

Farmers' rough guide to Environment Southland's rules



Updated April 2018

Agrichemicals (pesticides and herbicides)

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Discharge of agrichemicals onto or into surface water	Permitted. Consent needed if cannot meet conditions	The substance must be approved under HSNO, and spray drift is to be minimised, There must be no conspicuous effects on receiving water, application for the purpose of controlling aquatic plants and does not occur within Natural State Waters or where there is a Water Conservation Order	Proposed Southland Water and Land Plan - Rule 9
Discharge of agrichemicals to land where they may enter water	Permitted. Consent needed if cannot meet conditions	The substance must be approved under HSNO, spray drift to be minimised and does not occur within Natural State Waters or where there is a Water Conservation Order	Proposed Southland Water and Land Plan - Rule 10
Discharge of vertebrate pest control poisons	Permitted subject to conditions.	The substance must approved under HSNO, and application must not in close proximity to drinking water sites (distances specified in the rule)	Proposed Southland Water and Land Plan - Rule 11
Agrichemicals using hand-held methods	Permitted. Consent needed if cannot meet conditions	The substance must be approved under HSNO and spray drift is to be minimised	Regional Air Plan - Rule 6.1
Agrichemicals using other than hand-held methods	Permitted. Consent needed if cannot meet conditions	The discharge must comply with NZ8409:2004. The substance must be approved under HSNO and spray drift must not cause adverse effects across the boundary of the property being sprayed. Applicators must hold the appropriate national qualification.	Regional Air Plan - Rule 6.2



Agricultural effluents

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Construction of an agricultural effluent storage facility	Consent needed		Proposed Southland Water and Land Plan - Rules 32A, B and D
Discharge of dairy shed effluent to land	Consent required for dairy sheds milking more than 20 cows or 100 of any other animal		Proposed Southland Water and Land Plan – Rule 35 Regional Water Plan – Rule 50
Discharge of agricultural effluent to land	Permitted. Consent needed if cannot meet conditions	Permitted if conditions are met for: <ul style="list-style-type: none"> - Piggeries - Feedpads - Underpasses - Holding tanks on stock trucks See relevant rules for criteria	Proposed Southland Water and Land Plan - Rule 35 Regional Effluent Land Application Plan – Rule 5.4.1 for piggeries, feedpads, and holding tanks on stock trucks, and otherwise Rule 5.4.6
Horticulture washwater	Consent needed if over 20m ³ /day or cannot meet conditions	Discharges over 20m ³ /day need consent. The discharge must not create ponding, contain measurable concentrations of chemicals, and occur within 20m of a water body or property boundary or within 100m of a dwelling. See rule for additional criteria.	Proposed Southland Water and Land Plan - Rule 36 Regional Effluent Land Application Plan – Rule 5.4.2
Agricultural Dips	Permitted. Consent needed if cannot meet conditions	The discharge must not create ponding, occur within 20m of a water body or property boundary or within 100m of a dwelling. There must not be any discharge directly to water both groundwater and the coastal marine area. The discharge must occur on the property where the dipping takes place, must be in accordance with HSNO and record must be kept of dipping operations	Proposed Southland Water and Land Plan - Rule 37
Animal and Vegetative Waste	Permitted. Consent needed if cannot meet conditions	The discharge must not contain any hazardous waste or human effluent waste. The nitrogen loading on land must not exceed 150kg of nitrogen per hectare per year. The discharge can only occur on the same piece of land every two months, and there must not be any material visible from the last discharge. The discharge must not occur when the soil moisture exceeds field capacity, or when the soil temperature is below 5 degrees in winter and autumn or 7 degrees in spring. The depth of material must not be greater than 10. A setback of 20 m is required from property boundaries, water bodies, bores and the coast.	Proposed Southland Water and Land Plan - Rule 38
Other agricultural effluent disposal	Consent needed		Proposed Southland Water and Land Plan - Rule 39

