

Forest & Bird and Fish & Game relief – changes from 7 June 2022 Consolidated Plan are shown **highlighted and underlined (additions) or struck through (deletions)**

27 July 2022

Policy 15A – Maintain water quality Approach where Appendix E and Appendix C standards are met

Where existing water quality meets the Appendix E Water Quality Standards or bed sediments meet the Appendix C ANZECC sediment guidelines, maintain water quality including by:

1. avoiding, where practicable or otherwise minimising any residual ~~where reasonably practicable, or otherwise remedying or mitigating any~~ the adverse effects of new discharges, so that beyond the zone of reasonable mixing, those standards or sediment guidelines will continue to be met (beyond the zone of reasonable mixing for point source discharges); ~~and.~~

Advice Note

Where Policy 16 requires improvement of water quality in a Schedule X catchment, that requirement to improve water quality applies in addition to this Policy.

Policy 15B - Improve Approach where Appendix E or Appendix C water quality where standards are not met

Improve water quality wwhere existing water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines, improve water quality including by:

1. avoiding where practicable and otherwise remedying or mitigating any adverse effects of new point source discharges to surface water on water quality or sediment quality that would exacerbate the exceedance of those standards or sediment guidelines beyond the zone of reasonable mixing; and
 - 1a. Where (1) does not apply, avoiding any adverse effects of ~~other~~ new discharges on water quality or sediment quantity except for discharges resulting from new or upgraded:
 - (a) new or upgraded nationally or regionally significant infrastructure that reduces the discharge of point source and non-point source contaminants from existing infrastructure; or
 - (b) on-farm infrastructure mitigation actions that reduces more than offset the discharge of point source and non-point source contaminants from the farming activity effects of the new discharge and does not result in further intensification of the farming activity,

And in these cases, the residual effects are avoided where practicable and otherwise minimised; and

- ~~1a. avoiding where practicable and otherwise remedying or mitigating any adverse effects of new point source discharges to surface water on water quality or sediment quality that would exacerbate the exceedance of those standards or sediment guidelines beyond the zone of reasonable mixing; and~~
2. requiring any application for replacement of an expiring discharge permit to demonstrate how and by when adverse effects will be avoided where reasonably practicable and otherwise remedied or mitigated, so that beyond the zone of reasonable mixing water quality will be improved to assist with meeting those standards or sediment guidelines (beyond the zone of reasonable mixing for point source discharges).

Advice Note

Where Policy 16 requires improvement of water quality in a Schedule X catchment, that requirement to improve water quality applies in addition to this Policy.

Policy 16 – Farming activities that affect water quality

1. ~~Minimising~~ Avoid where practicable, or otherwise minimise any the 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:
 - ~~(a)~~ (b) ensuring that for existing all farming activities:
 - ~~(i)~~ do not increase nitrogen, phosphorus, sediment or microbial contaminant discharges
 - ~~(ii)~~ minimise nitrogen, phosphorus, sediment or microbial contaminant discharges; and
 - ~~(iii)~~ reduce adverse effects on water quality where the farming activity occurs within the catchment of a waterbody identified in Schedule X; and
 - ~~(iii)~~ demonstrate how (i) and (ii) is being or will be achieved through the implementation of Farm Environment Management Plans prepared in accordance with (c) below and in addition,
 - ~~(ba)~~ ensuring that for the establishment of new, or further intensification of existing, any dairy farming of cows, or any intensive winter grazing activities and any high risk winter grazing on pasture are not located is avoided in close proximity to Regionally Significant Wetlands, and Sensitive Water bodies identified in Appendix A, nohoanga listed in Appendix B, mātaihai reserves, taiāpure, estuaries or the coastal marine area; and
 - ~~(i)~~ does not result in an increase in nitrogen, phosphorus, sediment and microbial contaminant discharges; and
 - ~~(ii)~~ minimises nitrogen, phosphorus, sediment or microbial contaminant discharges; and
 - ~~(iii)~~ reduces nitrogen, phosphorus, sediment or microbial contaminant discharges where it the farming activity occurs in a within the catchment of a waterbody that requires improvement identified in Schedule X; and
 - ~~(c1)~~ subject to (a) and (b) being achieved across the whole of the land holding, recognising that a limited proportion of intensive winter grazing or high risk pasture winter grazing is required on most land holdings to carry stock over winter and...

[remaining text as per 7 June 2022 Consolidated Plan]

For clarity: this reflects the wording supported by Mr Farrell in the 25 July 2022 Planning JWS

Policy 16A – relief as shown in 7 June 2022 Consolidated Plan

Policy 17 – relief as shown in 7 June 2022 Consolidated Plan

Policy 17A – relief as shown in 7 June 2022 Consolidated Plan

Policy 18 – relief as shown in 7 June 2022 Consolidated Plan

Rule 13 – Discharge from subsurface drainage systems

(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:

(i) the discharge does not cause:

- (1) a ~~conspicuous~~ change to the colour or clarity of the receiving waters beyond 20 metres from the point of discharge ~~that exceeds the maximum percentage change specified for the relevant water body class in Appendix E;~~ or
- (2) more than a 10% change in the fine sediment cover (<2 mm particle size) of the bed of receiving waters when measured beyond 20 metres downstream from the point of discharge, compared to the fine sediment cover immediately upstream of the discharge point (except that where there are multiple discharge points from a property, the change shall be assessed 20 m downstream of the discharge point that is furthest downstream compared to the bed cover immediately upstream of the discharge point on the same property that is furthest upstream); or an exceedance of the percentage bed cover for fine sediment specified in Appendix E (beyond the zone of reasonable mixing).

