

Attachment A: Tracked change relief by Southland Fish and Game Council on the Proposed Southland Water and Land Plan

Text from the decisions version of the Proposed Southland Water and Land Plan is shown in *italics*. The wording of the decision sought by Fish & Game is shown in *underlined italics* and original text to be deleted is shown as ~~*strikethrough italics*~~.

Tranche	Topic	Provision	Tracked change relief sought by Fish and Game
1	B2	Rule 5	<p>Amend Rule 5 to provide as follows:</p> <p><u><i>“Rule 5 – Discharges to surface waterbodies</i></u></p> <p><i>(a) Except as provided for elsewhere in this Plan the discharge of any:</i></p> <p><i>(i) contaminant, or water, into a lake, river, artificial watercourse, modified watercourse or natural wetland; or</i></p> <p><i>(ii) contaminant onto or into land in circumstances where it may enter a lake, river, artificial watercourse, modified watercourse or natural wetland;</i></p> <p><i>is a discretionary activity provided the following conditions are met:</i></p> <p><i>(1) where the water quality upstream of the discharge meets the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or</i></p> <p><i>(2) where the water quality upstream of the discharge does not meet the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge must not</i></p>

			<p><i>further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; and</i></p> <p><i>(3) except for discharges from a territorial authority reticulated stormwater or wastewater system,¹ the discharge does not contain any raw sewage; <u>and</u></i></p> <p><i>(4) <u>the discharge is not into any Regionally Significant Wetland or Sensitive Waterbodies listed in Appendix A.</u></i></p>
1	B2	Rule 13	<p>Amend Rule 13 to provide as follows:</p> <p>“Rule 13 – Discharge from subsurface drainage systems</p> <p>(a) The discharge of land drainage water to water from an on-farm subsurface drainage system is a permitted activity, provided the following conditions are met:</p> <p>(i) the discharge does not cause:</p> <p>(1) a conspicuous change to the colour or clarity of the receiving waters beyond 20 metres from the point of discharge <u>more than a</u></p>

¹ Agreed between all appellants during Topic B2 mediation held at Invercargill.

			<p><u>20% change in the colour or visual clarity of the receiving waters beyond 20 metres from the point of discharge^{2 3}; or</u></p> <p><u>(2) more than a 10% change in the sediment cover of the receiving waters beyond 20 metres from the point of discharge⁴; or</u></p> <p>(2 3) conspicuous oil or grease films, scrums or foams, or floatable or suspended materials beyond 20 metres from the point of discharge;</p> <p>(ii) the discharge does not render freshwater unsuitable for consumption by farm animals;</p> <p>(iii) the discharge does not cause the flooding of any other landholding;</p> <p>(iv) the discharge does not cause any scouring or erosion of any land or bed of a water body beyond the point of discharge;</p>
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² Fish and Game understands that Environment Southland and Forest & Bird is agreeable to its proposed amendments to Rule 13, however, it is unclear whether the remaining appellant (Federated Farmers) is similarly agreeable to the above amendment.

³ The proposed maximum change in colour or visual clarity is based upon the following definition of *conspicuous change in clarity* set out in the decision's version of the Proposed Southland Water and Land Plan:

“Conspicuous change in clarity

Means more than a 20% reduction in clarity in all lakes, rivers, modified watercourses and wetlands, except for Lowland soft bed rivers where it means more than a 33% reduction in clarity.”

⁴ The suggested change is designed to align with the requirement in Appendix E for mountain, lake fed, spring fed, hill, lowland hard bed, “lowland soft bed and Mataura 1 – 3 that:

“The change in sediment cover must not exceed 10%.”

			<ul style="list-style-type: none"> (vi) the discharge does not cause any significant adverse effects on aquatic life; (vii) the subsurface drainage system does not drain a natural wetland; and (viii) for any known existing drains and for any new drains, the locations of the drain outlets are mapped and provided to the Southland Regional Council on request. <p>(b) The discharge of land drainage water to water from an on-farm subsurface drainage system that does not comply with Rule 13(a) is a discretionary activity.”</p>
1	B2	Rule 15	<p>Rule 15 – Discharge of stormwater</p> <p>(a) The discharge of stormwater onto or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, is a permitted activity provided the following conditions are met:</p> <p>.....</p>

			<p>(iv) for discharges to a lake, river, artificial watercourse, modified watercourse or wetland, the discharge does not result in:</p> <p>(1) the production of any conspicuous oil or grease films, scums, foams or floatable or suspended materials; or</p> <p>(2) the rendering of freshwater unsuitable for the consumption by farm animals; or</p> <p>(3) significant adverse effects to aquatic life; or</p> <p>(4) any conspicuous change in the colour or visual clarity of the receiving waters at the downstream edge of the reasonable mixing zone <u>more than a 20% change in the colour or visual clarity of the receiving waters at the downstream edge of the reasonable mixing zone;</u>⁵</p> <p>(5) <u>more than a 10% change in sediment cover of the receiving waters at the downstream edge of the reasonable mixing zone;</u></p>

⁵ Fish and Game understands that Environment Southland and Forest & Bird is agreeable to its proposed amendments to Rule 15, however, it is unclear whether the other two appellants on Rule (Territorial Authorities and Te Runanaga o Ngai Tahu & Others) are also agreeable to the above amendments.