Bridges and culverts

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Place, erect, reconstruct bridges over waterbodies	Permitted. Consent needed if cannot meet conditions	The bridge must not have support structures in the river bed, must not increase the risk of flooding to the surrounding area, must not impede river flow. Disturbance to wildlife must be minimised. The structure must not cause significant issues with the surrounding bed or banks and must be maintained	Proposed Southland Water and Land Plan - Rule 57 and Rule 55A (General conditions for activities in river and lake beds)
Place, erect, reconstruct cables, wires and pipes in waterbodies	Permitted. Consent needed if cannot meet conditions	The structure must not have support structures in the river bed and must not cause a hazard or impede the flow of the river. If it is to carry contaminants it must comply with the Building Act. Disturbance to wildlife must be minimised. The structure must not cause significant issues with the surrounding bed or banks and must be maintained.	Proposed Southland Water and Land Plan - Rule 58 and Rule 55A (General conditions for activities in river and lake beds)

Place, erect or reconstruct culverts	Permitted. Consent needed if cannot meet conditions	Maximum diameter of a culvert is 1.2m and it must be placed below the natural bed level. The culvert must not increase the risk of flooding to neighbours. The culvert must be purpose built for the passage of water and does not impede fish passage.	Proposed Southland Water and Land Plan - Rule 59 and Rule 55A (General conditions for activities in river and lake beds)
On-farm sediment traps	Permitted. Consent needed if cannot meet conditions	Must be placed in an intermittent or ephemeral river. The sediment trap must be fenced off and have battered banks, and it cannot affect other structures, flood risk, or bank stability.	Proposed Southland Water and Land Plan – Rule 59A and Rule 55A (General conditions for activities in river and lake beds)

Burning

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Outdoor burning outside of the Invercargill and Gore airsheds	Permitted. Consent needed if cannot meet conditions	Material burnt must only consist of vegetation and untreated wood and come from a property connected to where the material will be burnt. There must not be any adverse effects beyond the property boundary. The burning must not take place within 100m upwind or 50m in any direction of a residential building of an adjoining property without written permission.	Regional Air Plan - Rule 5.1
Outdoor burning of animal carcasses and offal	Permitted. Consent needed if cannot meet conditions	The carcasses must come from the property where the burning is taking place. There must not be any adverse effects beyond the property boundary. Burning must not occur within 200m of a neighbouring residential unit or within 100m of the property boundary. The burning must not take place within the Invercargill or Gore airshed.	Regional Air Plan - Rule 5.3
Outdoor burning of stubble	Permitted. Consent needed if cannot meet conditions	Stubble burning must not occur within 300m upwind or 100m in any direction of a residential unit not located on the property where the burn off occurs. There must not be any adverse effects outside the boundary where the stubble is burnt off.	Regional Air Plan - Rule 5.4
Burning of agricultural wrap and agrichemical plastic containers	Prohibited		Regional Air Plan - Rule 5.7
High country burning	Permitted. Consent needed if cannot meet conditions	Permitted in Zone C and Zone B between 1 May and 30 September. Permitted in Zone A and Zone B between 1 October to 30 April provided a relevant permit/ consent for the burning has been obtained from: the Department of Conservation, Rural Fire Authority, the Commissioner of Crown Lands or the Territorial Local authorities.	Proposed Southland Water and Land Plan - Rule 79; and Map Series 6
Fuels and materials used for outdoor burning	Prohibited	The burning of wood that is treated or has been painted, stained or wood that contains some form of adhesive is prohibited as well as burning of rubber, synthetic materials, used oil, peat and sludge from industrial processors.	Regional Air Plan - Rule 5.8

Dams and weirs

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Place, erect, reconstruct dams and weirs (and associated damming of water)	Permitted. Consent needed if cannot meet conditions	Weir or dam must be less than 4m high, and the dammed water volume must be less than 20,000 cubic metres. The weir or dam must be located below a catchment of less than 500ha. The weir or dam must not be located upstream of a railway, road or residence, where these will be affect by a failure of the structure.	Proposed Southland Water and Land Plan - Rule 60 and Rule 55A (General conditions for activities in river and lake beds)