(b)

Rule 14 - relief as shown in 7 June 2022 Consolidated Plan

Rule 15 – discharge of stormwater - relief as shown in 7 June 2022 Consolidated Plan except as shown below

(a) ...

(iv) for discharges to a lake, river, artificial watercourse, modified watercourse or wetland, the discharge does not result in:

- (v) more than a 10% change in the fine sediment cover (<2 mm particle size) of the bed of receiving waters when measured beyond 20 metres downstream from the point of discharge, compared to the fine sediment cover immediately upstream of the discharge point (except that where there are multiple discharge points from a property, the change shall be assessed 20 m downstream of the discharge point that is furthest downstream compared to the bed cover immediately upstream of the discharge point on the same property that is furthest upstream); or an exceedance of the percentage bed cover for fine sediment specified in Appendix E (beyond the zone of reasonable mixing).

Rule 20

Rule 20 – Farming

~~(aa) — Unless stated otherwise by Rules 20, 25, 70 or any other rule in this Plan:~~

- ~~(i) intensive winter grazing; or~~
 - ~~(ii) cultivation; or~~
 - ~~(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.~~
- (a) The use of land for a farming activity, other than for intensive winter grazing, is a permitted activity provided the following conditions are met:
- (i) the landholding is less than 20 hectares in area; or
 - (ii) where the farming activity includes a dairy platform on the landholding, the following conditions are met:
 - (1) the dairy platform has a maximum of 20 cows; or
 - (2) the dairy platform had a dairy effluent discharge permit on 3 June 2016 that specified a maximum number of cows; and
 - (3) cow numbers have not increased beyond the maximum number specified in the dairy effluent discharge permit that existed on 3 June 2016; and
 - (4) ~~from 1 May 2019~~, a Farm Environmental Management Plan for the landholding is:
 - (A) prepared, certified, and implemented and compliance with it is audited in accordance with Appendix N; and
 - (B) implemented by the landholder completing the practices, actions, and mitigations specified in the Farm Environmental Management Plan in accordance with the timeframes set out in that Plan.
 - (5) the landowner provides to the Southland Regional Council on request:
 - (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
 - (B) the Farm Environmental Management Plan prepared in accordance with Appendix N;
 - (6) the land area of the dairy platform is no greater than at 3 June 2016; and
 - ~~(7) no part of the dairy platform is at an altitude greater than 800 metres above mean sea level; and~~
 - ~~(iii) where the farming activity includes intensive winter grazing on the landholding, the following conditions are met:~~
 - ~~(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;~~
 - ~~(2) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N;~~
 - ~~(3) from 1 May 2019, all of the following practices are implemented:~~
 - ~~(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;~~
 - ~~(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;~~
 - ~~(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;~~
 - ~~(D) if supplementary feed (including baleage, straw or hay) is used in the area being grazed it is placed in portable feeders;~~
 - ~~(E) if cattle or deer are being grazed the mob size being grazed is no more than 120 cattle or 250 deer; and~~

- (F) ~~critical source areas (including swales) within the area being grazed that accumulate runoff from adjacent flats and slopes are grazed last;~~
 - (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;~~
 - (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~~
 - (6) ~~no intensive winter grazing occurs at an altitude greater than 800 metres above mean sea level; and~~
- (iii)(iv) for all other farming activities, ~~from 1 May 2020~~ a Farm Environmental Management Plan is :
- (A) prepared, certified, and implemented and compliance with it is audited in accordance with Appendix N; and
 - (B) implemented by the landholder completing the practices, actions, and mitigations specified in the Farm Environmental Management Plan in accordance with the timeframes set out in that Plan.
- (iv) no part of the dairy platform occurs at an altitude greater than 800 metres above mean sea level.
- (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:~~
- (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 (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 20 metres.~~
- (b)(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.~~
- (d)(c) The use of land for a farming activity, other than for intensive winter grazing, ~~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) any one of conditions (ii)(1)-(6) or (iii) of Rule 20(a)~~ is a restricted discretionary activity, provided the following conditions are met:
- (i) a Farm Environmental Management Plan is:
 - (A) prepared, certified, and implemented and compliance with it is audited in accordance with Appendix N; and
 - (B) implemented by the landholder completing the practices, actions, and mitigations specified in the Farm Environmental Management Plan in accordance with the timeframes set out in that Plan.
 - (ii) the application includes the following material, prepared by a suitably qualified person:
 - (1) an assessment that shows that the annual amount risk of nitrogen, phosphorus, sediment and microbiological contaminants being discharged from the landholding will be no greater than the risk of contaminant discharge that which was lawfully discharged ~~annually~~ on average for the five years prior to the application being made; and or
 - (2) where the farming activity is in the catchment of a waterbody identified in Schedule X, an assessment that demonstrates that nitrogen, phosphorus, sediment and microbial contaminant discharges are reduced in comparison to the activity currently occurring on the site; and

~~(2)~~(3) 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. Where the farming activity occurs within the catchment of a waterbody identified in Schedule X, the mitigation plan is to demonstrate that nitrogen, phosphorus, sediment and microbial contaminant discharges are minimised.

