

Dairying and Clean Streams Accord

Regional Action Plan for the Tasman District

June 2005

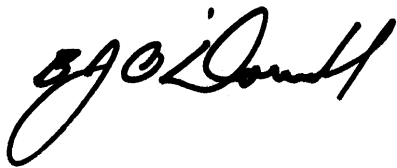


This Regional Action Plan commits Fonterra and Tasman District Council to give effect to the Dairying and Clean Streams Accord.

Signed by the following parties on 10 June 2005:

John Hurley, His worship the Mayor of Tasman District

Bob Dickinson, CEO, Tasman District Council

A handwritten signature in black ink, appearing to read 'Barry O'Donnell', written in a cursive style.

Barry O'Donnell, Director of Shareholder Services, Fonterra

Rod O'Bierne, Field Representative, Fonterra

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1 Introduction

1.1 Dairying and Clean Streams Accord

The Dairying and Clean Streams Accord [the Accord] was signed by the Minister of Agriculture, the Minister for the Environment, the Chairman of Fonterra Co-operative Group and the Chairman of the Regional Affairs Committee of Local Government New Zealand (on behalf of Regional Councils) in May 2003. The Accord reflects an agreement between these parties to improve the environmental performance of dairying and it establishes a goal of achieving “clean healthy water in dairying areas”.

Five priorities for action are identified in the Accord to reduce the impact of dairying on streams, rivers, lakes and wetlands. The five priorities can be summarised as follows:

- Dairy cattle are to be excluded from streams, rivers and lakes and their banks;
- Farm races are to include bridges or culverts where stock cross waterways regularly;
- All dairy effluent is to be appropriately treated and discharged;
- Nutrients are to be managed effectively to minimise losses to ground and surface waters;
- Existing regionally significant wetlands are to be fenced, and their natural water regimes protected.

The Accord establishes national performance targets for each of these priorities. Please refer to Appendix 1 for further information on these national targets.

This Regional Action Plan has been developed by Fonterra and Tasman District Council with input from Federated Farmers. The purpose of the Regional Action Plan is to detail regional commitments toward achieving the goal and meeting the national performance targets, while taking into account circumstances specific to the Tasman District.

Dairying is a significant land use in the Tasman District, particularly in the Buller Catchment, part of the Motueka catchment and in Golden Bay. Each of the issues raised in this accord have been found by Tasman District Council and research organisations to be significant environmental concerns in the Tasman District.

Under the Tasman Resource Management Plan there are already rules for contaminant discharges including effluent disposal and fertiliser and provisions relating to wetland and riparian management. Management of effects of activities in the bed of rivers and lakes such as stock crossings are stock access to waterways are still to be considered when the Council prepares Part IV of its Resource Management Plan. This Accord complements methods already adopted by Council to achieve sustainable management of resources but does not preclude any provisions in Tasman District Council Plans or the Resource management Act for enforcement action.

2 Performance Targets

2.1 Introduction

As outlined in Section 1, the Accord identifies 5 priorities for action and establishes national performance targets for these priorities. These targets are to be achieved on a nationally aggregated level. Please refer to Appendix 1 for further information on these national targets.

2.2 Access To Waterbodies

Performance target

Dairy cattle are excluded from 50% of streams and rivers by 2007, 90% by 2012.

Dairy cattle are excluded from 100% of estuaries and lakes by 2007.

- In most cases, fencing is the only practical method of excluding stock access to waterbodies. However, there may be circumstances where fencing is not required due to natural barriers or alternative methods. There may also be circumstances when light grazing on an infrequent basis achieves both environmental outcomes and controls pest plants.
- The type of fencing will depend on factors such as terrain, extent and frequency of flooding, stock type and costs.
- In the Tasman District many drains are modified streams (i.e. streams that have been excavated or straightened). These watercourses are to be considered as streams for the purposes of the Accord provided they are deeper than a red band (300mm) and wider than a stride (1m) and permanently flowing.

Implementation actions

Tasman District Council

1. Tasman District Council will promote and encourage implementation the Clean Streams Accord that supports farmers voluntary actions in restricting stock access to waterways and promote environmental enhancement.
2. Grants may be available for fencing based on the following conditions:
 - a) Approved works have significant off-site benefits i.e. they contribute to the stability or health of the catchment system as a whole.
 - b) Cash or work contribution equivalent to 50% of the total cost of the work is available from the landowner or occupier.
 - c) The landowner or occupier is responsible for maintaining the works to a required standard. (A written agreement and/or management plan between the parties may be necessary to ensure the long-term integrity of the works)

- d) All aspects of riparian management on the property will be addressed over a practicable time period.
3. Tasman District Council will provide educational tools and support for suppliers to manage riparian margins.
4. Tasman District Council will continue to monitor water quality and stream health in rivers around the region and report regularly. Tasman District Council may initiate additional investigations in priority areas, to determine the effect of stock access to water bodies on water quality and habitat. Aerial surveillance of waterways will be undertaken on a regular basis.