Drainage

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Discharge from subsurface paddock drainage	Permitted. Consent needed if cannot meet conditions	For existing drains, the drainage, and associated discharge, must not cause significant erosion/ deposition or flooding of downstream or adjacent properties. The discharge must not cause a visible change in colour/clarity 20 m from the point of discharge, make the water unsuitable for stock to drink, or cause significant adverse effects on aquatic life. For maintenance of drains, and new drains the drains and the outlet position must be mapped, and provided to Environment Southland on request.	Proposed Southland Water and Land Plan - Rule 13
Minor diversion of water	Permitted. Consent needed if cannot meet conditions	Minor diversions are permitted provided they comply with the conditions set out in Rule 51.	Proposed Southland Water and Land Plan - Rule 51
Weed and sediment removal for drainage maintenance	Permitted. Consent needed if cannot meet conditions	The purpose must be to maintain or restore the drainage capacity of a modified watercourse. The activity is restricted to the removal of aquatic weeds and plants or sediment deposits, and must not result in the lowering of the bed below previously modified levels. The operator needs to return any fish captured or stranded by the activity and there is no disturbance of the spawning habitat of trout between 1 June and 31 October	Proposed Southland Water and Land Plan - Rule 78 and Rule 55A (General conditions for activities in river and lake beds)

Fertiliser

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Discharge of fertiliser	Permitted. Consent needed if cannot meet conditions	There must be no direct discharge to water and no discharge when soil moisture exceeds field capacity. For permanently flowing waterbodies (including artificial drains), fertilizer in riparian plantings where stock are excluded can only be applied to establish the planting. If there is no riparian planting, a setback of 10 m is required.	Proposed Southland Water and Land Plan - Rule 14
Application of fertilisers	Permitted. Consent needed if cannot meet conditions	Application must not occur within 30m of a neighbouring residential unit without approval. Spray drift must also be minimised elsewhere.	Regional Air Plan - Rule 6.3

Landfills

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Cleanfills	Permitted. Consent needed if cannot meet conditions	Total amount of cleanfill must not exceed 500m ³ . The discharge must not occur in the bed of a lake or river or within 50m of a waterbody. It must also not occur within the flood banks of the five major rivers of Southland or within 50m if there are no flood banks present. Stormwater must be directed away from the site, and the activity must not modify, damage or destroy any recorded historic heritage sites.	Proposed Southland Water and Land Plan - Rule 42
Farm landfills	Permitted. Consent needed if cannot meet conditions	As a permitted activity, a farm landfill can receive waste from the landholding the landfill is located on however must comply with a number of conditions (refer Rule 43). These include that the discharge must not include any hazardous substances, septic tank or dairy farm sludges, and the landfill must comply with setback requirements from surface water bodies, flood banks and water abstraction points, and must not intercept any subsurface drains. The landfill site once full must be covered with soil and restored to a similar state as the surrounding land.	Proposed Southland Water and Land Plan - Rule 43

Land use rules

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Farming (non-dairy)	Permitted for farms of less than 20ha. Consent needed if cannot meet conditions or for farms where winter grazing occurs on more than 100 hectares or 15% of the farm.	From 1 May 2020 a Farm Environmental Management Plan must be prepared and implemented in accordance with Appendix N.	Proposed Southland Water and Land Plan - Rule 20(a) (i) and Rule 20(a)(iv)
Existing dairy farming of cows	Permitted. Consent needed if cannot meet conditions.	The farm must have a Farm Dairy Effluent (FDE) discharge consent as at 3 June 2016, with no change to cow numbers or land area from 3 June 2016. A management plan in accordance with Appendix N must also be prepared and implemented from 1 May 2019.	Proposed Southland Water and Land Plan - Rule 20(a) (ii)
New or expanded dairy farming of cows	Consent needed for additional cows or additional land not shown in the discharge consent held on 3 June 2016. Prohibited in Alpine physiographic zone.		Proposed Southland Water and Land Plan - Rule 20(d) and (e)
Intensive winter grazing	Permitted. Consent needed if cannot meet conditions, prohibited above 800m in altitude.	Permitted if intensive winter grazing takes place on less than 15% of a landholding up to a maximum of 100ha whichever is the lesser. If this cannot be met then consent is needed. From May 1 2019 a Farm Environmental Management Plan is to be prepared and implemented. From 1 May 2019 stock are to be excluded from all waterbodies with a 5 metre buffer for intensive winter grazing and the following good management practices implemented; stock are to be grazed progressively down-hill, stock are back fenced (excluding sheep and deer), transportable water troughs and portable feeders are used, mob sizes do not exceed 120 cattle and 250 deer, critical source areas are grazed last. If good management practices cannot be achieved then a 20 metre buffer from all waterbodies is permitted. If neither approach works then consent is needed.	Proposed Southland Water and Land Plan - Rule 20
Cultivation	Permitted. Consent needed if cannot meet conditions.	As a permitted activity, setbacks are imposed. Cultivation within setbacks can occur once every 5 years for pasture renewal, provided it does not take place within 3 m of a waterbody, on slopes greater than 20° or on land more than 800 m above sea level. If the cultivation is happening more regularly than once in 5 years, or the cultivation is not for pasture renewal, it is permitted if the 5 m buffer beside a waterbody is met –° and cultivation is not occurring more than 800m above sea level.	Proposed Southland Water and Land Plan - Rule 25