The Southland Regional Council will restrict its discretion to the following matters:

1. ~~the quality of and~~ compliance with Appendix N and the quality of the Farm Environmental Management Plan for the landholding;
 2. whether the assessment undertaken under Rule 20~~(d)~~(c)(ii) above takes into account reasonable and appropriate mitigation actions good management practices to minimise the losses of contaminants from the existing farming activity;
 - 2(a). whether the farming activity is being undertaken in a catchment of a waterbody that requires improvement identified in Schedule X, and if so, the mitigations actions to be implemented to reduce nitrogen, phosphorus, sediment or microbial contaminant discharges in comparison to the activity currently occurring on the site and reduce adverse effects on water quality;
 3. mitigation actions 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;
 4. the potential benefits of the activity to the applicant, the community and the environment;
 5. the potential effects of the farming activity on surface and groundwater quality and sources of drinking water; and
 6. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.
- ~~(e)(d)~~ The use of land for a farming activity that is not specified as a permitted, restricted discretionary or prohibited activity under which is not a restricted discretionary activity under Rule 20(c) is a discretionary non-complying activity.
- ~~(e)~~ The use of land for a farming activity that does not comply with Rule 20(a)(iv) is a prohibited activity

Rule 20A – Intensive Winter Grazing

- ~~(a)~~ Intensive winter grazing is a permitted activity provided the following conditions are met:
- ~~(i)~~ intensive winter grazing does not occur on more than 50ha or 10% of the area of the land holding, whichever is the greater; and
 - ~~(ii)~~ the slope of land that is used for intensive winter grazing must be 10 degrees or less; and
 - ~~(iii)~~ livestock must be kept at least:
 - ~~(1)~~ 20 metres from the bed of any Regionally Significant Wetland or Sensitive Water Bodies listed in Appendix A, nohoanga listed in Appendix B, mātaimai reserve, taiāpure, estuary or the coastal marine area; and
 - ~~(2)~~ 10 metres from the bed of any other river, lake, artificial watercourse (regardless of whether there is any water in it at the time), modified water course or natural wetland; and
 - ~~(iv)~~ critical source areas within the area being intensively winter grazed must:
 - ~~(1)~~ be identified in the Farm Environmental Management Plan; and
 - ~~(2)~~ have stock excluded from them; and

- (3) not be cultivated into forage crops for intensive winter grazing; and
 - (v) the land that is used for intensive winter grazing must be replanted as soon as practicable after livestock have grazed the land's annual forage crop; and
 - (vi) a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N, that also includes a winter grazing plan prepared in accordance with Policy 16 and that includes:
 - (1) downslope grazing or a 20 metre 'last-bite' strip at the base of the slope; and
 - (2) back fencing to prevent stock entering previously grazed areas; and
 - (3) transportable water troughs; and
 - (4) demonstrates that nitrogen, phosphorus, sediment and microbial contaminants will be minimised, and reduced where the intensive winter grazing occurs in a catchment identified in Schedule X
 - (vii) no intensive winter grazing occurs at an altitude greater than 800 metres above mean sea level; and
- (b) The use of land for intensive winter grazing that does not meet conditions (a)(i)-(vi) of Rule 20A is a restricted discretionary activity provided the following conditions are met:
- (i) a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N that also includes a winter grazing plan that implements Policy 16 and includes:
 - (1) downslope grazing or a 20 metre 'last-bite' strip at the base of the slope; and
 - (2) back fencing to prevent stock entering previously grazed areas; and
 - (3) transportable water troughs; and
 - (4) demonstrates that nitrogen, phosphorus, sediment and microbial contaminants will be minimised, and reduced where the intensive winter grazing occurs in a catchment identified in Schedule X; and
 - (ii) the area used for intensive winter grazing on the property is no greater than the average area used on the property for the five years prior to the application being made;
- The Southland Regional Council will restrict its discretion to the following matters:***
1. ~~the quality of and~~ compliance with Appendix N and the quality of the Farm Environmental Management Plan for the landholding, including in particular whether it meets the requirements of Policy 16;
 2. whether the intensive winter grazing activity is being undertaken in a catchment of a waterbody that requires improvement identified in Schedule X, and if so, the mitigation actions to be implemented to reduce nitrogen, phosphorus, sediment or microbial contaminant discharges in comparison to the activity currently occurring on the site and improve water quality;
 3. mitigation actions and 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;
 4. the potential benefits of the activity to the applicant, the community and the environment;
 5. the potential effects of the farming activity on surface and groundwater quality and sources of drinking water;
 6. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.
- (c) The use of land for intensive winter grazing that does not meet conditions of Rule 20A(b) is a non-complying activity.
 - (d) The use of land for intensive winter grazing that does not meet condition (vii) of Rule 20A(a) is a prohibited activity.