		Appendix E	Amend Appendix E table – receiving water quality standards to provide as follows: ⁶					
			Water body classification	Water clarity standard [at or below median flow]	Deposited fine sediment <2mm diameter [% change in bed cover %]	<u>Maximum % change in colour and visual clarity</u> ⁷	MCI [minimum]	QMCI [minimum]
					Less than or equal to	<u>Less than or equal to</u>	Greater than or equal to	Greater than or equal to
			Natural State Waters	The natural quality of the water shall not be altered.	The natural quality of the water shall not be altered.	The natural quality of the water shall not be altered.	The natural quality of the water shall not be altered.	The natural quality of the water shall not be altered.
			Mountain	3 metres	10%	<u>20%</u>	>120	>7
			Lake Fed	3 metres	10%	<u>20%</u>	>90	>4.5
			Spring Fed	3 metres	10%	<u>20%</u>	>90	>4.5

⁶ Fish and Game understands that Environment Southland is agreeable to its proposed amendments to Appendix E, however, it is unclear whether the other two appellants on Appendix E (Aratiatia Livestock Limited and Te Runanaga o Ngai Tahu & Others) are also agreeable to the above amendments. For completeness, Alliance Group Limited has withdrawn its Notice of Appeal in relation to Appendix E and other provisions of the Proposed Southland Water and Land Plan.

⁷ Recommended maximum changes in colour and visual clarity represents a new parameter in Appendix E and is based upon the following definition of *conspicuous change in clarity* set out in the decision's version of the Proposed Southland Water and Land Plan:

“Conspicuous change in clarity

Means more than a 20% reduction in clarity in all lakes, rivers, modified watercourses and wetlands, except for Lowland soft bed rivers where it means more than a 33% reduction in clarity.”

			<i>Hill</i>	1.6 metres	10%	<u>20%</u>	>100	>5.5
			<i>Lowland hard bed</i>	1.6 metres	10%	<u>20%</u>	>90	>4.5
			<i>Lowland soft bed</i>	1.3 metres	10%	<u>33%</u>	> 80 <u>90</u>	> 3.5 <u>4.5</u>
			<i>Mataura 1, 2 & 3</i>	<i>Natural colour and clarity of the waters must not be changed to a conspicuous extent.</i>	<i>10, 10, 10% as river progresses from mountain, hill to lowland hard bed</i>	<u>20%, 20%, 20% as river progresses from mountain, hill to lowland hard bed</u>	<u>>120, >100, >90 as river progresses from mountain, hill to lowland hard bed</u>	<u>>7, >5.5, >4.5 as river progresses from mountain, hill to lowland hard bed</u>
1	B3	Rule 74	<p>Amend Rule 74(c) to provide as follows:</p> <p>“Rule 74 – Wetlands</p> <p>.....</p> <p>(c) The use of land within a natural wetland that is not for one or more of the purposes listed in Rule 74(a) or 74(ab), <u>including grazing by stock or drainage activities</u>, is a non-complying activity.”</p>					

1	B4	Rule 78	<p>Amend Rule 78 to provide as follows:</p> <p>Rule 78 – Weed, and sediment and gravel removal for drainage maintenance</p> <p>(a) <i>The removal of aquatic weeds and plants and sediment from any modified watercourse for the purpose of maintaining or restoring drainage outfall, and any associated bed disturbance and discharge resulting from carrying out the activity, is a permitted activity provided the following conditions are met:</i></p> <p><i>(ai) general conditions (e), (f), (g), (h) and (l) set out in Rule 55A; and</i></p> <p><i>(i) the activity is undertaken solely to maintain or restore the drainage capacity of a modified watercourse that has previously been modified or maintained for drainage maintenance or restoration purposes at that location; and</i></p> <p><i>(ii) the activity is restricted to the removal of aquatic weeds and plants or sediment deposits; and</i></p> <p><i>(iia) the removal of river bed material, including gravel, other than aquatic weeds, plants, mud or silt is avoided as far as practicable removal of aquatic weeds, plants, mud or silt must not result in the removal of other riverbed gravel;</i></p> <p><i>(iii) any incidental bed disturbance is only to the extent necessary to undertake the activity and must not result in lowering of the bed below previously modified levels; and</i></p> <p><i>(iv) upon completion of the activity, fish passage is not impeded as a result <u>because</u> of the activity; and</i></p> <p><i>(v) the operator takes all reasonable steps to return any fish captured or stranded by the activity to water immediately; and</i></p>
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			<p>(vi) between the beginning of June and the end of October, there is no disturbance of the spawning habitat of trout; and</p> <p>(xiii) where the modified watercourse is spring-fed, removal of aquatic weeds and plants is only to the extent that is necessary to undertake the activity and is <u>shall be</u> kept to the absolute minimum.</p> <p>Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.</p> <p>(b) The removal of aquatic weeds and plants and <u>fine</u> sediment from any modified watercourse for the purpose of maintaining or restoring drainage outfall and any associated bed disturbance and discharge resulting from the carrying out of the activity that cannot meet one or more of the conditions of Rule 78(a) is a discretionary activity.”</p>
1	B4	Glossary	<p>Amend the definition of “Gravel” as follows</p> <p>“Gravel Fluvial inorganic aggregate matter or river bed material of any size <u>with an individual grain size greater than 2mm.</u>”</p>

1	B4	Glossary	<p>Insert a definition of “Sediment” as follows:</p> <p><u>“Sediment</u> <u>Clay, silt and sand with an individual grain size of less than 2mm.”</u></p>
			Farming activities that affect water quality
1	B5	Policy 16	<p>Amend Policy 16 to provide as follows:</p> <p><u>“Policy 16 – Farming activities that affect water quality</u></p> <p>1. <u>Minimising Avoid where practicable, or otherwise remedy or mitigate, the any</u> adverse environmental effects (including on the quality of water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries and salt marshes, and groundwater) from farming activities by:</p> <p>(a) <u>discouraging Avoiding</u> the establishment of <u>new dairy farming of cows or new intensive winter grazing activities any new, or further intensification of any existing, dairy farming of cows or intensive winter grazing activities where contaminant losses will increase as a consequence, in the catchments of close proximity to</u> Regionally Significant Wetlands and Sensitive Waterbodies identified in Appendix A; and</p> <p>(b) <u>ensuring that, in the interim period prior to the development of freshwater objectives under Freshwater Management Unit processes), decision makers strongly discouraging the granting of any resource consents applications</u> to establish new, or further intensify</p>