Fonterra Co-operative Group

1. Fonterra will make suppliers aware of the target and promote the exclusion of stock from rivers, streams and lakes and the appropriate management of riparian areas.
2. Fonterra will encourage research and development in Clean Streams priority catchments, as detailed by Tasman District Council.
3. Fonterra will assess progress towards this target and will provide Tasman District Council with the regional statistics at the end of each dairy season.
4. Fonterra will advise suppliers about Tasman District Council's funding schemes at their annual farm dairy assessments.
5. Fonterra will utilise Fonterra Farmer Community supplier networks in priority areas to promote this target.

2.3 Stock crossings

Performance target

50% of regular crossing points have bridges or culverts by 2007, 90% by 2012.

Implementation actions

Tasman District Council

1. Tasman District Council will promote the installation of bridges and culverts in association with projects such as Clean Streams. Tasman District Council will produce good practice guides to explain farmer responsibilities (Ministry for the Environment Culvert Guide and NIWA's Fish Passage at Culverts can be used)
2. Tasman District Council supports the national development of standard designs for in-stream structures and will promote standard designs that are appropriate to Tasman District's waterways if there is a widespread need for them.
3. Will encourage farmers to seek advice and assistance from Fish and Game when applying for consents to install culverts/bridges.
4. Will continue to carry out regular surveillance, including aerial surveillance, to identify and assess effects of stock crossings and numbers and locations of bridges.

Fonterra Co-operative Group

1. Fonterra will make suppliers aware of the target and promote the use of structures for stream crossings.
2. Fonterra will ensure land owners/managers are aware of Best Practice guides.
3. Fonterra will assess progress towards this target and will provide Tasman District Council with the regional statistics at the end of each dairy season.

2.4 Management of farm dairy effluent

Performance target

100% of farm dairy effluent discharges to comply with resource consents and regional plans immediately.

Implementation actions

Tasman District Council

1. Tasman District Council will work with dairy industry extension providers to develop and promote educational tools that will help suppliers understand and achieve their environmental responsibilities.
2. Provide information about and encourage suppliers to map risk zones of faecal bacteria and nutrient runoff to waterways from land application.
3. Encourage bunding of races wherever build up of effluent is likely to enter directly to waterways.
4. Tasman District Council will seek support for suppliers with significant or ongoing non-compliance, from industry groups such as Federated Farmers and local Fonterra Shareholder Council members, where appropriate (see Appendix 2).
5. Tasman District Council will inspect effluent treatment systems to identify potential performance problems. Tasman District Council will supply Fonterra with a copy of its annual compliance Monitoring Report.
6. Tasman District Council will undertake enforcement action where there is continued, deliberate, ongoing minor non-compliance or a major non-compliance with resource consent conditions for effluent discharge to water or permitted activity conditions for effluent discharge to land.

Fonterra Co-operative Group

1. Fonterra will make suppliers aware of the target and promote the appropriate management of farm dairy effluent.
2. Fonterra will endorse the inspection of effluent treatment systems.
3. Fonterra will provide an accurate and complete list of suppliers contact details and location of the farm in the Tasman District to Tasman District Council each year. This information will be supplied under a confidentiality agreement.

2.5 Nutrient Management

Performance target

100% of dairy farms to have in place systems to manage nutrient inputs and outputs by 2007.

The purpose of the nutrient budget is to identify where fertiliser use is increasing the risk of nutrients being lost to ground water and surface water.

Implementation actions

Tasman District Council

1. The discharge of fertiliser to land and air is permitted by the Tasman Resource Management Plan subject to conditions.
2. Will promote the fertiliser Code of Practice.
3. Tasman District Council will promote and provide information about nutrient budgeting and mapping of farm nutrient loss risk zones and advise suppliers on the benefits of using nutrient budgets. This will be actively promoted for all dairy farms in consultation with the farming community, fertiliser industry and Fonterra.

Fonterra Co-operative Group

1. Fonterra will promote nutrient budgeting and advise suppliers on the benefits of using nutrient budgets. This will be actively promoted for all dairy farms in consultation with the farming community, fertiliser industry and Tasman District Council.
2. Fonterra will assess the progress towards this target and will provide Tasman District Council with the regional statistics at the end of each dairy season.

2.6 Wetlands

Performance target

50% of regionally significant wetlands to be fenced to prevent stock access by 2009, 90% by 2012.

- The Accord acknowledges that over 90% of lowland wetlands in Tasman District have been drained and that natural water regimes of wetlands need to be protected.

Implementation actions

Tasman District Council

1. Tasman District Council will further develop the inventory of wetlands and determine the level of significance of the wetland on or adjacent to dairy farms with the support of land owners.
2. Tasman District Council will promote fencing of naturally occurring wetlands, utilising financial support under programmes such as Transpower Grants.
3. Depending on availability of external funding Tasman District Council will continue to fund the preparation of wetland management plans on private property, in consultation with landowners, that identify wetland values and will contribute funding to works including fencing, pest control, planting and habitat enhancement where there is public benefit and long term improvement of wetland values.

