

## Attachment B: Tracked change relief by Forest & Bird 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 Forest & Bird is shown underlined red text and original text to be deleted is shown as ~~strikethrough red text~~.

Tranche	Topic	Provision	Tracked change relief sought by Forest & Bird
1	B3	Rule 51	<p>Rule 51 – Minor diversions of water</p> <p>(a) Despite any other rule in this Plan, the diversion of water within a river or lake bed is a permitted activity provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(i) the diversion is for the purposes of undertaking a permitted activity under Rules 55 to 79, or for the purposes of habitat creation, restoration or enhancement, or hydrologic research; and is carried out in accordance with the following conditions: <ul style="list-style-type: none"> <li>(a1) the general conditions set out in Rule 55A other than conditions (i), (j) and (k) of that Rule;</li> </ul> </li> <li>(ii) the diversion is carried out completely within a river or lake bed (i.e. no water is diverted outside of the river or lake bed);</li> <li>(iii) the water is returned to its original course after completion of the activity, no later than one month after the diversion occurs;</li> <li>(iva) the diversion does not occur within 12 metres of a network utility structure, unless the activity is for the purpose of maintaining, upgrading or developing that network utility;</li> <li>(iv) the diversion does not compromise the ability of any other person to exercise a resource consent or undertake an activity permitted by this Plan; and</li> <li>(v) the diversion does not result in a net loss of water from the catchment.</li> </ul>

			<p style="text-align: center;"><u>(vi) the diversion is not from any wetland including listed Regionally Significant Wetlands</u></p> <p>(b) Despite any other rule in this Plan, the diversion of water for the purpose of land drainage is a permitted activity provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>(i) the diversion and associated discharge does not cause erosion or deposition;</li> <li>(ii) the diversion does not cause flooding of downstream or adjacent properties; and</li> <li>(iii) the diversion of water is not from a <u>wetland including listed</u> Regionally Significant Wetland or Sensitive Water Body identified in Appendix A or any natural wetland.</li> </ul> <p>(c) Notwithstanding any other rule in this Plan, the diversion of water at the mouth of:</p> <ul style="list-style-type: none"> <li>(i) a drain known as the North Drain on the Tiwai Peninsula, at about Map Reference NZTopo50 CG10 463 308;79 or</li> <li>(ii) a drain known as the West Drain on the Tiwai Peninsula, at about Map Reference NZTopo50 CG10 457 302;80 or</li> <li>(iii) a drain known as the South Drain on the Tiwai Peninsula, at about Map Reference NZTopo50 CH10 456 29881 is a permitted activity provided the following conditions are met: <ul style="list-style-type: none"> <li>(1) the work is carried out under the direct control of the body or person responsible for the maintenance of the drain;</li> <li>(2) machinery only crosses through a drain to obtain reasonable access to the side of the drain from which the work is to be undertaken;</li> <li>(3) the diversion is constructed at right angles to the line of the beach;</li> <li>(4) any excavated spoil is removed from the site and legally disposed of or spread over non-vegetated areas adjacent to the diversion;</li> </ul> </li> </ul>
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			<p>(5) the body or person responsible advises the Southland Regional Council of the details of the time and extent of the work to be undertaken, prior to the work commencing; and</p> <p>(6) in the event of a discovery, or suspected discovery, of a site of cultural, heritage or archaeological value, the operation ceases immediately in that location and the Southland Regional Council is informed. Operations may recommence with the permission of the Southland Regional Council.</p> <p>(d) Unless controlled by any other rule in this Plan, the diversion of water for the purpose of land drainage that does not meet Rules 51(a) to (c) is a discretionary activity</p> <p><u>(e) the diversion of water from all wetlands including listed Regionally Significant Wetlands is a non-complying activity.</u></p>
1	B4	Rule 78	<p><b>Rule 78 – Weed and sediment removal for drainage maintenance</b></p> <p>(a) 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:</p> <p>(ai) general conditions (e), (f), (g), (h) and (l) set out in Rule 55A;</p> <p>(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;</p> <p>(ii) the activity is restricted to the removal of aquatic weeds and plants or sediment deposits;</p> <p>(iia) the removal of <del>river bed material other than</del> aquatic weeds, plants, mud or silt <u>must not result in the removal of other riverbed gravel avoided as far as practicable;</u></p>

