN THE HORIZONS REGION

horizons
regional council

OVERVIEW

This implementation guide has been developed to assist applicants and their technical advisors in the preparation of resource consent applications for intensive farming activities under the Horizons One Plan.

The guidance within this document outlines the key components of an application report and assessment of environmental effects (AEE) for restricted discretionary activity consent applications, particularly those for those proposals that will not meet the cumulative nitrogen leaching maximums specified in Table 14.2 of the One Plan.

This guide should be read in conjunction with section 88 and the 4th schedule of the Resource Management Act, which specify the legal requirements for resource consent applications and AEEs.

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1. INTRODUCTION

This guidance document has been developed to assist applicants and their advisors in the preparation of restricted discretionary resource consent applications for intensive farming activities under Rules 14-2 and 14-4 of the Horizons One Plan. The guide outlines the key components of an application report and assessment of environmental effects (AEE), particularly for those proposals that will not meet the cumulative nitrogen leaching maximums (CNLMs) specified in Table 14.2 of the One Plan.

In general, resource consent applications include the applications forms, an application report (usually prepared by a planner) that provides descriptions of the activity, the site, the effects, and assesses the activity against the relevant provisions of applicable plans and statutory documents. The application report will often draw on information contained within technical reports and documents that provide background information and assess specific effects on the environment. Examples for intensive farming consents might be reports identifying groundwater flow and nutrient attenuation rates or a report addressing effects on surface water quality and aquatic life. Other attachments for intensive farming consents will include a nutrient management plan and the associated overseer files. In addition to the above, there should be maps and plans that provide spatial information such as LUC classes, soil types, artificial drainage, natural and built features, and discharge areas.

2. HORIZONS ROLE IN THE RESOURCE CONSENT PROCESS

Section 30 of the RMA sets out the statutory responsibilities of regional councils. These include controlling the use of land for soil conservation purposes, maintenance and enhancement of water quality and ecosystems, and controlling discharges of contaminants.

Intensive land use activities (defined under the One Plan) have the ability to affect surface water and groundwater quality. The One Plan outlines how Horizons Regional Council will manage the effects of intensive farming land use activities throughout the Region. The Region has been divided into Water Management Zones and Water Management Sub-Zones. Under the One Plan, intensive farming land use activities affecting groundwater and surface water quality must be regulated if the activity is within a targeted Water Management Sub-Zone or they are a new intensive farming land use anywhere in the Region.

An application for resource consent under Rules 14-1 to 14-4 of the One Plan requires the applicant to supply an AEE. The Council's role is to assess the application to ensure it meets the requirements the One Plan and Resource Management Act 1991 (RMA).

A completeness check of the application is carried out to ensure the application contains all the necessary information to enable it to make its assessments. If insufficient information is provided, the Council will likely return the application as being incomplete. Good quality applications assist the Council in its assessments and helps avoid delays.

It is important to ensure that all the application forms are completed and the application includes an adequate AEE. The Council will need to determine if all the necessary resource consents have been applied for and will check for compliance against the One Plan rules and relevant matters under the RMA.

When making decisions on resource consent applications, the Regional Council will assess the application against the One Plan and other statutory documents as required. Once all of the necessary information has been obtained to determine the extent of adverse effects and whether there are any potential affected parties, the Council will determine whether the application should be publically notified, limited notified or non-notified. Depending on the outcome of the notification decision, a hearing may be held to make a decision on consent application.

3. PREPARING A RESOURCE CONSENT APPLICATION REPORT

This section outlines an example layout for a resource consent application report and provides commentary on a section by section basis. It provides guidance as to what information is required specific to intensive farming consents.

I. INTRODUCTION

This section should provide an introduction providing a high level overview of the proposal, consents sought, expected effects and outcomes.