			<p>existing, dairy farming of cows or intensive winter grazing activities will generally not be granted where:</p> <p>(i) the any adverse effects, including cumulatively, on the quality of groundwater, or water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries and salt marshes cannot be avoided <u>where practicable, or otherwise remedied or</u> mitigated; or</p> <p>(ii) existing water quality is already degraded to the point of being overallocated; or</p> <p>(iii) water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines;;<u>and</u></p> <p>(c) ensuring that, after the development of freshwater objectives under Freshwater Management Unit processes, applications for any resource consents to establish new, or further intensify existing, dairy farming of cows or intensive winter grazing activities:</p> <p>(i) will generally not be granted where freshwater objectives are not being met; and</p> <p>(ii) where freshwater objectives are being met, will generally not be granted unless the proposed activity (allowing for any offsetting effects) will maintain the overall quality of groundwater and water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries and salt marshes."</p> <p>2. Requiring all farming activities, including existing activities, to:</p> <p>(a) implement a Farm Environmental Management Plan <u>setting out the best practicable option to manage adverse effects on water quality from the discharge of contaminants from farming activities</u>, as set out in Appendix N; and</p> <p>(b) actively manage <u>avoid where practicable, or otherwise remedy or mitigate</u>, sediment run-off risk from <u>any</u> farming and or hill country development <u>activities</u> by identifying critical</p>
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			<p>source areas and implementing and <u>maintaining</u> practices, including <u>setbacks from waterbodies, sediment traps, riparian planting, limits on areas or duration of exposed soils and the prevention of stock entering the beds of surface waterbodies;</u></p> <p><u>(i) variable width setbacks relative to slope from the outer edge of the bed of waterbodies;</u></p> <p><u>(ii) sediment traps;</u></p> <p><u>(iii) riparian planting;</u></p> <p><u>(iv) limits on areas or duration of exposed soils; and</u></p> <p><u>(v) the prevention of stock entering the beds of surface waterbodies (including ephemeral and intermittent rivers); and</u></p> <p>(c) <u>manage avoid where practicable, or otherwise remedy or mitigate,</u> collected and diffuse run-off and leaching of nutrients, microbial contaminants and sediment through the identification and management of critical source areas <u>and the contaminant pathways identified for the physiographic zone(s) (and variants where applicable) and soil types within individual properties.</u></p> <p>3. When considering a resource consent application for farming activities, consideration should be given to the following matters:</p> <p>(a) whether multiple farming activities (such as cultivation, riparian setbacks, and winter grazing) can be addressed in a single resource consent; and</p> <p>(b) granting a consent duration of at least 5 years <u>if consistent with Policy 40 “Determining the term of resource consents” to do so.”</u></p> <p><u>#. For new and existing farming activities:</u></p>
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			<ul style="list-style-type: none"> a. <u>Identify whether the farming activity is occurring, or would occur, in a catchment where the receiving environment contains a degraded waterbody or at risk waterbody based on Schedule X.</u> b. <u>Identify whether the activity is contributing to, or would contribute to, the waterbody's degraded or at risk state, having particular regard to:</u> <ul style="list-style-type: none"> i. <u>The contaminants of concern to the waterbody (based on Schedule X).</u> ii. <u>The risk pathways identified for the Physiographic Zones.</u> c. <u>Require resource consent for farming activities that have, or would have a risk of, incidental discharges contributing contaminants of concern to a degraded waterbody.</u> d. <u>Require resource consent for new farming activities that would have a risk of incidental discharges contributing contaminants of concern to an at risk waterbody.</u> e. <u>Resource consent for existing farming activities that contribute contaminants of concern to a degraded waterbody shall only be granted where there is specific mitigation of contaminants of concern such that a meaningful improvement (reduction) in the incidental discharge of contaminants of concern to a degraded waterbody is demonstrated, and required by consent conditions.</u> f. <u>Resource consent shall not be granted for new farming activities that contribute contaminants of concern to a degraded waterbody, or that would result in an at risk waterbody becoming degraded</u>
		New Schedule	<u>Insert new Schedule X to contain:</u>

			<p>a. <u>Attribute thresholds for rivers, lakes and estuaries for defining degradation on an interim basis, as set out in Appendix 4 of the Expert Conference – Water Quality and Ecology (Rivers, Estuaries and Lakes) Joint Witness Statement dated 20 to 22 November 2019</u></p> <p>b. <u>The list of Southland’s degraded waterbodies and at risk waterbodies and the contaminants of concern for each waterbody based on those attribute thresholds, as set out in Appendices 1 and 2 of the Expert Conference – Water Quality and Ecology (Rivers, Estuaries and Lakes) Joint Witness Statement dated 20 to 22 November 2019</u></p>
		<u>New policy or policies</u>	<p>a. <u>Set attribute thresholds for rivers, lakes and estuaries for defining degraded and at risk waterbodies on an interim basis in Schedule X.</u></p> <p>b. <u>Identify Southland’s degraded waterbodies and at risk waterbodies, and contaminants of concern in those waterbodies, in Schedule X.</u></p> <p>c. <u>Where a waterbody is identified on an interim basis as degraded in Schedule X, recognise that activities contributing to its degraded state are having a significant adverse effect on ecosystem health and must be meaningfully improved.</u></p>
			Ephemeral and intermittent waterways
1	B5	Rule 20	<p>Amend Rule 20 to strike out subsection (aa) in its entirety:</p> <p>“Rule 20 – Farming</p> <p>(aa) Unless stated otherwise by Rules 20, 25, 70 or any other rule in this Plan:</p> <p>(i) intensive winter grazing; or</p> <p>(ii) cultivation; or</p> <p>(iii) the disturbance by livestock including cattle, deer, pigs or sheep;</p> <p>in, on or over the bed of an ephemeral river is a permitted activity.</p>