			<p>(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;</p> <p>(iv) upon completion of the activity, fish passage is not impeded as a result of the activity;</p> <p>(v) the operator takes all reasonable steps to return any fish captured or stranded by the activity to water immediately;</p> <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 kept to the absolute minimum.</p> <p><u>(xiv) the modified watercourse is not a habitat of threatened native fish</u></p> <p><b>Note:</b> 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 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> <p><u>[Add schedule to identify habitats of threatened native fish]</u></p>
1	B5	Policy 16	<p><b>Policy 16 – Farming activities that affect water quality</b></p> <p>1. <del>Minimising</del> <u>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) <del>discouraging</del> <u>Avoiding</u> the establishment of new dairy farming of cows or new intensive winter grazing activities in close proximity to Regionally Significant Wetlands and Sensitive Water bodies identified in Appendix A; and</p> <p>(b) ensuring that, in the interim period prior to the development of freshwater objectives under Freshwater Management Unit processes, applications to establish new, or further intensify existing, dairy farming of cows or intensive winter grazing activities will <u>generally</u> not be granted where:</p> <ul style="list-style-type: none"><li>(i) the 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 <del>or mitigated</del>; or</li><li>(ii) existing water quality is already degraded to the point of being overallocated; or</li><li>(iii) water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines; and</li></ul> <p>(c) ensuring that, after the development of freshwater objectives under Freshwater Management Unit processes, applications to establish new, or further intensify existing, dairy farming of cows or intensive winter grazing activities:</p> <ul style="list-style-type: none"><li>(i) will <u>generally</u> not be granted where freshwater objectives are not being met; and</li><li>(ii) where freshwater objectives are being met, will <u>generally</u> 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.</li></ul>
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		<p>2. Requiring all farming activities, including existing activities, to:</p> <ul style="list-style-type: none"> <li>(a) implement a Farm Environmental Management Plan, as set out in Appendix N;</li> <li>(b) actively manage sediment run-off risk from farming and hill country development by identifying critical source areas and implementing practices including setbacks from water bodies, sediment traps, riparian planting, limits on areas or duration of exposed soils and the prevention of stock entering the beds of surface water bodies; and</li> <li>(c) manage collected and diffuse run-off and leaching of nutrients, microbial contaminants and sediment through the identification and management of critical source areas within individual properties.</li> </ul> <p>3. When considering a resource consent application for farming activities, consideration should be given to the following matters:</p> <ul style="list-style-type: none"> <li>(a) whether multiple farming activities (such as cultivation, riparian setbacks, and winter grazing) can be addressed in a single resource consent; and</li> <li>(b) granting a consent duration of at least 5 years.</li> </ul> <p><u>#. For new and existing farming activities:</u></p> <ul style="list-style-type: none"> <li>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></li> <li>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"> <li>i. <u>The contaminants of concern to the waterbody (based on Schedule X).</u></li> <li>ii. <u>The risk pathways identified for the Physiographic Zones.</u></li> </ul> </li> </ul>
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			<p>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></p> <p>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></p> <p>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></p> <p>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></p>
		<u>New Schedule</u>	<p><u>Insert new Schedule X to contain:</u></p> <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>
1	B5	Policy 18	<p>Amend policy 18 as follows:</p> <p><b>Policy 18 – Stock exclusion from water bodies</b></p> <p>Reduce sedimentation and microbial contamination of water bodies and improve river <del>(excluding ephemeral rivers)</del> and riparian ecosystems and habitats by:</p> <ol style="list-style-type: none"> <li>1. requiring progressive exclusion of all stock, except sheep, from lakes, rivers <del>(excluding ephemeral rivers)</del>, natural wetlands, artificial watercourses, and modified watercourses on land with a slope of less than 15 degrees by 2025<del>30</del>;</li> <li>2a. requiring the management of sheep in critical source areas and in those catchments where <i>E.coli</i> could preclude contact recreation;</li> <li>3. encouraging the establishment and enhancement of healthy vegetative cover in riparian areas, particularly through use of indigenous vegetation; and</li> <li>4. ensuring that stock access to lakes, rivers <del>(excluding ephemeral rivers)</del>, 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.</li> </ol>
1	B5	Rule 20	<p>Amend rule 20 as follows:</p> <p><b>Rule 20 – Farming</b></p> <p><del>(aa) Unless stated otherwise by Rules 20, 25, 70 or any other rule in this Plan:</del></p> <p><del>(i) intensive winter grazing; or</del></p>