II. DESCRIPTION OF PROPOSED ACTIVITIES

This section should provide a detailed description of the activities being carried out under each of the consents being applied for. Intensive farming activities will include associated discharges and these need to be clearly described as well. The descriptions in this section form the basis for assessing the effects on the environment. The descriptions may rely on, and can refer to descriptions within any attached technical reports such as the nutrient management plan.

A. LAND USE ACTIVITIES

For all intensive land use activities the description should include:

- The type intensive farming, i.e. dairy farming, commercial vegetable growing, cropping or intensive sheep and beef farming.
- A statement as to whether the activities were existing at the dates specified in Table 14.1 of the One Plan, or are new since then.
- The nature and scale of the land use, i.e. area of land farmed, type of crops and areas planted, stock numbers.
- The sources of any likely nutrient losses or leaching on the property.
- Any proposed changes to the existing farming practices.
- The duration of consent sought.

B. DISCHARGE ACTIVITIES

Provide a description of any discharge activities specified under Rules 14-1 to 14-2 of the One Plan.
These include the following:

The discharge of fertiliser	Describe the types, compositions and volumes of fertilisers used. Describe where and how they are applied to land, e.g. aerial or land based application, granular or liquid form, whether GPS technology is utilised. Describe setback distances from waterways, artificial watercourses, site boundaries and sensitive areas such as indigenous vegetation and wetlands. Outline whether there is potential for fertiliser or odour to drift beyond the property boundary.

The discharge of contaminants from the use of a feedpad, feed storage and transportation	Identify all areas used for feedpads, storing feed and feeding stock (including feeding silage). Describe feedpad and feed storage infrastructure. Describe the method transportation of stock feed on the property. Describe where the runoff and/or collected leachate from the areas are treated and discharged. Does the Is this in accordance with one Plan Rule 14-11? Describe, with reference to maps, the separation distances from waterways, artificial watercourses and sensitive areas such as bores, indigenous vegetation, wetlands, coastal marine areas and historic heritage sites identified in regional or district plans. Discuss whether there is an ancillary discharge of contaminants into air, including odour or dust beyond the property boundary.
Discharges of grade Aa Biosolids and compost to land	Outline the composition and volumes of the biosolid and where, when and how it is discharged to land. State whether these materials contain any human or animal pathogens or any hazardous substances. Describe, with reference to maps, the separation distances from waterways, artificial watercourses and sensitive areas such as bores, indigenous vegetation, wetlands, coastal marine areas and historic heritage sites contained in regional or district plans. Discuss whether there is an ancillary discharge of contaminants into air, including odour or dust beyond the property boundary.
Discharge of poultry or pig farm litter and associated temporary stockpiling	Discuss the discharge area, nutrient composition, rate and volume of the litter discharged to land. Describe, with reference to maps, separation distances from waterways, artificial watercourses, residential buildings, public spaces, amenity areas, education facilities and sensitive areas such as bores, indigenous vegetation, wetlands, coastal marine areas and historic heritage sites contained in regional or district plans. Discuss whether there is an ancillary discharge of contaminants into air, including odour or dust beyond the property boundary.
Farm animal effluent, including: Dairy shed effluent; Piggery effluent; Sludge from farm effluent ponds; and Poultry farm effluent	Describe the type of effluent and where it is discharged to and how often. Describe the animal effluent storage and treatment facilities. Outline the rate and depth of the discharge and why it is appropriate for the site. Describe any contingency measures in case of bad weather or mechanical issues. State how much storage is available and how much is proposed. (this will need to be based on a Dairy Effluent Storage Calculator (DESC) report for dairy shed effluent discharges. Is the storage facility sealed to restrict seepage of effluent? If so, how? If not, why not? Describe, with reference to maps, the separation distances from waterways, artificial watercourses, residential buildings, public spaces, amenity areas, education facilities and sensitive areas such as bores, indigenous vegetation, wetlands, coastal marine areas and historic heritage sites contained in regional or district plans. Describe where stormwater is discharged to from any ancillary roof areas and hardstand area which not hold animals. If stormwater is discharged to the effluent storage facility, provide evidence to show there is sufficient storage capacity to do so. Discuss whether there is potential for effluent drift, including odour beyond the property boundary.