Pest plants

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Gorse, broom, ragwort, nodding thistle	Prohibited	Gorse and broom must be destroyed within 10m of any watercourse or property boundary. Ragwort within 50m of any watercourse or property boundary must be destroyed before seeding. Nodding thistle in any location must be destroyed before seeding.	Regional Pest Management Strategy

River bed disturbance activities in river and lake beds

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Channel realignment, widening or deepening	Consent needed		Proposed Southland Water and Land Plan - Rule 71
Dry cuts	Consent needed		Proposed Southland Water and Land Plan - Rule 72
Gravel extraction	Consent needed		Proposed Southland Water and Land Plan - Rule 73
Vegetation flood debris removal	Permitted. Consent needed if cannot meet conditions.	The removal is for the purpose of flood or erosion control or maintaining the integrity of infrastructure, and the bed of the river or modified watercourse is returned to its original channel shape, area, depth and gradients.	Proposed Southland Water and Land Plan - Rule 75 and Rule 55A (General conditions for activities in river and lake beds)
Vegetation planting	Permitted. Consent needed if cannot meet conditions.	The planting must be undertaken in accordance with a Farm Environmental Management Plan, or is for the purposes of soil conservation or river control, or for enhancing biodiversity, or for enhancing mahinga kai or taonga species. The planting cannot restrict public access, and must not be production forestry (under 1 hectare). The plants must not be listed in the Southland Regional Pest Management Plan.	Proposed Southland Water and Land Plan - Rule 76 For production forestry over 1 hectare please refer to the National Environmental Standard for Production Forestry 2017 for afforestation setbacks from waterbodies.
Vehicles and machinery	Permitted. Consent needed if cannot meet conditions.	There must be no alteration of the original profile of the bed and the activity is necessary for the purposes of crossing over the bed, or carrying our another permitted or consented activity within the bed	Proposed Southland Water and Land Plan - Rule 77 and Rule 55A (General conditions for activities in river and lake beds)

Septic tank discharges

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Discharges from on-site wastewater systems	Permitted. Consent needed if cannot meet conditions	Systems that were installed and operational prior to 3 June 2016 are permitted provided they comply with the conditions in Rule 26(a), which include, the volume of the discharge must not exceed 1.25 cubic metres per day, and there must be no faecal contamination of any water taken for human consumption. Systems that are designed and installed in accordance with New Zealand Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management are permitted, again provided a number of conditions are met, such as the discharge not being visible on the ground surface and the setback distances can be met as outlined in Rule 26(b).	Proposed Southland Water and Land Plan - Rule 26
Discharge of septage onto or into land	Permitted. Consent needed if cannot meet conditions	As a permitted activity, the septage must be discharged on the same property as it was generated and must not occur on a site less than 100 hectares. Other conditions include a maximum application depth is 7mm and a minimum of 28 days between the repeat application of septage or other effluent. There are also setbacks required from waterbodies, boundaries, some water takes and buildings. Refer Rule 26(d) for a full list of conditions.	Proposed Southland Water and Land Plan - Rule 26