			(Additional amendments in relation to ephemeral and intermittent waterways are also sought by Fish & Game in relation to Policy 16, Policy 18, Rule 14, Rule 20, Rule 25, Rule 70 and Appendix N.)
			Intensive winter grazing
1	B5	Rule 20	<p>Amend Rule 20 to provide:</p> <p><i>“Rule 20 - Farming</i></p> <p>. . .</p> <p><i>(iii) where the farming activity includes intensive winter grazing on the landholding, the following conditions are met:</i></p> <p><i>(1) from 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding or 100 hectares, whichever is the lesser;</i></p> <p><i>(2) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N; and</i></p> <p><i>(3) from 1 May 2019, all of the following practices are implemented:</i></p> <p><i>(A) if the area to be grazed is located on <u>land with a slope greater than 4 degrees sloping ground</u>, stock are progressively grazed (break-fed or block-fed) from the top of the slope to the bottom, or a 20 metre ‘last-bite’ strip is left at the base of the slope; and</i></p> <p><i>(B) when the area is being break-fed or block-fed the stock (excluding sheep and deer) are back fenced to prevent stock entering previously grazed areas; and</i></p>

			<p>(C) transportable water trough(s) are provided in or near the area being grazed to prevent stock accessing <u>the bed of any</u>-a lake, river <u>(including an ephemeral or intermittent river)</u> (excluding ephemeral rivers), artificial watercourse, modified watercourse or natural wetland for drinking water; and</p> <p>(D) if supplementary feed (including baleage, straw or hay) is used in the area being grazed it is placed in portable feeders; and</p> <p>(E) if cattle or deer are being grazed the mob size being grazed is no more than 120 cattle or 250 deer; and</p> <p>(F) critical source areas (including swales) within the area being grazed that accumulate runoff from adjacent flats and slopes are grazed last <u>stock are excluded from critical source areas (including swales) within the area being grazed that accumulate runoff from adjacent flats and slopes;</u> and</p> <p>(4) from 1 May 2019, a vegetated strip is maintained in, and stock excluded from, the area between the outer edge of the bed of any lake, river <u>(including an ephemeral or intermittent river)</u>, (excluding ephemeral rivers where intensive winter grazing is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or natural wetland for a distance of at least 5 metres;</p> <p><u>(A) 10 metres measured horizontally from the outer edge of the bed on land with a slope of less than 10 degrees; and</u></p> <p><u>(B) 20 metres measured horizontally from the outer edge of the bed on land with a slope between 10 and 20 degrees; and</u></p> <p>(5) from 1 May 2019, intensive winter grazing does not occur within 20 <u>100</u> metres of the outer edge of the bed of any <u>lake</u>, Regionally Significant Wetland or Sensitive Waterbodies listed in Appendix A, estuary or the coastal marine area; and</p>
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			<p>(6) no intensive winter grazing occurs at an altitude greater than 800 metres above mean sea level; and</p> <p>Or preferred relief (subject to scope)⁸</p> <p>(iii) where the farming activity includes intensive winter grazing on the landholding, the following conditions are met:</p> <p>(1) from 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding or 100 hectares, whichever is the lesser area;</p> <p>(2) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix A;</p> <p>(3) from 1 May 2019, all of the following practices are implemented:</p> <p>(A) if the area to be grazed is located on sloping ground, stock are progressively grazed (break-fed or block-fed) from the top of the slope to the bottom, or a 20 metre 'last bite' strip is left at the base of the slope;</p> <p>(B) when the area is being break-fed or block-fed, the stock (excluding sheep and deer) are back fenced to prevent stock entering previously grazed areas;</p>
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⁸ Alternative intensive winter grazing relief proposed by Fish & Game is intended to retain Southland-specific aspects of the intensive winter grazing rule while avoiding duplication or conflict with the National Environmental Standards for Freshwater 2020 as they apply to intensive winter grazing activities.

			<p>(C) transportable water trough(s) are provided in or near the area being grazed to prevent stock accessing a lake, river (excluding ephemeral rivers), artificial watercourse, modified watercourse or natural wetland for drinking water;</p> <p>(D) if supplementary feed (including baleage, straw or hay) is used in the area being grazed it is placed in portable feeders;</p> <p>(E) if cattle or deer are being grazed the mob size being grazed is no more than 120 cattle or 250 deer; and</p> <p>(F) critical source areas (including swales) within the area being grazed that accumulate runoff from adjacent flats and slopes are grazed last;</p> <p>(4) from 1 May 2019, a vegetated strip is maintained in, and stock excluded from, the area between the outer edge of the bed of a lake, river (excluding ephemeral rivers where intensive winter grazing is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or natural wetland for a distance of at least 5 metres;</p> <p>(5) from 1 May 2019, intensive winter grazing does not occur within 20 metres of the outer edge of the bed of any Regionally Significant Wetland or Sensitive Water Bodies listed in Appendix A, estuary or the coastal marine area; and</p> <p>(6) no intensive winter grazing occurs at an altitude greater than 800 metres above mean sea level; and</p> <p>...</p> <p>(iii) <u>where the farming activity includes intensive winter grazing the following conditions are met:</u></p>
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			<ol style="list-style-type: none"> 1) <u>intensive winter grazing must not occur on more than 50ha or 10% of the area of the farm, whichever is the greater; and</u> 2) <u>the maximum slope of land that is used for intensive winter grazing must not be greater than 10 degrees; and</u> 3) <u>on a paddock that is used for intensive winter grazing all the following must be identified and mapped prior to cultivation of any forage crop:</u> <ul style="list-style-type: none"> • <u>critical source areas⁹; and</u> • <u>subsurface drains, including the location of outlets to any river, lake, wetland or open drain (regardless of whether there is any water in it at the time); and</u> 4) <u>on a paddock that is used for intensive winter grazing all identified critical source areas, must be:</u> <ul style="list-style-type: none"> • <u>left uncultivated, including a 5m buffer from the outer edge; and</u> • <u>livestock excluded from the uncultivated area of land to avoid the exposure of bare soil and / or pugging of the soil at any time of the year.</u> 5) <u>livestock must be kept at least 10 metres (measured horizontally) away from the outer edge of bed of any river (including an ephemeral or intermittent river), lake, wetland, headwater seep / spring, or drain (regardless of whether there is any water in it at the time);¹⁰ and</u> 6) <u>livestock must be kept at least 20 metres (measured horizontally) away from the outer edge of the bed of any Regionally Significant Wetland or</u>
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⁹ A Digital Elevation Model (DEM) can be used to objectively identify CSA's for the purpose of excluding these from intensive winter grazing.