Slope in Rule 20A is the average slope over any 20-metre distance.

Rule 20B – High risk winter grazing on pasture

Rule 20B

- (a) High risk pasture winter grazing is a permitted activity provided the following conditions are met:
- (x) the slope of land that is used for high risk winter grazing on pasture must be 10 degrees or less; and
 - (i) stock must be kept at least:
 - (1) 20 metres from the bed of any Regionally Significant Wetland or Sensitive Water Bodies listed in Appendix A, nohoanga listed in Appendix B, mātaimai reserve, taiāpure, estuary or the coastal marine area; and
 - (2) 10 metres from the bed of any other river, lake, artificial watercourse (regardless of whether there is any water in it at the time), modified water course or natural wetland; and
 - (ii) critical source areas within the area being winter grazed on pasture must:
 - (1) be identified in the Farm Environmental Management Plan; and
 - (2) have stock excluded from them; and
 - (iii) On areas where significant de-vegetation occurs, vegetation is re-established as soon as practicable; and
 - (iv) a Farm Environmental Management Plan:
 - (1) is prepared, and certified, and compliance with it is audited, in accordance with Appendix N, and
 - (2) is implemented by the landholder completing the practices, actions and mitigations specified in the Farm Environmental Management Plan in accordance with the timeframes set out in that Plan; and
 - (iva) the Farm Environmental management Plan includes a winter grazing plan that includes:
 - (1) downslope grazing or a 20 metre 'last-bite' strip at the base of the slope; and
 - (2) back fencing to prevent stock entering previously grazed areas; and
 - (v) no high risk winter grazing on pasture occurs at an altitude greater than 800 metres above mean sea level; and
- (b) The use of land for high risk winter grazing on pasture that does not meet conditions (a)(i)-(iv) of Rule 20B is a restricted discretionary activity provided the following conditions are met:
- (i) a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N

The Southland Regional Council will restrict its discretion to the following matters:

1. compliance with Appendix N and the quality of the Farm Environmental Management Plan for the landholding, including in particular whether it meets the requirements of Policy 16;
- 1A. whether the intensive winter grazing activity is being undertaken in a catchment of a waterbody that requires improvement identified in Schedule X, and if so, the mitigation actions to be implemented to reduce nitrogen, phosphorus, sediment or microbial contaminant discharges in comparison to the activity currently occurring on the site and improve water quality;
2. mitigation actions and 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;
 - 3. the potential benefits of the activity to the applicant, the community and the environment;
 - 4. the potential effects of the farming activity on surface and groundwater quality and sources of drinking water;
 - 5. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.
- (c) The use of land for high risk winter grazing on pasture that does not meet conditions of Rule 20B(b) is a non-complying activity.
- (d) The use of land for high risk winter grazing on pasture that does not meet condition (v) of Rule 20B(a) is a prohibited activity.

For clarity: the wording above reflects the JWS of 25 July 2022 except for highlighted text

Rule 24 – Incidental discharges from farming

- (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) the land use activity associated with the discharge is authorised under Rules 20, 25 or 70 of this Plan; and
 - (iA) The discharge is not contributing nitrogen, phosphorus, sediment or microbial contaminants of concern, as identified in Schedule X, to a catchment where the receiving environment contains a degraded waterbody identified in Schedule X as being degraded and in need of improvement with respect to those contaminants.
 - (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:
 - (1) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - (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.
- (b) 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 and that does not meet one or more of the conditions condition (iA) of Rule 24(a) is a discretionary activity. 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 and that does not meet condition (a)(i) or (ii) of Rule 24(a) is a non-complying activity.

Rule 25 – Cultivation

- (a) The use of land for cultivation is a permitted activity provided the following conditions are met:
- (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;

- (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 natural wetland;~~
 - (1) 10 metres from the outer edge of the bed of a lake, river, or modified watercourse or the edge of a natural wetland on land with a slope of less than 10 degrees; and
 - (2) 20 metres from the outer edge of the bed of a lake, river, or modified watercourse or the edge of a natural wetland on land with a slope between 10 and 20 degrees;
 - ~~(iii)~~(iv) cultivation does not occur at an altitude greater than 800 metres above mean sea level; ~~and~~
 - ~~(iv)~~(iii) cultivation does not occur on land with a slope greater than 20 degrees.¹ ~~and~~
 - (v) critical source areas are not cultivated when forage crops used for intensive winter grazing or high risk winter grazing on pasture are established and sediment detention is established when cultivating critical source areas for any other purpose; and
- b) The use of land for cultivation that does not meet the setback distance of Rule 25(a)(ii)(~~2~~) is a permitted activity provided the following conditions are met:
- (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 ~~53~~ metres from the outer edge of the bed of a lake, river, or modified watercourse or the edge of a natural wetland;
 - (ii) cultivation does not take place more than once in any 5-year period;
 - (iii) cultivation is for the purpose of renewing or establishing pasture and is not undertaken to establish a crop used for intensive winter grazing or high risk winter grazing on pasture, even as part of a pasture renewal cycle; and
 - (iv) all other conditions of Rule 25(a) are complied with ~~cultivation does not occur at an altitude greater than 800 metres above mean sea level.~~
- (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.