III. DESCRIPTION OF SITE AND RECEIVING ENVIRONMENT

This section should provide descriptions of the farm that is the subject of the consent application, the surrounding environment, and identify and describe the receiving environment of any discharges (namely groundwater for diffuse discharges from stock and any surface water bodies in or around the farm).

A. THE FARM AND SURROUNDING ENVIRONMENT

This section should provide a description of the farm site and the surrounding environment. This description can be split into two sections with the one section describing the farm itself and the other the wider surrounding environment. Matters to include are:

- Farm location and Water Management Sub-Zone;
- Climate, topography, soil types and drainage characteristics;
- Location of all surface water bodies, including rivers, streams, lakes, wetlands, artificial watercourses and drains on the farm and in the surrounding area;
- Location and descriptions of physical infrastructure on the farm, such as races, bridges and culverts, underpasses, buildings, effluent ponds, irrigation infrastructure, fences;
- Location and descriptions of any surrounding towns, dwellings, public water supplies, or other infrastructure that could be affected by the farming activities; and
- Discuss any other natural features such as riparian margins; indigenous or exotic woody vegetation that is forest, treeland, scrub or shrubland.

The above descriptions should be supported by and can refer to maps or plans attached to the application. Maps relating to the proposal should be of a suitable scale to allow easy identification of the features that map is displaying. A map outlining all land parcels on the farm and the associated legal description(s) is a mandatory component of the application. Other typical maps would include:

- A locality map showing the location of the farm and legal description.
- A farm infrastructure plan, showing the farm boundaries, buildings, fences, races, underpasses, bridges and culverts, feedpads, feed storage facilities or stacks, effluent ponds and effluent management infrastructure.
- A plan showing any natural features such as waterbodies as outlined above. If there are rare, threatened or at-risk habitat areas on the farm, (e.g. areas of native bush) these should be identified and shown on the plan.
- An irrigation plan showing areas irrigated by water.
- A plan showing areas where farm animal effluent is discharged. This should show or describe setback distances from residential buildings, public places, education facilities, rare, threatened or at-risk habitat areas, waterways, coastal marine area, bores, and any historic features. This plan should also identify any areas that have artificial drainage.

Please note the definition of wetland is very broad. Some wetlands are also rare or threatened habitats. These are described in the One Plan, in Schedule F. If you require assistance to help identify whether a wet area is a rare or threatened habitat described in Schedule F of the One Plan, please contact Horizons Regional Council on 0508 800 800.

B. RECEIVING ENVIRONMENT

The 'receiving environment' is the area or part of the environment that will be affected by the farming activities. It will include the land being farmed itself and the groundwater beneath that land. It will also include surface water bodies that any run-off enters and waterbodies fed by groundwater from the farm. An accurate description of the receiving environment is important because the effects of the farming activity will be assessed against this. A description of the receiving environment should include:

- Identification of any groundwater potentially affected, its depth, flow direction and quality (this will need to draw from a technical report, specific to the application, prepared by a qualified and experienced consulting hydrogeologist or from information that Horizons may hold).
- Identification of any surface waterbodies (rivers, streams, lakes, lagoons, wetlands) which are influenced by the groundwater identified above, or by surface runoff from the farm. A description of the sensitivity of these waterways and their current state should be provided. As with groundwater, this section will need to draw from a technical report, specific to the farm, prepared by a qualified and experienced consulting hydrologist or water quality scientist, or from information that Horizons may hold).

IV. CONSENTS REQUIRED

This section needs to clearly identify what consents are being applied for under the One Plan. It should also identify what standards are being exceeded under the relevant rules and whether any other resource consents are required and whether those consents have been applied for or not. As this has been addressed in Application Form C, you may wish to cross-reference back to this document to avoid repetition.