			<p><del>(ii) cultivation; or</del></p> <p><del>(iii) the disturbance by livestock including cattle, deer, pigs or sheep; in, on or over the bed of an ephemeral river is a permitted activity.</del></p> <p>(a) The use of land for a farming activity <u>or intensive horticulture</u> is a permitted activity provided the following conditions are met:</p> <p>(i) the landholding is less than 20 hectares in area; or</p> <p>(ii) where the farming activity includes a dairy platform on the landholding, the following conditions are met:</p> <ol style="list-style-type: none"> <li>(1) the dairy platform has a maximum of 20 cows; or</li> <li>(2) the dairy platform had a dairy effluent discharge permit on 3 June 2016 that specified a maximum number of cows;</li> <li>(3) cow numbers have not increased beyond the maximum number specified in the dairy effluent discharge permit that existed on 3 June 2016;</li> <li>(4) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N;</li> <li>(5) the landowner provides to the Southland Regional Council on request: <ol style="list-style-type: none"> <li>(A) a written record of the good management practices, including any newly instigated good management practices in the preceding 12 months, occurring on the landholding; and</li> <li>(B) the Farm Environmental Management Plan prepared in accordance with Appendix N;</li> </ol> </li> <li>(6) the land area of the dairy platform is no greater than at 3 June 2016; and</li> <li>(7) no part of the dairy platform is at an altitude greater than 800 metres above mean sea level; and</li> </ol> <p>(iii) where the farming activity includes intensive winter grazing on the landholding, the following conditions are met:</p> <ol style="list-style-type: none"> <li>(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;</li> <li>(2) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N;</li> <li>(3) from 1 May 2019, all of the following practices are implemented: <ol style="list-style-type: none"> <li>(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;</li> </ol> </li> </ol>
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			<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> <p>(C) transportable water trough(s) are provided in or near the area being grazed to prevent stock accessing a lake, river <u>(including an ephemeral or intermittent river)</u> <del>(excluding ephemeral rivers)</del> (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 <u>(including an ephemeral or intermittent river headwater seep / spring, tarn)</u> <del>(excluding ephemeral rivers where intensive winter grazing is permitted under Rule 20(aa))</del>, artificial watercourse, modified watercourse or natural wetland for a distance of <u>at least 5 metres;</u></p> <p><u>(A) 5 metres measured horizontally from the outer edge of the bed on land with a slope of less than 4 degrees; and</u></p> <p><u>(B) 10 metres measured horizontally from the outer edge of the bed on land with a slope between 4 and 16 degrees; and</u></p> <p><u>(C) 20 metres measured horizontally from the outer edge of the bed on land with a slope of greater than 16 degrees; and</u></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>
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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>(iv) for all other farming activities, from 1 May 2020 a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N.</p> <p>(b) The use of land for a farming activity that includes intensive winter grazing on the landholding and which meets all conditions of Rule 20(a) other than condition (iii)(3) is a permitted activity, provided that:</p> <p>(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 a lake, river <del>(including an ephemeral or intermittent river (excluding ephemeral rivers where intensive winter grazing is permitted under Rule 20(aa)),</del> artificial watercourse, modified watercourse or natural wetland 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 meets all conditions of Rule 20(a) other than (i), (ii), (iii)(1), (iii)(4) or (iii)(5) or does not meet condition (i) of Rule 20(b) is a <u>non-complying restricted discretionary</u> activity, <del>provided the following conditions are met:</del></p> <p><del>(i) a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N; and</del></p> <p><del>(ii) the application includes the following material, prepared by a suitably qualified person:</del></p> <p><del>(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; and</del></p> <p><del>(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.</del></p> <p><b><i>The Southland Regional Council will restrict its discretion to the following matters:</i></b></p> <p>1. the quality of and compliance with the Farm Environmental Management Plan for the landholding;</p>
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			<p>2. whether the assessment undertaken under Rule20(d)(ii) above takes into account reasonable and appropriate good management practices to minimise the losses of contaminants from the existing farming activity;</p> <p>3. good management practices to be undertaken, including those to minimise the discharge 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 of the activity to the applicant, the community and the environment;</p> <p>5. the potential effects of the farming activity on surface and groundwater quality and sources of drinking water; 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 is not specified as a permitted, restricted discretionary or prohibited activity under Rule 20 is a <u>non-complying discretionary</u> activity.</p>
1	B5	Rule 24	<p>Amend Rule 24 to provide as follows:</p> <p><b>Rule 24 - Incidental discharges from farming</b></p> <p>(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:</p> <p>(i) the land use activity associated with the discharge is authorised under Rules 20, 25 or 70 of this Plan; and</p> <p><u>(iA) The discharge is not within a catchment where the receiving environment contains a degraded waterbody based on Schedule X; and</u></p> <p><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></p> <p>(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:</p> <p>(1) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</p>