¹⁰ The proposed amendment is consistent with Reg 26(4)(d) of the NES-FW (2020).

			<p style="text-align: center;"><u>Sensitive Waterbodies listed in Appendix A, estuary or the coastal marine area; and</u></p> <p style="text-align: center;">7) <u>the altitude of land that is used for intensive winter grazing must not be greater than 800 metres above mean seal level; and</u></p> <p><u>from [X date], a Farm Environmental Management Plan must be prepared and implemented in accordance with Appendix N.¹¹</u></p> <p>(b) The use of land for a farming activity that includes intensive winter grazing on the landholding and which meets conditions (iii)(1), (iii) (2), (iii) (5) and (iii) (6) of Rule 20(a) but which does not meet condition (iii)(3) of Rule 20(a) is a permitted activity, provided that:</p> <p style="padding-left: 40px;">(i) from 1 May 2019, a vegetated strip is maintained in, and stock excluded from, the area between the outer edge of the bed of any lake, river <u>(including an ephemeral or intermittent river)</u>, (excluding ephemeral rivers where intensive winter grazing is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or, natural wetland <u>or critical source area</u> for a distance of at least 20 metres.</p> <p>(c) Despite any other rule in this Plan, the use of land for a dairy platform or intensive winter grazing at an altitude greater than 800 metres above mean sea level is a prohibited activity.</p> <p>(d) The use of land for a farming activity that does not meet one or more of conditions (ii) or (iii) of Rule 20(a), or does not meet condition (i) of Rule 20(b), is a restricted discretionary activity, provided the following conditions are met:</p>
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¹¹ The proposed amendment is consistent with Rule 20(a)(iii)(1) of the pSWLP, however, the date specified has passed and requires amendment .

			<p>(i) a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N; and</p> <p>(ii) the application includes the following material, prepared by a suitably qualified person:</p> <p>(1) an assessment that shows that the annual amount of nitrogen, phosphorus, sediment and microbiological contaminants discharged from the landholding will be no greater than that which was lawfully discharged annually on average for the five years prior to the application being made; <u>and</u></p> <p>(2) for any mitigation proposed, a detailed mitigation plan (taking into account contaminant loss pathways) that identifies the mitigation or actions to be undertaken including any physical works to be completed, their timing, operation and their potential effectiveness.</p> <p>The Southland Regional Council will restrict the exercise of its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. the quality of and compliance with the Farm Environmental Management Plan for the landholding; 2. whether the assessment undertaken under Rule 20(c)(ii) above takes into account reasonable and appropriate good management practices <u>the best practicable option to minimise avoid where practicable, or otherwise remedy or mitigate, the losses discharges of nitrogen, phosphorus, sediment and microbiological</u> contaminants from the existing farming activity to water from the existing use of land, taking into account contaminant loss pathways; 3. good management practices <u>the best practicable options</u> to be undertaken, including those to minimise <u>avoid where practicable, or otherwise remedy or mitigate,</u> the discharge
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			<p>of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land, taking into account contaminant loss pathways;</p> <p>4. the potential benefits <u>and any adverse effects</u> of the activity to the applicant, the community and the environment;</p> <p>5. the potential <u>adverse</u> effects of the farming activity on surface and groundwater quality <u>(including the quality of groundwater that meets the Drinking Water Standards for New Zealand 2005 (revised 2008)), surface and groundwater quantity, and sources of drinking water, aquatic ecosystem health, life-supporting capacity, mahinga kai, outstanding natural features and landscapes, indigenous vegetation and fauna, recreational values, amenity values and natural character;</u> and</p> <p>6. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.</p> <p>(e) The use of land for a farming activity that does not meet one or more of the conditions of Rule 20(d) or condition (iv) of Rule 20(a) is a discretionary <u>non-complying</u> activity.”</p>
1	B5	Glossary	<p>Amend the glossary of the pSWLP to provide:</p> <p>“Intensive winter grazing</p> <p>“Grazing of stock between May and September (inclusive) on forage crops (including brassica, beet and root vegetable crops), excluding pasture and cereal crops.”</p> <p><u>“Grazing of stock at any time between 1 May and 30 September of the same year inclusive on fodder crops or pasture to the extent that the grazing results in the exposure of soil and / or pugging of the soil.”</u></p>

			Discharges from farming
1	B5	Rule 24	<p>Amend Rule 24 to provide as follows:</p> <p><i>“Rule 24 - Incidental discharges from farming</i></p> <p><i>(a) The discharge of nitrogen, phosphorus, sediment or microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA is a permitted activity, provided the following conditions are met:</i></p> <p><i>(i) the land use activity associated with the discharge is authorised under Rules 20, 25 or 70 of this Plan; and</i></p> <p><i><u>(iA) The discharge is not within a catchment where the receiving environment contains a degraded waterbody based on Schedule X; and</u></i></p> <p><i><u>(iB) The discharge from a new farming activity is not within a catchment where the receiving environment contains an at risk waterbody based on Schedule X, or if it is within the catchment of an at risk waterbody, the incidental discharge will not result in the at risk waterbody becoming degraded; and</u></i></p> <p><i>(ii) any discharge of a contaminant resulting from any activity permitted by Rules 20, 25 or 70 is managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:</i></p> <p><i>(1) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</i></p> <p><i>(2) any conspicuous change in the colour or visual clarity; or</i></p> <p><i>(3) the rendering of fresh water unsuitable for consumption by farm animals; or</i></p>

