

Southern Dairy Hub- Pad Consent Process

Step 1: Facility Design

- Pad design:
 - Who will construct the facility?
 - Will it be connected to main effluent system?
 - Will runoff from the pad be collected? If so, where and how?
 - Size of facility?
 - Surface/bedding type?
 - Construction details:
 - Will the base be compacted, concrete or have a good synthetic liner under it?
 - Cow numbers, dates and times to be used?
 - Will there be any other associated facility's such as sumps or bunkers?
 - Location:
 - Distance from tiles, critical source areas, waterways, drains, bores, boundary, neighbouring houses, etc.

Useful Resources

- DairyNZ
 - Farm Facts
 - Investing in off-paddock facilities
 - Dairy cow housing
 - Facts and figures- chapter 11

Step 2: The Rules for the facility

- The Rules:
 - Two parts:
 - For the use of the land to build the facility, and:
 - For the use of the facility.
 - Permitted activity:
 - No consent is needed if you meet all of the permitted conditions.
 - Consented Activity:
 - If even 1 of the permitted conditions is not meet you will need a consent.

The rules may be different in different regions.

Facility Rules- which ones....

- ES:
 - To use the land: Rule 35A
 - If collecting effluent and discharging it to land:
 - Rule 35- add to your discharge permit or a separate discharge permit.
 - Do you have sufficient storage- A pond Calculation will be needed.
- NES- National Environmental Standards:
 - Regulations 9 -16 to use the land.

ES Definition

Feed pad/lot a fenced in or enclosed area located on production land used for feeding or loafing of cattle or deer to avoid damage to pasture when soils are saturated, and which can be located either indoors or outdoors. It includes wintering pads, stand-off pads, calving pads, loafing pads, and self-feed silage storage facilities.

ES Rule summary:

Permitted if:

- Not within 50m of a tile, waterway, wetland, or coastal area.
- Not within a microbial protection zone.
- Not within 200m of house or general assembly area, not on the property.
- Not within 20m of the boundary.
- Not with a critical source area.
- Either:
 - Effluent is collected in an authorised effluent storage system. Or,
 - Has at least 500mm of wood- based material across the base of the facility.
- Solids are applied to land as per rule 38.
- There is no inflow of stormwater from the surrounding land.

If you can't meet all of the above conditions, you will need a consent under ES rules.

If you collect effluent in an authorised effluent storage facility, then you are likely to need to add it to your existing discharge permit or get a separate discharge permit for the discharge activity.

NES Definitions

stockholding area—

- (a) means an area for holding cattle at a density that means pasture or other vegetative ground cover cannot be maintained (for example, feed pads, winter pads, standoff pads, and loafing pads); but
- (b) does not include an area used for pastoral purposes that is in the nature of a stockyard, milking shed, wintering barn, or sacrifice paddock

feedlot means a stockholding area where cattle—

- (a) are kept for at least 80 days in any 6-month period; and
- (b) are fed exclusively by hand or machine

If you do not meet these definitions regulations 9-16 do not apply to the activity and no consent is required.

NES Rule summary- Feedlots:

Permitted if:

- It is used for young stock under 4 months old or 120kg.

Otherwise, a consent is needed.

- Discretionary Activity if:
 - The base is not sealed to 10-9m/s (this could be similar to that of concrete).
 - Must meet regional or district plan rules or requirements of a resource consent.
 - Must be at least 50m away from a water body, water abstraction bore, any drain and coastal marine area.
- Non-complying activity if:
 - If you don't meet all of the above discretionary requirements, then it is a non-complying activity.
 - A consent can still be obtained but the onus is on the applicant to show that the effects are less than minor and meets the legal requirements of section 104D.

Rule summary- Stock Holding Areas:

Permitted if:

- It is used for young stock under 4 months old or 120kg. Or,
- You have a certified freshwater farm plan that has assessed the effects from the facility. Or,
- The base is not sealed to 10-9m/s (this could be similar to that of concrete). AND,
- Must meet regional or district plan rules or requirements of a resource consent. AND,
- Must be at least 50m away from a water body, water abstraction bore, any drain and coastal marine area.
- Information is provided to the council upon request.

Otherwise, a consent is needed.