			<p>(2) any conspicuous change in the colour or visual clarity; or  (3) the rendering of fresh water unsuitable for consumption by farm animals; or  (4) any significant adverse effects on aquatic life; and</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>  <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>
1	B5	Rule 25	<p><b>Rule 25 – Cultivation</b></p> <p>(a) The use of land for cultivation 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 <u>(including an ephemeral or intermittent river) (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa))</u>, artificial watercourse, modified watercourse or natural wetland, modified watercourse or artificial watercourse; and</p> <p><del>(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</del></p>

			<p><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></p> <p style="padding-left: 40px;"><u>(A) 5 metres measured horizontally from the outer edge of the bed on land with a slope of less than 4 degrees; and</u></p> <p style="padding-left: 40px;"><u>(B) 10 metres measured horizontally from the outer edge of the bed on land with a slope between 4 and 16 degrees; and</u></p> <p style="padding-left: 40px;"><u>(C) 20 metres measured horizontally from the outer edge of the bed on land with a slope of greater than 16 degrees; and</u></p> <p>(iii) cultivation does not occur above at an altitude greater than 800 metres above mean sea level; and</p> <p>(iv) cultivation does not occur on land with a slope greater than 20 degrees.</p> <p><del>(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:</del></p> <p style="padding-left: 40px;"><del>(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</del></p> <p style="padding-left: 40px;"><del>(ii) cultivation does not take place more than once in any 5-year period; and</del></p> <p style="padding-left: 40px;"><del>(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</del></p> <p style="padding-left: 40px;"><del>(iv) cultivation does not occur at an altitude greater than 800 metres above mean sea level.</del></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><b><i>The Southland Regional Council will restrict its discretion to the following matters:</i></b></p> <p>1. potential adverse effects of discharges of sediment and other contaminants from the area being cultivated on water quality and biodiversity;</p>
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			<p>1a. mitigation measures for addressing adverse effects; and</p> <p>2. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.</p> <p><u>3. Risks to areas of significant indigenous vegetation and habitats and measures to avoid those risks</u></p> <p><u>4. Risks to the preservation of the natural character of wetlands, lakes, rivers and their margins.</u></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 <u>prohibited</u> non-complying activity.</p>
1	B5	Rule 70	<p>Amend Rule 70(e) to provide:</p> <p><b>Rule 70 – Stock exclusion from water bodies</b></p> <p>(a) From 1 July 2020, the disturbance of roosting and nesting areas of the black fronted tern, black billed gull, banded dotterel or black fronted dotterel located in the bed of a lake, river (including an ephemeral river), modified watercourse, or natural wetland by stock including cattle, deer, pigs or sheep is a prohibited activity.</p> <p>(b) From 1 July 2020, the disturbance of the bed of a Regionally Significant Wetland or Sensitive Water Body listed in Appendix A by stock including cattle, deer, pigs or sheep is a prohibited activity.</p> <p>(c) The disturbance of the bed of a river <u>including an ephemeral or intermittent river (excluding ephemeral rivers where stock access is permitted under Rule 20(aa))</u>, or modified watercourse <u>or wetland</u> for the purposes of moving stock including cattle, deer, pigs or sheep (but excluding dairy cattle on a dairy platform or on land used for dairy support) is a permitted activity provided the stock are being supervised and are actively driven across the water body in one continuous movement.</p> <p>(d) Bed disturbance activities that do not comply with Rule 70(c) are a non-complying activity.</p>

(e) 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) ~~(excluding ephemeral rivers where stock 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 discharge that gives rise to any conspicuous change in the colour or visual clarity of the receiving water;
- (ii) there is no significant devegetation of the bed and banks, pugging or alteration to the profile of the bed and banks, other than at fords or stock crossings;
- (iii) there is no access by stock to the area of tidally influenced river and adjacent riparian habitat and
- (iv) There is no feeding out or supplementary feeding of stock in, over or on the bed of a lake, river, (including ephemeral rivers and streams, natural wetland, or artificial water course or modified water course and their margins.

(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:

Farm / stock type	Land slopes (as classified by the LRI slope dataset)		
	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"> <li>• over 1 metre wide from 1 July 2017 on all slopes</li> <li>• less than 1 metre wide from 1 July 2020 on the Plains and Undulating / rolling land</li> </ul>		