V. ASSESSMENT OF ENVIRONMENTAL EFFECTS

This section is a critical component of a resource consent application. An assessment of environmental effects (AEE) describes the actual and potential effects of the proposed activities on the environment and ways that any adverse or negative effects are to be avoided, remedied or mitigated.

The RMA requires that certain things are addressed in an AEE. And for intensive farming consents such matters include:

a. An assessment of the actual or potential effects on the environment of the activity.

The primary environmental effects of concern for intensive farming are the effects on groundwater and surface water quality and the consequential effects on their life supporting capacity. This section of the AEE is often a summary of the effects informed by specific technical reports that address the specific effects in detail.

To assess the direct effects on groundwater, nitrate levels can be assessed against the ANZEEC guidelines for stock water and the 2008 Drinking Water Standards for New Zealand for public water.

In respect of surface water, effects will need to be assessed on aquatic life within the water body and on the life supporting capacity of the waterbody. For streams and rivers this will involve assessments against the surface water management values and the surface water quality targets in schedule B and E of the One Plan respectively. This assessment will also need to address cumulative effects of the proposed activities along with other intensive farming and other activities within the catchment. This type of assessment is usually carried out by a water quality scientist or freshwater ecologist.

If there are other non-compliances with specific standards within the rules relating to intensive farming (Rules 14-1 to 14-11) these will also need to be addressed. For instance, if a situation arises where a bridge or culvert cannot be installed and stock cross a waterway, the specific effects of that stock crossing need to be assessed and described.

Any localised effects related to odour, dust, fertiliser drift or effluent drift will also need to be addressed in this section. The table below shows the Regional Standards for air quality relating to odour, dust and agrichemicals.

Contaminant^	Regional Standard
Odour	A discharge^ must not cause any offensive or objectionable odour beyond the property* boundary.
Dust	A discharge^ must not cause any noxious, offensive or objectionable dust beyond the property* boundary.
Agrichemicals*	A discharge^ must not give rise to noxious or dangerous levels of agrichemicals* in terms of human health, non-target plants or animals, or property*.

Note: There are guidelines contained within Chapter 15, Section 15.2 of the One Plan that assist in defining the terms "noxious, dangerous, offensive and objectionable".

b. Describe any proposed measures that will be implemented to avoid, remedy or mitigate effects on the environment.

For intensive farming these might include any changes from the current farm system and new farming practices to reduce nutrient losses. Nutrient loss mitigations are also required to be recorded in the NMP, and it is acceptable to refer to the appropriate section of the NMP for specific detail of such mitigations. If that is the case, this section should provide an overview of the options and their expected outcomes.

c. Identify any persons affected by the proposal, any consultation undertaken, and any response or the views of any person consulted.

d. Discuss whether any on-going groundwater and surface water quality monitoring is proposed, specific to the proposal.

On-going groundwater and surface water quality monitoring will likely be required as part of these consents. The AEE should describe how and by whom the effects will be monitored if the activity is approved.

e. A description of any possible alternative locations or methods for undertaking the farming or discharge activities.

For existing farms the location options may be limited, however, if there is a change in various practices (methods) on the farm, an assessment of the alternative locations for some activities on the farm may be carried out, for example effluent discharges, or for stream crossings, therefore should be discussed.

VI. STATUTORY CONSIDERATIONS

All applications will require an assessment of the proposed activities against the relevant provisions of certain statutory documents. The key documents that will need to be considered include:

A. NATIONAL ENVIRONMENTAL STANDARD FOR SOURCES OF HUMAN DRINKING WATER (NESDW).

Under the NESDW the Regional Council cannot grant a resource consent where the proposed activity is likely to introduce or increase contaminants to a water supply so that it no longer meets certain health criteria or increases the concentration of contaminants in a more than minor amount. It also requires certain conditions to be imposed if there is the possibility of an event caused by the proposed farming activity to cause adverse effects on the water supply.