The Southland Regional Council will restrict its discretion to the following matters:

1. potential adverse effects of discharges of sediment and other contaminants from the area being cultivated on water quality and biodiversity;
 - 1a. potential adverse effects on the preservation of the natural character of wetlands, lakes, rivers and their margins.
 - ~~21a.~~ 2a. mitigation measures for addressing adverse effects identified in 1 and 1a., and the management of critical source areas in the area being cultivated.
 3. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.
- (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.

Slope in Rule 25(a)(ii) and (iii) (iv) is the average slope over any 20 metre distance.

Alternative relief for Policy 25 (not preferred) if Court considers that it is appropriate to grant relief sought by Federated Farmers for cultivation over 20 degrees – highlighted text shows changes from Federated Farmers relief as shown in 7 June 2022 consolidated plan:

(ba) The use of land with a slope greater than 20 degrees for the purpose of renewing or establishing pasture by direct drilling is a permitted activity provided the following conditions are met:

¹Slope in Rule 25(a)(iv) is the average slope over any 20 metre distance.

- (i) cultivation does not take place within a distance of 1020 metres from the outer edge of the bed of a lake, river, or modified watercourse or the edge of a natural wetland;
 - (ii) cultivation does not take place more than once in any 5-year period;
 - (iii) cultivation is for the purpose of renewing or establishing pasture and is not undertaken to establish a crop used for intensive winter grazing or high risk winter grazing on pasture, even as part of a pasture renewal cycle; and
 - (iv) cultivation does not occur at an altitude greater than 800 metres above mean sea level; and
 - (v) sediment detention is established when cultivating critical source areas are not cultivated; and
 - (vi) Farm environment plans prepared in accordance with Appendix N must outline paddock specific sediment control measures that are effective in preventing loss of sediment to waterways;
- (bb) The use of land with a slope greater than 20 degrees for the purpose of renewing or establishing pasture by oversowing, and/or spraying with the assistance of animals in the pasture establishment period is a permitted activity provided the following conditions are met:
- (i) cultivation does not take place within a distance of 1020 metres from the outer edge of the bed of a lake, river, or modified watercourse or the edge of a natural wetland; and
 - (ii) cultivation does not take place more than once in any 5-year period; and
 - (iii) cultivation is for the purpose of renewing or establishing pasture and is not undertaken to establish a crop used for intensive winter grazing or high risk winter grazing on pasture, even as part of a pasture renewal cycle; and
 - (iv) sediment detention is established when cultivating critical source areas are not cultivated; and
 - (v) cultivation does not occur at an altitude greater than 800 metres above mean sea level; and
 - (vi) during the establishment of the pasture up to 10 weeks, or when ground remains bare the land must not be grazed except as follows:
 - a. An initial 48-hour grazing period to assist in the establishment of seed; and
 - b. No grazing for six weeks; and
 - c. One further 48-hour grazing period between 6 to 10 weeks;
 - (vii) If the ground remains bare following 10 weeks, the land must not be grazed until pasture is re-established in accordance with this rule; and
 - (viii) Farm environment plans prepared in accordance with Appendix N must outline paddock specific sediment control measures that are effective in preventing loss of sediment to waterways and the grazing plan consistent with (vii);
- (bc) The use of land with a slope greater than 20 degrees for the purpose of renewing or establishing pasture by oversowing, and/or spraying without the assistance of animals in the pasture establishment period is a permitted activity provided the following conditions are met:
- (i) cultivation does not take place within a distance of 1020 metres from the outer edge of the bed of a lake, river, or modified watercourse or the edge of a natural wetland; and
 - (ii) cultivation does not take place more than once in any 5-year period; and
 - (iii) cultivation is for the purpose of renewing or establishing pasture and is not undertaken to establish a crop used for intensive winter grazing or high risk winter grazing on pasture, even as part of a pasture renewal cycle; and
 - (iv) there is to be no grazing until the pasture is established; and
 - (v) cultivation does not occur at an altitude greater than 800 metres above mean sea level; and

- (vi) sediment detention is established when cultivating critical source areas; and
- (vii) Farm environment plans prepared in accordance with Appendix N must outline paddock specific sediment control measures that are effective in preventing loss of sediment to waterways; and
- (viii) If the ground remains bare following 10 weeks, the land must not be grazed until pasture is reestablished in accordance with this rule;

- (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.

The Southland Regional Council will restrict its discretion to the following matters:

1. potential adverse effects of discharges of sediment and other contaminants from the area being cultivated on water quality and biodiversity;
 - 1a. potential adverse effects on the preservation of the natural character of wetlands, lakes, rivers and their margins.
 - ~~2.1a.~~ mitigation measures for addressing adverse effects identified in 1 and 1a.; ~~and~~
 - ~~2a.~~ the management of critical source areas in the area being cultivated.
 3. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.
- (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.