4. Tasman District Council will promote and enforce the rules relating to drainage of naturally occurring wetlands.

Fonterra Co-operative Group

1. Fonterra will make suppliers aware of the target and promote the exclusion of stock from regionally significant wetlands, and the need to protect naturally occurring wetlands.
2. Fonterra will endorse Tasman District Council's identification of regionally significant wetlands.

3 Communication

Progress toward achieving the regional performance targets relies upon the actions of individual suppliers. It is therefore vital that the farmers are aware of the Regional Action Plan and understand the potential implications on their farming practice. For this reason, Tasman District Council and Fonterra will jointly communicate the local performance targets and implementation actions contained in this plan to suppliers and groups representing dairy farmer interests (e.g. Federated Farmers).

Implementation actions

Tasman District Council

1. On the RAP becoming adopted, Tasman District Council will publicise the RAP through appropriate forms of media.
2. On the RAP becoming adopted, Tasman District Council will meet with groups representing dairy farmer interests and other groups that have an interest in maintaining or enhancing water and habitat quality in the Tasman District and describe and promote assistance available to landowners and this Regional Action Plan.
3. Tasman District Council will ensure its relevant staff are informed of the role of the RAP and results of Fonterra's environmental surveys.

Fonterra Co-operative Group

1. Fonterra will send copies of the Regional Action Plan will be sent to all suppliers in the Tasman District and the RAP will be made available on request.
2. Fonterra will communicate the content and actions required by the Regional Action Plan through existing Company channels.
3. Fonterra will present results of surveys on a regional basis to Tasman District Council.
4. Fonterra will assess progress towards all targets and will provide Tasman District Council with the regional statistics at the end of each dairy season.

4 Other Matters

To promote efficiency Tasman District Council and Fonterra will exchange and share information where possible and through confidentially agreements if necessary.

As outlined in the Accord "the Accord is not legally binding on the parties nor on Fonterra's suppliers and in no way restricts any person in the exercise of any power or discretion under any statute".

In setting priorities within each target in this plan, farms in catchments where Water Conservation Orders apply (Motueka and Buller catchments) will be considered of higher priority. However, this will not preclude other issues, such as the potential effects of bovine faecal bacteria on shellfish in Western Golden Bay, from being incorporated into the prioritization process. There are 16 dairy farms that directly border waterways in the Buller Conservation Order and 3 dairy farms in the Motueka Conservation Order. There are a further 16 and 10 farms in the Buller and Motueka catchments respectively that also have potential to adversely affect water quality in the Water Conservation Order waterways.

5 Evaluation and Review

Representatives of Tasman District Council, Fonterra and Federated Farmers will meet at least annually to evaluate the effectiveness of this Regional Action Plan in achieving the overall objective of the Accord (i.e. "clean healthy water in dairying areas") and to ensure that it reflects community expectations. Monitoring the achievement of the targets may identify that the actions identified in this Regional Action Plan need to be modified. In addition, investigations identified in the implementation actions may lead to the development of further actions and to the review the content of this Regional Action Plan. Any review should be complete prior to the commencement of the dairy season (August) in any given year.

Appendix 1: Dairying and Clean Streams Accord

Appendix 2: Procedure to deal with significant non-compliance and ongoing non-compliance for effluent management.

Each year Tasman District Council staff come across suppliers who are not managing their effluent treatment system in compliance with the rules in the Tasman Resource Management Plan. Some suppliers are slow to respond or are unable to achieve the standards required. In these cases Tasman District Council, Fonterra and Federated Farmers have proposed an Industry Support Programme to assist suppliers to achieve compliance. Supplier participation in this process is voluntary. To support this process the following steps may be taken:

1. Where Tasman District Council identifies a significant non-compliance or ongoing non-compliance and determines that the supplier may benefit from industry support an Tasman District Council staff member will contact a member of the Fonterra Environmental Management Team, or a Federated Farmers representative, or both.
2. A member of the Fonterra Environmental Management Team and/or Federated Farmers representative will discuss the non-compliance with Tasman District Council to assess whether industry support would be beneficial.
3. The local Fonterra Field Representative will meet with the supplier and a member of the Fonterra Environment Management Team. A Federated Farmer representative may attend this meeting or organise a separate meeting with the supplier.
4. Following discussion with the supplier an agreement for immediate compliance will be negotiated and a management and monitoring plan agreed. This may be developed with either a Fonterra employee and/or a Federated Farmers staff member.
5. The Fonterra Field Representative and/or Federated Farmer staff member will regularly contact the supplier to ensure compliance is met in the agreed timeframe. Tasman District Council will remain responsible for enforcing compliance using established Resource Management Act enforcement mechanisms.

If circumstances warrant, Tasman District Council staff or a Fonterra Shareholder Councillor may attend meetings to assist the process.

Note: The industry support process aims to help suppliers who have non-compliant effluent treatment systems to achieve full compliance with assistance from industry representatives. This process is focused on looking forward from the time that non-compliance is identified and aims to give suppliers information and advice about how to ensure future compliance.

Any enforcement action taken by Tasman District Council is separate to this process, and will be determined by Tasman District Council's enforcement policies. Tasman District Council's decisions about possible enforcement action for past non-compliance will remain independent of the results achieved through the industry support process.