An assessment under the NESDW will need to identify any sources of human drinking water that supply more than 25 people, that might be affected by a farming activity and associated discharges. Horizons Regional Council holds a list of such water supplies within its Region and will be able to provide assistance when identifying water supplies within the vicinity of the farming activity. Consultation with the water supply operator to determine whether there will be any effects on its water supply may be required.

B. NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT (NPSFM)

The NPSFM sets out water quality and quality objectives as well as objectives regarding integrated management and provision of reasonable opportunity for iwi and hapu involvement in overall freshwater management. An assessment will need to specifically examine Objectives A1 and A2 of the NPSFM. Objective A1 seeks to safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water and the health of people and communities. Objective A2 requires that the overall quality of freshwater within a region is maintained or improved, while protecting the significant values of freshwater in water bodies that have been degraded by human activities to the point of being over-allocated. The One Plan gives effect to the NPSFM, specifically through the inclusion of Policy 14-9 of the One Plan. Applications will need to discuss whether the the proposal is consistent with policy 14-9 of the One Plan, and Objectives A1 and A2 of the NPSFM.

C. NEW ZEALAND COASTAL POLICY STATEMENT (NZCPS)

This document is only relevant if your activity is within or adjacent to the coastal marine area. If applicable, an assessment is required against the NZCPS.

D. HORIZONS ONE PLAN

The objectives and policies from Chapters 5 and 14 are relevant to intensive farming land use activities. Specifically, Objectives 5-1 and 5-2 and Policies 5-7 and 5-8 from Chapter 5 and Objective 14-1 and Policies 14-1, 14-4, 14-5, 14-6 and 14-9 from Chapter 14 are most relevant to intensive farming activities. However, the assessment may also examine Policies 5-2 to 5-6 from Chapter 5 and any other specific policies that might apply to specific activities.

E. SECTION 105 RMA

Section 105 relates to any discharges associated with the intensive farming proposal and requires Horizons to have regard to the following matters when making its decision on the application:

a. the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
b. the applicant's reasons for the proposed choice; and
c. any possible alternative methods of discharge, including discharge into any other receiving environment.

Applications will need to describe the above matters in sufficient detail to enable the necessary assessment to be carried out.

F. SECTION 107 RMA

Under this section of the RMA, the Regional Council cannot grant a resource consent for a discharge to water, or to land where a contaminant may enter water, if it causes the following effects, either on its own or in combination with other contaminants:
a. the production of any conspicuous oil or causes grease films, scums or foams, or floatable or suspended materials:
b. any conspicuous change in the colour or visual clarity:
c. any emission of objectionable odour:
d. the rendering of fresh water unsuitable for consumption by farm animals:
e. any significant adverse effects on aquatic life.

The application will need to describe whether the proposed activities will give rise to the effects listed above.

G. DURATION

The consent duration is the period of time that a resource consent is valid for. Horizons is guided by One Plan Policy 12-5 when deciding an appropriate duration for consent applications. Horizons utilises a common catchment expiry approach and will generally set durations for consents based on the common catchment expiry date for the relevant water management zone, or in increments of 10 years thereafter. Applications should specify the duration sought and it is beneficial if reasons for that duration are also provided, in accordance with policy 12-5 of the One Plan.

H. PART 2 RMA

In terms of the consideration required under Part 2 of the RMA, the application will need to provide a brief description of how the proposal recognises and provides for the matters of national importance listed under Section 6 of the RMA, has particular regard to the matters listed in Section 7 and takes into account the principles of the Treaty of Waitangi. Section 5 of the RMA sets out the principles of sustainable management which in the context of the RMA means managing the use, development, and protection of natural and physical resources. A summary of how the proposal meets the purpose of the RMA as outlined in Section 5 is required.