Slope in Rule 25(a)(ii) and (iii) (iv) is the average slope over any 20 metre distance.

Rule 35A – Feed pads/lots – relief as set out in Consolidated Plan dated 7 June 2022

Rule 51 – Minor diversions of Water

- (e) The diversion of water from a natural wetland is a non-complying activity where:

- (i) the diversion is for the purpose of land drainage; or
- (ii) the diversion is not for the purpose of:
 - a. restoration of natural wetlands,
 - b. scientific research,
 - c. construction or maintenance of wetland utility structures,
 - d. maintenance or operation of existing infrastructure, or
 - e. natural hazard works.

Rule 70 – Stock exclusion from water bodies – relief in accordance with consolidated plan dated 7 June 2022, except as set out below:

- (a) [Insert ephemeral rivers in place of ephemeral flow paths]
- (e) Other than as provided for by Rules 70(c), 70(ca), 70(cb) and 70(d), the disturbance of the bed of a lake, river ~~(excluding ephemeral rivers where stock access is permitted under Rule 20(aa)),~~ modified watercourse, open drain, or ~~natural wetland~~ by cattle, deer or pigs is a permitted activity prior to the dates set out in Table 1 for the listed land slopes after which time it is respectively a discretionary activity on that land.

Rule 78 – Weed and sediment removal for drainage maintenance Relief as shown in 7 June 2022 consolidated Plan.

Definitions

Critical source area – relief as shown in 7 June 2022 consolidated plan

High risk winter pasture grazing:

Break feeding stock, other than lactating cows, on pasture between 1 May and 30 September inclusive:

- i) where supplementary feed offered is more than 8,000 kgDM/ha; or
- ii) that results in significant de-vegetation (being removal of, or damage to, vegetation caused by stock access or grazing that results in exposure of more than minor areas of bare ground and/or soil pugging).

Minimise - relief as shown in 7 June 2022 consolidated plan

Appendix E

Relief as shown in 7 June 2022 consolidated Plan

Appendix N – Farm Environmental Management Plan Requirements

A Farm Environment Management Plan must be:

- (1) A Freshwater Farm Plan prepared, implemented and audited in accordance with regulations prepared under Part 9A of the RMA and which apply within the Southland region, plus any additional information or components required by Parts B (3) and (6)(b) as below; or
 - (2) if Freshwater Farm Plans, under Part 9A of the RMA, are not yet required in the Southland region, a Farm Environmental Management Plan prepared and implemented in accordance with Parts A to C below.
1. The following Farm Environmental Management Plans (FEMP) Purpose Statement must be included in all FEMPs prepared in accordance with this appendix and FEMPs must demonstrate how they contribute to giving effect to this Purpose Statement.

FEMP Purpose Statement

This FEMP contributes to the management of Southland’s water and land resources under the Southland Water and Land Plan (the SWLP) which embodies ki uta ki tai and upholds Te Mana o Te Wai. These concepts are to be at the forefront of water and land management in the FEMP.

The SWLP, and therefore this FEMP, must give effect to the Objectives of the SWLP, including Objectives 1 and 2 which are fundamental to the SWLP. These objectives are:

Objective 1 (of the SWLP) - Land and water and associated ecosystems are sustainably managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.

Objective 2 (of the SWLP) - The mauri of water provides for te hauora o te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the waterbody) and te hauora o te tangata (health and mauri of the people).

Relationship to pSWLP rules

Actions and mitigations in a FEMP may be more stringent than permitted activity standards of the pSWLP rules where this is appropriate to achieve the FEMP objectives

A Farm Environmental Management Plan (FEMP) can be based on either of:

1. the ~~material~~ default content 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 default content ~~material~~ set out in Part B below; ~~or~~
3. A management plan and nutrient budget prepared in accordance with a condition of resource consent to discharge industrial wastewater onto land that is also used for farming activity, provided it includes the material set out in Part B below in relation to each farm receiving industrial wastewater.

Part B – Farm Environmental Management Plan Default Content

~~1. A written FEMP that is:~~

- ~~(a) prepared and retained, identifying the matters set out in clauses 2 to 5 below;~~
- ~~(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.~~

1. The FEMP contains the following landholding details:

- (a) physical address;
- (b) description of the landholding ownership and the owner’s contact details;
- (c) legal description(s) of the landholding; and
- (d) a list of all resource consents held for the landholding and their expiry dates. ; and
- (e) the type of farming activities being undertaken on the property, such as “dairy” or “sheep and beef with dairy support”, including identification of whether intensive winter grazing or high risk winter grazing on pasture are undertaken on the property.