- Discretionary Activity if:
 - If you don't meet all of the above permitted activity requirements, then it is a discretionary activity and a consent will be needed.

NB: under regulations 11 and 14 you are also likely to need a discharge permit, if the pad is not linked to the main effluent system.

Southern Dairy Hub Rules Assessment

Overview for what we applied for:

- Effluent is collected from the pad and pumped to the main effluent pond.
 - The existing discharge permit needed to be varied to:
 - Change the number of cows allowed on the pad (a pad was allowed for in the consent but had not been built).
 - We needed to:
 - Do an updated pond calculation that supported the use of the pad- cow numbers and time on the pad.
 - The land use consent to covert the farm to dairy and the separate consent to use the land for dairying, both needed to be varied to:
 - Change the feed pad size (a pad was allowed for in the consents, but had not been built).
- We needed a consent to use the land for the pad, as:
 - There is a tile within 50m of the pad location (ES requirement).
 - The pad does not have a consent or synthetically lined base (NES requirement).



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ES Rule 35A

Rule 35A – Feed pads/lots

Note: In addition to this rule, feedpads/lots for cattle are managed under the following regulations of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:

- (a) *Feedlot: Regulations 9, 10 and 11*
- (b) *Stockholding area: Regulations 12, 13 and 14.*

- (a) The use of land for a feed pad/lot is a permitted activity provided the following conditions are met:
 - (iii) the feed pad/lot is not located:
 - (1) within 50 metres from the nearest sub-surface drain, lake, river artificial watercourse, modified watercourse, natural wetland, or the coastal marine area; or
 - (2) within a microbial health protection zone of a drinking water supply site identified in Appendix J, or where no such zone is identified, then within 250 metres of the abstraction point of a drinking water supply site identified in Appendix J; or
 - (3) within 200 metres of a place of general assembly or dwelling not located on the same landholding, or
 - (4) within 20 metres of the boundary of any other landholding; or
 - (5) within a critical source area;
 - (iv) the feed pad/lot is constructed with:
 - (1) a sealed and impermeable base and any liquid animal effluent or stormwater containing animal effluent discharging from the feed pad/lot is collected in a sealed animal effluent storage system authorised under Rule 32B or Rule 32D; or
 - (2) a minimum depth of 500 millimetres of wood-based material (bark, sawdust or chip) across the base of the feed pad/lot; and
 - (v) any material scraped from the feed pad/lot, including solid animal effluent, is collected and if applied to land is applied in accordance with Rule 38; and
 - (vi) the overland flow of stormwater or surface runoff from surrounding land is prevented from entering the feed pad/lot.
- (b) The use of land for a feed pad/lot that does not meet one or more of the conditions of Rule 35A(a) is a discretionary activity.

NES Regulations 9-11 Feedlots

Subpart 1—Feedlots and other stockholding areas

Feedlots

9 Permitted activities

- (1) The use of land on a farm for holding cattle in a feedlot is a permitted activity if it complies with the condition.
- (2) The following discharge of a contaminant is a permitted activity if it complies with the condition:
 - (a) the discharge is associated with the use of land on a farm for holding cattle in a feedlot; and
 - (b) the discharge is into or onto land, including in circumstances that may result in the contaminant (or any other contaminant emanating as a result of natural processes from the contaminant) entering water.

Condition

- (3) The condition is that 90% or more of the cattle held in the feedlot must—

- (a) be no more than 4 months old; or
- (b) weigh no more than 120 kg.

10 Discretionary activities

- (1) The use of land on a farm for holding cattle in a feedlot is a discretionary activity if it—
 - (a) does not comply with the condition in regulation 9(3); but
 - (b) complies with the conditions in subclause (3) of this regulation.
- (2) The following discharge of a contaminant is a discretionary activity if it does not comply with the condition in regulation 9(3) but complies with the conditions in subclause (3) of this regulation:
 - (a) the discharge is associated with the use of land on a farm for holding cattle in a feedlot; and
 - (b) the discharge is into or onto land, including in circumstances that may result in the contaminant (or any other contaminant emanating as a result of natural processes from the contaminant) entering water.