VII. CONSULTATION

In this section, the report should outline any consultation that has been carried out or the reasons why no consultation has been undertaken. For any consultation that has been undertaken, the report should provide any responses and the views of those people, including any written approvals to the application.

If the farm is located within or adjacent to the coastal marine area, please contact Horizons Regional Council (Horizons) to discuss whether there has been an application made under the Marine and Coastal Area (Takutai Moana) Act 2011. If an application has been made.

In addition, there are a number of statutory acknowledgement areas within the Region. It is important to identify in the application whether the farm encompasses or is adjacent to one of these areas, and whether the iwi group, specifically the trustees of the relevant statutory acknowledgement area, have been consulted with. Again, Horizons can assist with the identification of customary marine tile applicants and statutory acknowledgement areas, if required.

If a Customary Marine Title group is identified, their views sought must be on the application prior to it being lodged. The consent application must outline any views expressed by the iwi groups. The Regional Council will consider the views of the Customary Marine Title group when making decision on the application within the Coastal Marine Area.

VIII. CONCLUSIONS

This section should provide an overall conclusion to wrap up the application report. Often, a summary of the key points is made and will confirm whether the application is consistent with the requirements of the One Plan, RMA and the relevant statutory requirements.

4. TECHNICAL ASSESSMENTS AND ATTACHMENTS

The application will likely be accompanied by a number of technical reports and other information as set out below. These should be appended to the application report and referred to as necessary throughout the report. When making decisions on resource consent applications, the Regional Council will assess the application against the One Plan and other statutory documents as required. Once all of the necessary information has been obtained to determine the extent of adverse effects and whether there are any potential affected parties, the Council should then be in a position to determine whether the application should be publically notified, limited notified or non-notified. Depending on the outcome of the notification decision, a hearing may be held to make a decision on consent application.

I. NUTRIENT MANAGEMENT PLAN

A Nutrient Management Plan (NMP) along with the Overseer files is a necessary component of an application for intensive farming under Rules 14-1 to 14-4. Under the One Plan, a Nutrient Management Plan means:

"a plan prepared annually in accordance with the Code of Practice for Nutrient Management (NZ Fertiliser Manufacturers' Research Association 2007) which records (including copies of the OVERSEER® input and output files used to prepare the plan) and takes into account all sources of nutrients for intensive farming and identifies all relevant nutrient management practices and mitigations, and which is prepared by a person who has both a Certificate of Completion in Sustainable Nutrient Management in New Zealand Agriculture and a Certificate of Completion in Advanced Sustainable Nutrient Management from Massey University".

II. HYDROGEOLOGICAL ASSESSMENT

A hydrogeological assessment is required to be undertaken by a suitably qualified and experienced expert. This assessment will examine groundwater properties and quality, soil types and attenuation capacities. It should determine groundwater flow direction and, the extent of surface water bodies particularly affected calculate nutrient loads to the receiving surface water bodies.

III. SURFACE WATER AND ECOLOGICAL ASSESSMENT

A water quality and ecological assessment is required to be undertaken by a suitably qualified and experienced expert. The technical assessment for surface water quality and ecology will need to provide a detailed water quality assessment and assess the effects of the expected contaminant load on the receiving surface water bodies. The assessment will need to identify whether the proposal will maintain or enhance water quality at a sufficient level to support the Values in Schedule B of the One Plan, specific to the Water Management Sub-Zone the farm is located within.

5. FURTHER GUIDANCE

The Ministry for the Environment's website provides guidance material to assist applicants in preparing a basic AEE for a resource consent and understand the consent process. We strongly recommend reading the guidance material below before preparing an application.

http://www.mfe.govt.nz/sites/default/files/media/RMA/aee-guide-aug06.pdf

Also, the Ministry for the Environment's link below provides guidance information on applying for a resource consent to do something that might affect the environment.

http://www.mfe.govt.nz/publications/rma/everyday-guide-rma-applying-resource-consent

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