2. The FEMP contains a map(s) or aerial photograph(s) of the landholding at a scale that clearly shows the locations of:

- (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~~ (including intermittent rivers), springs, 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 water bodies; and
- (e) places where stock access or cross water bodies (including bridges, culverts and fords); and
- (f) the location of all known subsurface drainage system(s) and the locations and depths of the drain outlets; and
- (g) all land that may be cultivated and land to be cultivated over the next 12-month period; and
- ~~(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~~
- ~~(h) all critical source areas not already identified above; and~~
- (i) for land to be cultivated or intensively winter grazed, or where high risk winter grazing on pasture will occur, and the slope¹⁴⁶ of the land and intended setbacks from any lake, river, artificial watercourse, modified watercourse or natural wetland and any other critical source areas; and
 - ~~(i) critical source areas;~~
 - ~~(ii) intended setbacks from any lake, river (excluding ephemeral rivers), artificial watercourses, modified watercourse or natural wetland; and~~
 - ~~(iii) land with a slope greater than 20 degrees.~~
- ~~(j) any areas of the land within a catchment of a waterbody that requires improvement identified in Schedule X; and~~
- ~~(k) any heritage site recorded in the relevant district plan, on the New Zealand Heritage List/Rārangī Kōrero or on the New Zealand Archaeological Association website; and~~
- ~~(l) the presence of taonga species listed in Appendix M within water bodies on the farm (if known); and~~
- ~~(m) other significant values and uses (if known) on nearby land and waters.~~

4. Nutrient Budget/Nutrient Loss Risk Assessment

For all landholdings over 20ha, the FEMP contains either:

- (a) a nutrient budget (which includes nutrient losses to the environment) calculated using a the latest version of the OVERSEER model in accordance with the latest version of the OVERSEER Best Practice Data Input Standards (or an alternative model approved by the Chief Executive of Southland Regional Council); or
- (b) a nutrient loss risk assessment undertaken using a nutrient loss risk assessment tool approved by the Chief Executive of Southland Regional Council;

and the nutrient budget or nutrient loss risk assessment is repeated which is repeated:

- (a1) 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 stock type) at the end of the year in which the change occurs, and also every three years after the change occurs; and
- (b2) each time the nutrient budget or nutrient loss risk assessment 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 or nutrient loss risk assessment accurately reflects the farming system. A record of the input data review shall be kept by the landholding owner; and

(3) the nutrient budget or nutrient loss risk assessment must be prepared by a suitably qualified person that has been approved as such by the Chief Executive of Southland Regional Council.

5. Objectives of Farm Environmental Management Plans

A description of how each of the following objectives will, where relevant, be met:

~~(a)(e)~~ Nutrient and soil management: To avoid where practicable, or otherwise minimise, nutrients nitrogen, phosphorus, microbial contaminants and sediment losses from farming activities to ground and surface water, and if the farm is within a catchment identified in Schedule X that is degraded with respect to a contaminant or contaminants, to reduce discharges of the contaminant or contaminants (compared to existing discharges)];

(b1) Intensive Winter Grazing: To ensure that the particular risks of this activity are managed, and those risks reduce over time, damage to critical source areas and ungrazed buffers is avoided, the extent and duration of exposed soils is minimized, and scale and location is managed.

(b2) High Risk Pasture Winter Grazing: To ensure that the particular risks of this activity are managed, including by avoiding damage to critical source areas and ungrazed buffers, and minimizing the extent and duration of exposed soils

~~(b)(a)~~ Irrigation system designs and installation: To ensure that all new irrigation systems and significant upgrades meet Industry best practice standards;

~~(c)(b)~~ Irrigation management: To ensure efficient on-farm water use that meets crop demands, including through upgrading existing systems to meet Industry best practice standards, and ensuring that water and contaminant losses to waterbodies are avoided where practicable or otherwise minimised;

(d) Waterways and wetland management: To plan for and manage activities within and nearby waterways, critical source areas, natural wetlands, and their margins, by in a manner that:

(i) seeks to avoiding stock damage;

~~(ii) avoids where practicable, or otherwise minimising, inputs of nutrients, sediment and faecal contaminants to ground and surface water;~~

(iii) retains instream debris for habitat where practicable and provides where practicable for the natural forms of waterways such as keeping winding shape and variations in depth and velocity;

~~(iii) considers restoration of riparian vegetation with consideration of and associated biodiversity;~~

(ix) identifies and protects fish spawning habitat;

(x) where practicable as part of activities being undertaken, removes fish passage barriers, with the exception of barriers introduced for protecting native fish;

(xi) avoids piping of waterways where practicable;

(xii) reduces faecal contamination (E. coli) to the lowest possible level and avoids human faecal contamination of water;

(i) takes into account the connectivity between land and water, including effects on downstream waterbodies;

(ii) takes into account ephemeral head water streams, springs and other waterbodies (including wetlands), where they are located on farm, and the linkages between them;

(iii) provides for indigenous species that may be present in waterways, including in particular taonga and mahinga kai species (listed in Appendix M);

- (iv) takes into account the current state of cultural and environmental ecosystem health of waterbodies relative to the attributes and thresholds identified Schedule X;
 - (v) addresses the extent of fine deposited sediment in farm waterways and changes in this through time;
 - (vi) adopts best practice drain maintenance; and
 - (xiii) protects human and cultural health.
- (e) Collected agricultural effluent management: To manage collected agricultural effluent in accordance with best industry practice, to ensure contaminants derived from collected agricultural effluent do not cause adverse effects on water quality.
- (f) Drainage maintenance: To manage drainage maintenance activities to ensure contaminant losses to water bodies and damage to aquatic habitats are avoided where practicable, or otherwise minimised.
- (g) Hauora and ki uta ki tai: People managing the land take action to understand ki uta ki tai and provide for hauora.
- (g) The FEMP purpose statement.