Conditions

- (3) The conditions are that—

- (a) the base area of the feedlot must be sealed to a minimum permeability standard of 10^{-9} m/s; and
- (b) effluent expelled in the feedlot must be collected, stored, and disposed of in accordance with a rule in a regional or district plan, or a resource consent; and
- (c) the feedlot must be at least 50 m away from any water body, any water abstraction bore, any drain, and the coastal marine area.

11 Non-complying activities

- (1) The use of land on a farm for holding cattle in a feedlot is a non-complying activity if it does not comply with—
 - (a) the condition in regulation 9(3); and
 - (b) any condition in regulation 10(3).
- (2) The following discharge of a contaminant is a non-complying activity if it does not comply with the condition in regulation 9(3) and any condition in regulation 10(3):
 - (a) the discharge is associated with the use of land on a farm for holding cattle in a feedlot; and
 - (b) the discharge is into or onto land, including in circumstances that may result in the contaminant (or any other contaminant emanating as a result of natural processes from the contaminant) entering water.

NES Regulations 12-16 Stock Holding Areas

Stockholding areas other than feedlots

12 Permitted activities: stockholding areas for small and young cattle

- (1) The use of land on a farm for holding cattle in a stockholding area (other than a feedlot) is a permitted activity if it complies with the condition.
- (2) The following discharge of a contaminant is a permitted activity if it complies with the condition:
 - (a) the discharge is associated with the use of land on a farm for holding cattle in a stockholding area (other than a feedlot); and
 - (b) the discharge is into or onto land, including in circumstances that may result in the contaminant (or any other contaminant emanating as a result of natural processes from the contaminant) entering water.

Condition

- (3) The condition is that 90% or more of the cattle held in the stockholding area must—
 - (a) be no more than 4 months old; or
 - (b) weigh no more than 120 kg.

13 Permitted activities: stockholding areas for larger and older cattle

- (1) The use of land on a farm for holding cattle in a stockholding area (other than a feedlot) is a permitted activity if it—
 - (a) does not comply with the condition in regulation 12(3); but
 - (b) complies with the applicable condition or conditions in subclause (3) or (4) of this regulation.
- (2) The following discharge of a contaminant is a permitted activity if it does not comply with the condition in regulation 12(3) but complies with the applicable condition or conditions in subclause (3) or (4) of this regulation:
 - (a) the discharge is associated with the use of land on a farm for holding cattle in a stockholding area (other than a feedlot); and
 - (b) the discharge is into or onto land, including in circumstances that may result in the contaminant (or any other contaminant emanating as a result of natural processes from the contaminant) entering water.

Conditions

- (3) The condition is that the holding of cattle in the stockholding area must be undertaken in accordance with the farm's certified freshwater farm plan if—
 - (a) the farm has a certified freshwater farm plan that applies to the holding of cattle in the stockholding area; and
 - (b) a certifier has certified that the adverse effects (if any) allowed for by the plan in relation to the holding of cattle in the stockholding area are no greater than those allowed for by the conditions in subclause (4).



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(4) In any other case, the conditions are that—

- (a) the base area of the stockholding area must be sealed to a minimum permeability standard of 10^{-9} m/s; and
- (b) effluent expelled in the stockholding area must be collected, stored, and disposed of in accordance with a rule in a regional or district plan, or a resource consent; and
- (c) the stockholding area must be at least 50 m away from any water body, any water abstraction bore, any drain, and the coastal marine area.

Enforcement officer may require information

(5) A person undertaking a permitted activity under this regulation must provide any information reasonably required by a regional council enforcement officer for the purpose of monitoring compliance with any of the conditions in sub-clause (4)(a) to (c).

14 Discretionary activities: stockholding areas for larger and older cattle

(1) The use of land on a farm for holding cattle in a stockholding area (other than a feedlot) is a discretionary activity if it does not comply with—

- (a) the condition in regulation 12(3); and
- (b) the applicable condition, or any of the applicable conditions, in regulation 13(3) or (4).

(2) The following discharge of a contaminant is a discretionary activity if it does not comply with the condition in regulation 12(3) and the applicable condition, or any of the applicable conditions, in regulation 13(3) or (4):

- (a) the discharge is associated with the use of land on a farm for holding cattle in a stockholding area (other than a feedlot); and
- (b) the discharge is into or onto land, including in circumstances that may result in the contaminant (or any other contaminant emanating as a result of natural processes from the contaminant) entering water.