			<p>(4) any significant adverse effects on aquatic life; <u>and</u></p> <p><u>(iii) any discharge of a contaminant resulting from any activity permitted by Rules 20, 25 or 70 is managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:</u></p> <p><u>(1) where the water quality upstream of the discharge meets the standards set for the relevant waterbody in Appendix E “Water Quality Standards”, the discharge must not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or</u></p> <p><u>(2) where the water quality downstream of the discharge does not meet the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone.</u></p> <p>(b) the discharge of nitrogen, phosphorus, sediment and microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA and that does not meet one or more of the conditions of Rule 24(a) is a non-complying activity.”</p>
			Cultivation
1	B5	Rule 25	<p>Amend Rule 25 to provide as follows:</p> <p>“Rule 25 – Cultivation</p>

		<p>(a) <i>The use of land for cultivation is a permitted activity provided the following conditions are met:</i></p> <p><i>(i) cultivation does not take place within the bed of a lake, river <u>(including an ephemeral or intermittent river)</u> (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or natural wetland, modified watercourse or artificial watercourse; and</i></p> <p><i>(ii) cultivation does not take place within a distance of 5 metres from the outer edge of the bed of a lake, river (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)) artificial watercourse, modified watercourse or wetland; and</i></p> <p><i><u>cultivation does not take place within a distance from the outer edge of the bed of a lake, river (including an ephemeral or intermittent river), artificial watercourse, modified watercourse or artificial watercourse of:</u></i></p> <p><i><u>(1) 10 metres measured horizontally from the outer edge of the bed on land with a slope of less than 10 degrees; and</u></i></p> <p><i><u>(2) 20 metres measured horizontally from the outer edge of the bed on land with a slope between 10 and 20 degrees; and</u></i></p> <p><i>(iii) cultivation does not occur above at an altitude greater than 800 metres above mean sea level; and</i></p> <p><i>(iv) cultivation does not occur on land with a <u>maximum</u> slope greater than 20 degrees; <u>and</u></i></p> <p><i><u>(v) cultivation is not undertaken in critical source areas (including swales) that accumulate runoff from adjacent flats and slopes for the purpose of establishing crops used for intensive winter grazing; and</u></i></p> <p><i><u>(vi) where cultivation is undertaken for the purpose of renewing or establishing pasture a temporary sediment retention system shall be installed and maintained to service critical</u></i></p>
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			<p><u>source areas (including swales) within the area being cultivated that accumulate runoff from adjacent flats and slopes.</u></p> <p>(b) The use of land for cultivation that does not meet the setback distance of Rule 25(a)(ii) is a permitted activity provided the following conditions are met:</p> <p>(i) cultivation does not take place within the bed of a lake, river (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or natural wetland and a distance of 3 metres from the outer edge of the bed; and</p> <p>(ii) cultivation does not take place more than once in any 5-year period; and</p> <p>(iii) cultivation is for the purpose of renewing or establishing pasture and is not undertaken to establish a crop used for intensive winter grazing, even as part of a pasture renewal cycle; and</p> <p>(iv) cultivation does not occur at an altitude greater than 800 metres above mean sea level.</p> <p>(c) The use of land for cultivation, which does not meet one or more of the conditions of Rule 25(a) or Rule 25(b) is a restricted discretionary activity.</p> <p>The Southland Regional Council will restrict the exercise of its discretion to the following matters:</p>
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			<p>1. potential adverse effects of discharges of sediment and other contaminants from critical source areas in the area being cultivated on water quality and biodiversity. <u>potential adverse effects of the cultivation activity, including discharges of sediment and other contaminants from critical source areas in the area being cultivated,</u> <u>on water quality, water quantity, aquatic ecosystem health, life-supporting capacity, mahinga kai, outstanding natural features and landscapes, significant indigenous vegetation and habitats, recreational values, amenity values and natural character;</u></p> <p>2. mitigation measures <u>the best practicable option</u> for addressing adverse effects, <u>particularly from critical source areas, and measures to avoid risks to the preservation of natural character of wetlands, lakes, rivers and their margins;</u></p> <p>3. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.</p> <p>(d) Despite any other rule in this Plan, the use of land for cultivation at an altitude greater than 800 metres above mean sea level is a non-complying activity.”</p>
			Stock exclusion
1	B5	Policy 18	<p>Amend Policy 18 to provide</p> <p>“Policy 18 – Stock exclusion from waterbodies</p> <p>Reduce <u>Avoid where practicable, or otherwise remedy or mitigate, any adverse effects from the discharge of sedimentation and or microbial contamination of contaminants to water bodies</u> and improve river (excluding ephemeral rivers) and riparian ecosystems and habitats by:</p>

			<p>1. requiring progressive exclusion of all stock, except sheep, from lakes, rivers (excluding ephemeral rivers), natural wetlands, artificial watercourses, and modified watercourses on land with a slope of less than 15 degrees by 2030 <u>at the latest</u>; and</p> <p>2a. requiring the management of sheep in critical source areas and in those catchments where <i>E. coli</i> levels could preclude contact recreation; and</p> <p>3. encouraging the establishment, <u>maintenance</u> and enhancement of healthy vegetative cover in riparian areas, particularly through use of indigenous vegetation; and</p> <p>4. ensuring that stock access to lakes, rivers (<u>including ephemeral and intermittent rivers</u>) (excluding ephemeral rivers), natural wetlands, artificial watercourses and modified watercourses is managed in a manner that avoids significant adverse effects on water quality, bed and bank integrity and stability, mahinga kai, and river and riparian ecosystems and habitats <u>surface and groundwater quality, bed and bank integrity and stability, aquatic and riparian ecosystems and habitats, life-supporting capacity, mahinga kai, indigenous vegetation and habitats, and natural character; and</u></p> <p><u>5. requiring the implementation of a Farm Environmental Management Plan, as set out in Appendix N, setting out the best practicable option and timeframes to achieve these outcomes.”</u></p>
		Rule 70	<p>Amend Rule 70(e) to provide:</p> <p>(e) Other than as provided for by Rules 70(c) and 70(d), the disturbance of the bed of a lake, river (<u>including an ephemeral or intermittent river</u>) (excluding ephemeral rivers where stock</p>