Discharge of untreated domestic wastewater, raw sewage, or effluent from mobile toilets into surface or groundwater	Prohibited		Proposed Southland Water and Land Plan - Rule 26
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Silage

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Silage storage	Permitted. Consent needed if cannot meet conditions	To be permitted, a silage storage facility (e.g. pad) must meet conditions specified in Rule 40. These include setbacks from surface water bodies, water abstraction points, some buildings, and must be no objectionable odour beyond the property boundary.	Proposed Southland Water and Land Plan - Rule 40
Silage leachate	Permitted. Consent needed if cannot meet conditions	Silage leachate can be discharged to land as a permitted activity provided the conditions in Rule 41(a) are met. The conditions include setbacks from waterbodies, water takes, some buildings and no objectionable odour beyond the property boundary.	Proposed Southland Water and Land Plan - Rule 41

Stock access to surface water

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Stock exclusion from waterbodies	Permitted up until specified timeframes. Consent needed if cannot meet conditions Driving stock across waterbodies is permitted subject to conditions. The disturbance of the nesting areas of black fronted terns, black billed gulls, banded dotterel or black fronted dotterel in the bed of a water body by stock is prohibited from 1 July 2020. The disturbance of the bed of a Regionally Significant Wetland or Sensitive Waterbody by stock is a prohibited activity from 1 July 2020.	Dairy cattle, dairy support stock, beef cattle, and deer are required to be excluded from waterbodies in a staged approach beginning 1 July 2017. Stock (excluding dairy cattle) being moved across the bed of a river must be supervised and actively driven across the water body in one continuous movement.	Proposed Southland Water and Land Plan - Rule 70
Stock in the coastal marine area	Prohibited		Coastal Plan - Rule 5.3.3

Taking and using water

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Abstraction, diversion and use of surface water	Permitted. Consent needed if cannot meet conditions	The maximum take from surface water as a permitted activity is the lesser of 40m ³ per landholding per day, or 2000L plus 250L per hectare per day. When combined with ground water takes no more than 86m ³ per landholding per day are permitted. The take must not exceed 30% of the naturalised instantaneous flow in the surface waterbody at the time of take. The rate must not exceed 2 litres a second. Fish must be prevented in entering the system. Any abstraction >20 m ³ /day must have a water meter installed, and abstraction volumes must be recorded daily. Details of the take must be provided to the council on request (refer to Rule 49 for further information). Except for replacement of an expiring consent, water takes from the Cromel Stream are prohibited.	Proposed Southland Water and Land Plan - Rule 49
Bores and wells	Consent needed	Controlled activity - must be granted if conditions in Rule 53 satisfied.	Proposed Southland Water and Land Plan - Rule 53
Abstraction and use of groundwater	Permitted. Consent needed if cannot meet conditions	No more than 86m ³ per day per landholding, 5 litres per sec and the point of extraction must be more than 50m from any existing take. When combined with surface water takes, no more than 86m ³ of water can be taken per landholding per day as a permitted activity. Any abstraction >20m ³ /day must have a water meter installed, and abstraction volumes must be recorded daily. Details of the take must be provided to the council on request, refer Rule 54. Rule 54(b) also permits the non-consumptive take and use of groundwater provided conditions are met (refer to Rule 54(b)). Conditions include, returning the same amount of water that was taken to the same waterbody or aquifer within 250m of where it was taken.	Proposed Southland Water and Land Plan - Rule 54

Wetlands

ACTIVITY	CLASSIFICATION	COMMENT / KEY CONDITIONS	REFERENCE
Use of land within a wetland	Permitted. Consent needed if cannot meet conditions Commercial peat harvesting within a wetland requires a consent	The use of land must be for maintaining or enhancing the wetland, or maintaining existing authorised structures within the wetland. There can be no removal of indigenous vegetation from a natural wetland, no reduction in the size of the wetland, no flooding on other people's land, and no establishment of pest plant species.	Proposed Southland Water and Land Plan - Rule 74

Please note that this is only to be used as a rough guide and does not represent the full detail of Environment Southland's rules. If you are unsure about the specific rules for an activity, please call us on 0800 76 88 45. This is also the number for our 24-hour Pollution Hotline.

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