The FEMP must also identify additional objectives relevant to the farming activities and/or to address environmental risks associated with the land holding and the environment within which it is located.

6. The description for (5) above shall include, for each relevant objective in 5 above:
- (a) an identification of the adverse environmental effects, and risks associated with the farming activities on the property, including consideration of the risks associated with the relevant physiographic zone/s (and variants) and how the identified effects and risks will be managed and mitigated; and
 - (b) where the farm is located within a catchment of a waterbody identified in Schedule X, the mitigations that will achieve a reduction in the discharge of the any contaminant(s) generated as part of where relevant to the farming activity that trigger the requiring improvement degraded status of the catchment; and
 - (c) defined mitigations that clearly set a pathway and timeframe for achievement of the objectives; and
 - (d) the records to be kept for demonstrating mitigations have been actioned and are achieving the objective; and
 - (e) identification of any specific mitigations required by a resource consent held for the property.

7. Intensive Winter Grazing and High Risk Pasture Winter Grazing management

- (a) The Farm Environmental Management Plan must also include a Winter Grazing Plan where:
 - (i) any Intensive Winter Grazing is occurring on the landholding; and/or
 - (ii) any land is used for High Risk Pasture Winter Grazing
- (b) The Winter Grazing Plan must include (at a minimum):
 - (i) a description of the Intensive Winter Grazing and High Risk Pasture Winter Grazing activity, including:
 - (1) The location, land area used, crop type, expected pasture or crop yield and supplementary feed amount and type; and
 - (2) Stock type, numbers and duration on the Intensive Winter Grazing or High Risk Pasture Winter Grazing paddocks;

- (ii) an explanation of how the intensity, operation and location of the Intensive Winter Grazing or High Risk Pasture Winter Grazing Activity will prevent any increase in losses above what has occurred in the past to occur;
- (iii) How the operation and location of the Intensive Winter Grazing and High Risk Pasture Winter Grazing takes into account and responds to the risk pathways for the relevant physiographic zones (and variants);
- (iv) Identification of critical source areas and how stock will be excluded from them until after 30 September
- (v) after considering slope, critical source areas, and the sensitivity of the waterbody to sediment run-off risk, what the setbacks will be from rivers, lakes, artificial watercourse and wetlands;
- (vi) when resowing after grazing is likely to occur;
- (vii) the procedures to follow should an adverse weather event occur;

Part C – Farm Environmental Management Plan Certification, Auditing, Review and Amendment

1. Farm Environmental Management Plan Certification

- (a) The FEMP must be certified, prior to implementation on the farm, by a Suitably Qualified Person (SQP) that has been approved as such by the Chief Executive of Southland Regional Council.
- (b) The purpose of FEMP certification is to confirm that the farming activities on the farm will be carried out in a way that will achieve the Objectives in this Appendix and will comply with any resource consent for the property.
- (c) The FEMP must be re-certified, prior to implementation, following any amendments to the FEMP carried out in accordance with Part C(3)(a) of this appendix.
- (d) Within one month of a FEMP being certified, a copy of the certified FEMP must be provided to the Southland Regional Council.

2. Auditing of the certified Farm Environmental Management Plan

- (a) Within 12 months of the landholding's first FEMP being certified, the landholding owner must arrange for an audit of the farming activities' compliance with the certified FEMP. Thereafter, the frequency of auditing will be in accordance with any conditions of consents held for the landholding, or alternatively, where there are no consent or consent conditions requiring auditing every two years after receipt of the previous audit report, unless the Chief Executive of the Southland Regional Council, having regard to the Objectives of the Southland Water and Land Plan, specifies in writing, a shorter or longer period between auditing. auditing timeframes associated with the audit grade assigned. Note: Southland Regional Council will provide, on its website, a schedule of the auditing frequency required for FEMP's based on the audit grade assigned to each landholding.
- (b) The auditor must be a Suitably Qualified Person (SQP) that has been approved as such by the Chief Executive of Southland Regional Council and must not be the same person or from the same organisation that prepared the FEMP.
- (c) The auditor must prepare an audit report that:
 - (i) sets out the auditor's findings;
 - (ii) stating whether compliance has been achieved and the final compliance grade; and
 - (iii) any other recommendations from the auditor.
- (d) Within one month, of the final audit report being prepared, the audit report must be provided to the Southland Regional Council by the auditor.

3. Review and Amendment of the Farm Environmental Management Plan

The FEMP must be reviewed by the landholding owner, or their agent, as follows:

- (a) when there is a material change to the nature of the farming activities occurring on the landholding, and where that material change is not provided for within the landholding's certified FEMP; and
- (b) at least once every 12 months; and
- (c) to respond to the outcome of an audit.

The outcome of the review is to be documented and amendments to the FEMP must be made where Part C(3)(a) applies and in circumstances where the annual review identifies that amendments are required.

For clarity: amendments to Appendix N clauses 5 and 7 reflect the JWS dated 25 July 2022