~~access is permitted under Rule 20(aa)), modified watercourse or, natural wetland or artificial drain~~ by cattle, deer or pigs is a permitted activity prior to the dates set out in Table 1 for the ~~land having listed land slopes after which time it is respectively a discretionary activity on that land.~~ provided the following conditions are met:

(i) there is no significant de-vegetation of the bed and banks, pugging or alteration to the profile of the bed and banks, other than at fords or stock crossings; and

(ii) there is no break feeding or supplementary feeding of stock in, over or on the bed of a lake, river (including ephemeral or intermittent river), natural wetland, artificial watercourse or modified watercourse and their margins.

Insert an additional subsection (g) to Rule 70 to provide:

(g) Other than as provided for by Rules 70(c) and 70(d), the disturbance of the bed of a lake, river (including an ephemeral or intermittent river) modified watercourse, natural wetland or artificial drain by cattle, deer or pigs the dates set out in Table 1 for the land having listed land slopes is a non-complying activity.”

Amend “Table 1: Timetable for stock exclusion from waterbodies” to provide as follows:

	Land slopes (as classified by the LRI slope dataset)		
Farm / stock type	Plains (0-3°)	Undulating / rolling land (>3-15°)	Steeper land (>15° and over)

			Dairy cattle (on milking platforms) and pigs	All <u>natural wetlands and</u> waterbodies <u>(including drains)</u> that are: <ul style="list-style-type: none"> • over 1 metre wide from 1 July 2017 on all slopes • less than 1 metre wide from 1 July 2020 on the Plains and Undulating / rolling land 		
			Dairy support (on either land owned / leased by the dairy farmer or third party land)	All water bodies <u>(including draings)</u> and <u>natural wetlands</u> from 1 July 2022	All water bodies over 1 metre wide from 1 July 2022 All <u>natural wetlands and water bodies (including drains) over 1 metre wide from 1 July 2020</u>	All natural wetlands and water bodies <u>(including drains)</u> where break feeding <u>or supplementary feeding</u> occurs from 1 July 2022
			Dairy support (on either land owned / leased by the dairy farmer or third party land)	All <u>natural wetlands and</u> water bodies <u>(including drains)</u> from 1 July 2022	All <u>natural wetlands and</u> water bodies <u>(including drains)</u> over 1 metre wide from 1 July 2022	All <u>natural wetlands and</u> water bodies <u>(including drains)</u> where break feeding <u>or supplementary feeding</u> occurs from 1 July 2022
			Beef cattle and deer	All <u>natural wetlands and</u> water bodies <u>(including drains)</u> from 1 July 2025	All <u>natural wetlands and</u> water bodies <u>(including drains)</u> over 1 metre wide from 1 July 2030, unless the average stocking rate on the land directly adjacent to the	

			<p>waterbody is less than 6 stock units per hectare</p> <p>All <u>natural wetlands and water bodies (including drains)</u> where break feeding <u>or supplementary feeding</u> occurs from 1 July 2022</p>
1	B5	Glossary	<p>Insert the following definition of 'drain':</p> <p>Drain means any artificial watercourse designed, constructed, or used for the drainage of surface water, but excludes subsurface drains and artificial watercourses used for the conveyance of water for electricity generation, irrigation, or water supply purposes.</p>
			Appendix N
			<p>Amend Appendix N to provide</p> <p>Part A – Farm Environmental Management Plans A Farm Environmental Management Plan (FEMP) can be based on either of:</p> <ol style="list-style-type: none"> 1. the <u>material default content</u> set out in Part B below; or 2. industry prepared FEMP templates and guidance material, with Southland-specific supplementary material added where relevant, so that it includes the <u>default material content</u> set out in Part B below. <p>Part B – Farm Environmental Management Plan <u>Default</u> Content</p>