			<p>Dairy support (on either land owned / leased by the dairy farmer-<del>or third party land</del>)</p> <p>Dairy support (on <del>either land owned / leased by the dairy farmer- or third party land</del>)</p> <p>Beef cattle and deer</p>	<p><del>All water bodies from 1 July 2022-</del> All natural wetlands and water bodies (including drains) from 1 July 2022</p> <p>All <u>natural wetlands and</u> water bodies from 1 July 2022</p> <p>All <u>natural wetlands and</u> water bodies (including drains) from 1 July 2025</p> <p>All <u>natural wetlands and</u> water bodies (including drains) where break feeding <u>or supplementary feeding</u> occurs from 1 July 2022</p>	<p>All water bodies over 1 metre wide from 1 July 2022</p> <p>All <u>natural wetlands and</u> water bodies over 1 metre wide from 1 July 2022</p> <p>All <u>natural wetlands and</u> water bodies (including drains) over 1 metre wide from 1 July 2030, unless the average stocking rate on the land directly adjacent to the waterbody is less than 6 stock units per hectare</p>	<p>All natural wetlands and water bodies (including drains) where break feeding <u>or supplementary feeding</u> occurs from 1 July <del>2022 2022</del></p> <p>All <u>natural wetlands and</u> water bodies (including drains) where break feeding <u>or supplementary feeding</u> occurs from 1 July 2022</p>
1	B5	All provisions	<p><b>Relief Sought:</b></p> <p>Ephemeral rivers should not be excluded from the provisions of the plan.</p>			
2	B6	Rule 52/ & 52A	<p>Amend Rule 52 as follows:</p> <p><b>Rule 52</b></p>			

		<p><del>(a) Except as provided in Rules 49(a), 49(ab), 49(b), 49(c), 50(a), 50(b), 51(a), 51(b) and, 52A and 52B (including takes authorised by section 14(3) of the Act), any take, damming, diversion or use of water from the Waiau catchment is a nondiscretionary activity provided the following conditions are met:–</del></p> <p><del>(i) the application is for the replacement of an expiring water permit pursuant to section 124 of the Act, and the rate of take and volume is not increasing, and use of the water is not changing; or–</del></p> <p><del>(ii) the application is for a groundwater take assessed as having a Low degree of hydraulic connection following the methodology specified in Appendix L.2.–</del></p> <p>(b) Except as provided in Rules 49(a), <u>49(ab)</u>, 49(b), 49(c), 50(a), 50(b), 51(a), 51(b) <u>and</u>, 52A <u>and</u> <del>52B</del> (including takes authorised by section 14(3) of the Act), any take, damming, diversion or use of water from the Waiau catchment that does not meet the conditions of Rule 52(a) is a non-complying activity.</p> <p>Delete rule 52A</p> <p><b><del>Rule 52A – Manapōuri Hydro-electric Generation Scheme</del></b></p> <p><del>(a) Despite any other rules in this Plan, any activity that is part of the Manapōuri hydro-electric generation scheme, for which consent is held and which is the subject of an application for a new consent for the same activity and is:</del></p> <p><del>(i) the taking or use of water; or</del></p> <p><del>(ii) the discharge of water into water or onto or into land; or</del></p> <p><del>(iii) the discharge of contaminants into water or onto or into land; or</del></p> <p><del>(iv) the damming or diversion of water;</del></p> <p><del>is a controlled activity provided the following conditions are met:</del></p> <p><del>(1) the application is for the replacement of an expiring resource consent pursuant to section 124 of the Act;</del></p> <p><del>(2) where the replacement consent is for the taking or use of water, the rate of take and volume is not increasing, and the use of water is not changing; and</del></p> <p><del>(3) where the replacement consent is for the taking or use of water, the rate of take and volume complies with any relevant flow and level regimes set out in this Plan.</del></p> <p><b><del>The Southland Regional Council will reserve its control to the following matters:</del></b></p> <p><del>1. the volume and rate of water taken, used, diverted or discharged and the timing of any take, diversion or discharge, including how this relates to generation output;</del></p> <p><del>2. any effects on river flows, wetland and lake water levels, aquatic ecosystems and water quality;</del></p> <p><del>3. mitigation or remediation measures to address adverse effects on the environment; and</del></p>
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			<p><del>4. the benefits of renewable electricity generation.</del></p> <p><del>An application for resource consent under Rule 52A(a) will be publicly notified.</del></p> <p><del>(b) Despite any other rules in this Plan, any activity that is part of the Manapōuri hydro-electric generation scheme for which consent is held and which is the subject of an application for a new consent for the same activity and is:</del></p> <p><del>(i) the taking or use of water; or</del></p> <p><del>(ii) the discharge of water into water or onto or into land; or</del></p> <p><del>(iii) the discharge of contaminants into water or onto or into land; or</del></p> <p><del>(iv) the damming or diversion of water;</del></p> <p><del>that does not meet one or more of the conditions of Rule 52A(a) is a non-complying activity.</del></p>
		<p>Physiographic Zone maps</p>	<p><u>Include physiographic zone maps</u></p>