		<p>1. A written FEMP that is:</p> <ul style="list-style-type: none"> (a) prepared and retained, identifying the matters set out in clauses 2 to 5 below; and (b) reviewed at least once every 12 months by the landholding owner or their agent and the outcome of the review documented; and (c) provided to the Southland Regional Council upon request. <p>2. The FEMP contains the following landholding details:</p> <ul style="list-style-type: none"> (a) physical address; and (b) description of the landholding ownership and the owner's contact details; and (c) legal description(s) of the landholding; and (d) a list of all resource consents held for the landholding and their expiry dates; <u>and</u> <u>(e) The type of farming enterprise(s) on the property, including, but not limited to: dairy, sheep/beef, dairy support, cattle, mixed cropping, horticulture (including root vegetable crops and bulbs), nursery, lifestyle.</u> <p>3. The FEMP contains a map(s) or aerial photograph(s) of the landholding at a scale that clearly shows the locations of:</p> <ul style="list-style-type: none"> (a) the boundaries; and (b) the physiographic zones (and variants where applicable) and soil types (or Topoclimate South soil maps); and (c) all lakes, rivers / streams <u>(including ephemeral or intermittent rivers / streams), streams,</u> ponds, artificial watercourses, modified watercourses and natural wetlands; and (d) all existing and proposed riparian vegetation and fences (or other stock exclusion methods) adjacent to waterbodies; and
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			<p>(e) places where stock access or cross water bodies (including bridges, culverts and fords); and</p> <p>(f) <u>the location of</u> all known subsurface drainage system(s) and the locations <u>and depths</u> of the drain outlets; and</p> <p>(g) all land that may be cultivated and land to be cultivated over the next 12-month period; and</p> <p>(h) all land that may be intensively winter grazed and the land to be planted for winter grazing for the next period 1 May to 30 September; and</p> <p>(i) for land to be cultivated or intensively winter grazed:</p> <p>(i) critical source areas; and</p> <p>(ii) intended setbacks from any lake, river (excluding ephemeral or intermittent rivers), artificial watercourses, modified watercourse or natural wetland; and</p> <p>(iii) <u>the slope of the land, including identification of</u> land with a slope greater than 20 <u>10</u> degrees.</p> <p>4. Nutrient Budget</p> <p>For all landholdings over 20ha, the FEMP contains a nutrient budget (which includes nutrient losses to the environment) calculated using the latest version of the OVERSEER model in accordance with the latest version of the OVERSEER Best Practice Data Input Standards (or an Proposed Southland Water and Land Plan (Decisions Version, 4 April 2018) Page 188 alternative model approved by the Chief Executive of Southland Regional Council), and which is repeated:</p> <p>(a) where a material change in land use associated with the farming activity occurs (including a change in crop area, crop rotation length, type of crops grown, stocking rate or</p>
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			<p>stock type) at the end of the year in which the change occurs, and also every three years after the change occurs; and</p> <p>(b) each time the nutrient budget is repeated all the input data used to prepare it shall be reviewed by or on behalf of the landholding owner, for the purposes of ensuring the nutrient budget accurately reflects the farming system. A record of the input data review shall be kept by the landholding owner.</p> <p><u>5. Adverse environmental effects and risks</u></p> <p><u>An assessment of the adverse environmental effects and risks associated with the farming activities on the property and how the identified effects and risks will be managed, including: irrigation, application of nutrients, effluent application, stock management, cultivation and drainage maintenance.</u></p> <p><u>Where the farm is within the catchment of an at risk or degraded waterbody, identify measures to demonstrate that farming activities</u></p> <ul style="list-style-type: none"> a. <u>Will achieve a meaningful improvement (reduction) in the incidental discharge of contaminants of concern to a degraded waterbody in accordance with consent conditions; and/or</u> b. <u>Will not result in any at risk waterbody becoming degraded.</u> <p><u>6. Objectives</u></p> <p><u>A description of how each of the following objectives will, where relevant, be met:</u></p>
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			<p><u>(a) Irrigation system designs and installation: To ensure that all new irrigation systems and significant upgrades meet Industry best practice standards;</u></p> <p><u>(b) Irrigation management: To ensure efficient on-farm water use that meets crop demands and minimises losses;</u></p> <p><u>(c) Nutrient and soil management: To avoid where practicable, or otherwise minimise, nutrient and sediment losses from farming activities to ground and surface water to maintain or improve water quality;</u></p> <p><u>(d) Waterways and wetland management: To manage waterways (including ephemeral or intermittent waterways), wetlands and their margins to avoid stock damage and avoid where practicable, or otherwise minimise, inputs of nutrients, sediment and faecal contaminants to ground and surface water to maintain or improve water quality; and</u></p> <p><u>(e) Collected animal effluent management: To manage the operation of animal effluent systems to avoid adverse effects on water quality; and</u></p> <p><u>(f) Drainage maintenance: To manage drainage maintenance activities to avoid significant adverse effects on water quality and aquatic habitat.</u></p> <p><u>7. The Plan shall include for each objective in 6 above:</u></p> <p><u>(a) defined measurable targets that clearly set a pathway and timeframe for achievement of the objective; and</u></p> <p><u>(b) The records to be kept for measuring performance and achievement of the target.</u></p> <p>5. <u>8. Good Management Practices</u> The FEMP contains a good management practices section which identifies: (a) the good management practices implemented since 3 June 2016; and</p>
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			<p>(b) the good management practices which will be undertaken over the coming 12-month period, <u>including timeframes for full implementation of proposed good management practices</u>. These must include practices for:</p> <ul style="list-style-type: none"> (i) the <u>reduction avoidance where practicable, or otherwise mitigation</u>, of sediment and nutrient losses from critical source areas, particularly those associated with overland flow; (ii) cultivation (including practices such as contour ploughing, strip cultivation or direct drilling); (iii) the use of land for intensive winter grazing (including those practices specified in Rule 20(a)(iii)); (iv) riparian areas (including those from which stock are excluded under Rule 70) and the type of riparian vegetation to be planted, how it will be maintained and how weeds will be controlled; (v) <u>minimising avoidance where practicable, or otherwise mitigation</u>, of the discharge of contaminants to surface water or groundwater, with particular reference to the contaminant pathways identified for the landholding; <u>and</u> <u>(vi) avoidance where practicable, or otherwise mitigating, of adverse effects from drainage maintenance activities on water quality and maintaining or enhancing aquatic habitat value.</u> <p><u>(c) The records to be kept for measuring implementation, performance and achievement of good management practices.”</u></p>

2	B1	Policy 42(2)	<p>Amend Policy 42(2) to provide as follows:</p> <p><i>“Policy 42 – Consideration of water permit applications</i></p> <p><i>When considering resource consent applications for water permits to take and use water:</i></p> <p>.....</p> <p><i>2. except for non-consumptive uses <u>or community water supply</u>, consents replacing an expiring resource consent for an abstraction from an over-allocated water body will generally <u>shall</u> only be granted at a reduced rate, the reduction being proportional to the amount of over-allocation and previous use, using the method set out in Appendix O; and¹²</i></p>
		<p>Physiographic Zone maps</p>	<p><u><i>Include physiographic zone maps</i></u></p>

¹² Agreement reached between Fish & Game, Forest and Bird, Territorial Authorities and Environment Southland at mediation on Topic B1 – see mediation agreement dated 30 March 2021.